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No. 20

## House of Representatives

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: We give You thanks, O God, for giving us another day.

As the Congress enters a long week-end following a contentious period of time on the Hill, give them rest. As they encounter the voices of constituents back home, may all their exchanges be fruitful and promise encouragement toward productive work here in the people's House when they return.

May the power of Your truth and our faith in Your providence give them all the confidence they must have to do the good work required for service to our Nation.

May all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Michigan (Mrs. LAWRENCE) come forward and lead the House in the Pledge of Allegiance.

Mrs. LAWRENCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

### 47TH ANNIVERSARY OF ROE V. WADE

(Mrs. LAWRENCE asked and was given permission to address the House for 1 minute.)

Mrs. LAWRENCE. Madam Speaker, I rise today to recognize the 47th anniversary of the landmark Supreme Court decision, *Roe v. Wade*, that ultimately gave women the right to control their own reproductive health.

Today, that choice is under attack as the current administration and several States have enacted bans to restrict a woman's right to control her own body.

This year proves to be a pivotal year for access to abortion. Next month, the Supreme Court will hear arguments in the case of *June Medical Services v. Gee*.

As co-chair of the Democratic Women's Caucus, I firmly believe that every woman has the right to decide when, how, if, and with whom to begin or expand her family. That is why we must push back against those who wish to take away this legal right.

The public is overwhelmingly in favor of protecting *Row v. Wade*—nearly 8 in 10 Americans.

In the face of increased attacks on women's right to choose, I continue to fight for the reproductive healthcare that all women deserve.

### ROOTING FOR THE KANSAS CITY CHIEFS IN SUPER BOWL LIV

(Mr. MARSHALL asked and was given permission to address the House for 1 minute.)

Mr. MARSHALL. Mr. Speaker, it seems like just yesterday, but it was 50 years ago that my dad and I sat down

to watch Super Bowl IV. We watched on a black-and-white television, and we watched the Chiefs beat the Vikings 23-7.

We saw Lenny Dawson making long passes to Otis Taylor, one of the greatest linebacking corps in history dominate the game, and we saw Jan Stenerud kick three field goals.

This weekend at Super Bowl LIV, the Chiefs Nation will be coming to Miami, Florida, and I am here on behalf of the Kansas delegation to wish Coach Andy Reid and our MVP quarterback, Patrick Mahomes, the very best and that they have the best game of their life.

And as the Chiefs Nation joins the folks in Miami, I want everyone to stand and join us in rooting the Chiefs Nation on and remember that we are the land of the free and the home of the Chiefs.

### UNITED STATES-MEXICO-CANADA AGREEMENT

(Mr. CARTWRIGHT asked and was given permission to address the House for 1 minute.)

Mr. CARTWRIGHT. Mr. Speaker, we have cause for bipartisan celebration. The USMCA trade deal was signed into law yesterday.

I want to congratulate the Democratic House negotiating team and thank them for their hard work for the better part of a year to make this a better deal.

Heading the push to lower drug prices and strip out a massive giveaway to Big Pharma were Representatives EARL BLUMENAUER and JAN SCHA-KOWSKY.

Representatives JIMMY GOMEZ and MIKE THOMPSON handled the negotiation to strengthen labor rights in the deal, and they got it to where they earned an AFL-CIO endorsement.

Representatives SUSAN BONAMICI and JOHN LARSON improved protections for clean air and clean water in the deal.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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And Representatives TERRI SEWELL and ROSA DELAURO strengthened the all-important enforcement provisions in this deal.

While we can't fix NAFTA overnight, this is a good start, and it will help our farmers and manufacturers create jobs. So I am glad we came together and passed this deal.

#### HONORING TIMOTHY SWEZEY

(Mr. CARTER of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER of Georgia. Mr. Speaker, I rise today to remember the life of Mr. Timothy Swezey, who passed away on January 11 at the age of 50.

At the time of his passing, he was serving as the city manager of Darien, in the First Congressional District of Georgia. In his own words, that position was the dream job he always wanted. And, as city manager, Mr. Swezey did an exceptional job managing the unique challenges in Darien, including multiple hurricanes, preserving historical buildings, and new developments in the downtown area.

But nobody reaches their dream job without hard work. Prior to his time with the City of Darien, he worked as a substitute teacher, led city recreation departments, and headed a marine institute, all of which prepared him for his excellent public service in coastal Georgia.

Mr. Swezey is certainly leaving Darien a better place than he found it, and his work in the city will be missed.

His family and friends will be in my thoughts and prayers during this most difficult time.

#### HONORING THE JEWISH FAMILY SERVICE MIGRANT FAMILY SHELTER

(Mr. VARGAS asked and was given permission to address the House for 1 minute.)

Mr. VARGAS. Mr. Speaker, I rise today on behalf of the migrants and asylum-seekers who have been sheltered by Jewish Family Service of San Diego.

On October 1, 2018, Jewish Family Service, along with other members of the San Diego Rapid Response Network, heeded an important call. These organizations were alerted that, due to a drastic change in policy, women and children were being left on the side of the road. They were released with nowhere to go and no resources to get to their final destination.

These nonprofits decided that they would not stand idly by and would assist these deserted families. Despite all the obstacles the organizations faced, they dedicated themselves to welcoming the stranger.

Jewish Family Service Shelter is now in its seventh location, where it has served 21,000 individuals. The shelters have provided a safe and welcoming

place to sleep, fresh new clothes, warm meals, and travel assistance.

I have had the opportunity to tour some of the facilities and believe they follow the teaching of Leviticus 19: "You shall treat the alien who resides with you no differently than the natives born among you. . . ."

I thank Jewish Family Service and the organizations of the San Diego Rapid Response Network for their efforts.

#### HONORING THE LIFE AND SERVICE OF BRIAN WINTER

(Mr. NEWHOUSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEWHOUSE. Mr. Speaker, I rise today to remember and honor the life and service of retired Yakima County Sheriff Brian Winter. Sheriff Winter spent his life dedicated to serving his community and his country.

After graduating from Central Washington University, he joined the United States Marine Corps, where he served honorably in Operations Desert Shield and Iraqi Freedom.

As Brian returned to central Washington and worked his way up in the police force, he became known for prioritizing safety and security in schools throughout the county, his ability to build lasting community relationships, and creating meaningful connections with the Yakama Nation.

Soon after being elected as sheriff, he was diagnosed with ALS. Despite his condition, he was determined to serve his full 4-year term, which he did.

Up until the day he passed away on January 25, 2020, Sheriff Winter prioritized others before himself.

I urge my colleagues to join me in keeping his wife and children in our prayers.

His legacy throughout the Yakima Valley will not be forgotten.

#### HONORING ANN ELIZABETH CHRISTIAN ABRAMSON

(Ms. PLASKETT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PLASKETT. Mr. Speaker, the Virgin Islands is known for its queens—powerful, dynamic, passionate women who lead. We had Queen Coziah, who led the coal strikes; Queen Mary and "Bottom Belly," who led the labor strikes.

We lost one of our queens last week, Ann Elizabeth Christian Abramson, who was a loyal, fearless, compassionate leader, an entrepreneur, and a stateswoman.

She was born in 1924, the last of 15 children. Ever industrious, even as a child, she left school for several years to help her family when they were in need and then went back.

She was a businesswoman extraordinaire—taxicab business, con-

struction company, bus company, aggregate owner, and the list goes on. She was appointed to our municipal council, where she was the only woman to serve during her time, as well as to our legislature.

She gave tremendously to our community, but I know she also gave to me. When I went to this fearless leader to ask her for support, she not only gave me her support, but she gave me her time.

I saw how she cared for her islands and her people. She was chair of the state Republican Party and helped the Girl Scouts, hospitals, and chamber of commerce. She did it all.

Mr. Speaker, we will remember her legacy and hope she rests well.

#### NATIONAL BLOOD DONOR MONTH

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, 50 years ago, President Richard Nixon designated January as National Blood Donor Month.

The decision to choose January for this occasion was no coincidence. There is often a shortage of blood in January. In the winter months, eligible donors don't give blood as frequently because both the holidays as well as the cold and flu season are quickly approaching.

No matter the time of year, donating blood can help save a life, and there is always a demand. According to the American Red Cross, someone in the United States needs blood every 2 seconds, and approximately 36,000 units of red blood cells are needed each and every day.

However, less than 38 percent of the U.S. population is eligible to give blood, and only 3 percent of those individuals donate annually.

There are often opportunities to donate blood right here on Capitol Hill, and the Red Cross is hosting its next blood drive on Wednesday, February 5, in the Ford Building. I would like to encourage those eligible to take some time out of their day to make a difference in the lives of others by donating blood.

#### CLEAN ENERGY AGENDA

(Ms. KUSTER of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER of New Hampshire. Mr. Speaker, climate change poses a serious threat to virtually every aspect of our lives, particularly in my State of New Hampshire, where our economy is deeply tied to nature.

That is why, earlier this week, I was proud to unveil my Clean Energy Agenda with climate experts from across my district to outline policies and bills that Congress can pass this year to move the United States toward a clean energy economy.

I have prioritized 25 bills, most of them bipartisan, that identify areas where Republicans and Democrats can work together to protect our planet and create good jobs.

From investing in energy efficiency to dramatically ramping up the deployment of renewable energy and decarbonizing our transportation sector, my agenda includes a wide range of bills that can be passed if we find the political will to act.

I look forward to working with my colleagues on the Energy and Commerce Committee to advance policies that pave a pathway toward a clean energy future.

#### HONORING EARL AND DORIS SORRELLS

(Mr. RODNEY DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I rise today to honor Earl and Doris Sorrells, a remarkable couple who dedicated their lives to bettering their community.

Earl passed away on January 2 and was preceded in death by his wife, Doris, last year, leaving a hole in the hearts of many. Since then, their beloved town of Raymond, Illinois, has shown a little less bright.

Almost everyone in town knew Earl. He ran a radio show that aired at 5:30 every morning, dedicated to the latest in Illinois agriculture. Off the air, Earl and Doris and their entire family worked hard running their small business in Raymond.

I knew Earl and Doris for over 25 years. They were some of the most generous people I have ever met, giving back in every way to their community, not only with their financial contributions, but with their time and talents as well. There is nothing that made them happier than their hometown of Raymond, Illinois—except, maybe, the St. Louis Cardinals.

Earl and Doris were very well loved by me and by everyone in central Illinois. They are missed immensely.

□ 0915

#### MERCHANT MARINERS OF WORLD WAR II CONGRESSIONAL GOLD MEDAL ACT OF 2019

Mr. ENGEL. Mr. Speaker, pursuant to House Resolution 811, I call up the bill (H.R. 550) to award a Congressional Gold Medal, collectively, to the United States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. CUELLAR). The Clerk will designate the Senate amendment.

Senate amendment:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the “Merchant Mariners of World War II Congressional Gold Medal Act of 2019”.*

#### SEC. 2. FINDINGS.

*Congress finds the following:*

(1) 2019 marked the 74th anniversary of Allied victory in World War II.

(2) The United States Merchant Marine (in this section referred to as the “Merchant Marine”) was integral in providing the link between domestic production and the fighting forces overseas, providing combat equipment, fuel, food, commodities, and raw materials to troops stationed abroad.

(3) Fleet Admiral Ernest J. King acknowledged the indispensability of the Merchant Marine to the victory in a 1945 letter stating that, without the support of the Merchant Marine, “the Navy could not have accomplished its mission”.

(4) President, and former Supreme Commander of the Allied Expeditionary Forces, Dwight D. Eisenhower acknowledged that “through the prompt delivery of supplies and equipment to our armed forces overseas, and of cargoes representing economic and military aid to friendly nations, the American Merchant Marine has effectively helped to strengthen the forces of freedom throughout the world”.

(5) Military missions and war planning were contingent upon the availability of resources and the Merchant Marine played a vital role in this regard, ensuring the efficient and reliable transoceanic transport of military equipment and both military and civilian personnel.

(6) The Merchant Marine provided for the successful transport of resources and personnel despite consistent and ongoing exposure to enemy combatants from both the air and the sea, including from enemy bomber squadrons, submarines, and naval mines.

(7) The efforts of the Merchant Marine were not without sacrifices as the Merchant Marine likely bore a higher per-capita casualty rate than any of the military branches during the war.

(8) The Merchant Marine proved to be an instrumental asset on an untold number of occasions, participating in every landing operation by the United States Marine Corps, from Guadalcanal to Okinawa.

(9) The Merchant Marine provided the bulk tonnage of material necessary for the invasion of Normandy, an invasion which, according to a 1944 New York Times article, “would not have been possible without the Merchant Marine”.

(10) In assessing the performance of the Merchant Marine, General Eisenhower stated, “every man in this Allied command is quick to express his admiration for the loyalty, courage, and fortitude of the officers and men of the Merchant Marine. We count upon their efficiency and their utter devotion to duty as we do our own; they have never failed us”.

(11) During a September 1944 speech, President Franklin D. Roosevelt stated that the Merchant Marine had “delivered the goods when and where needed in every theater of operations and across every ocean in the biggest, the most difficult, and dangerous transportation job ever undertaken. As time goes on, there will be greater public understanding of our merchant fleet’s record during this war”.

(12) The feats and accomplishments of the Merchant Marine are deserving of broader public recognition.

(13) The United States will be forever grateful and indebted to these merchant mariners for their effective, reliable, and courageous transport of goods and resources in enemy territory throughout theaters of every variety in World War II.

(14) The goods and resources transported by the Merchant Marine saved thousands of lives

and enabled the Allied Powers to claim victory in World War II.

(15) The Congressional Gold Medal would be an appropriate way to shed further light on the service of the merchant mariners in World War II and the instrumental role they played in winning that war.

(16) Many students of the Merchant Marine Academy lost their lives as they sailed through enemy-controlled waters or unloaded cargo in overseas combat areas, and, as a result, the United States Merchant Marine Academy is the only institution among the 5 Federal academies to be authorized to carry a battle standard as part of its color guard.

#### SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the United States merchant mariners of World War II, in recognition of their dedicated and vital service during World War II.

(b) DESIGN AND STRIKING.—For the purposes of the award described in subsection (a), the Secretary of the Treasury (in this Act referred to as the “Secretary”) shall strike the gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) AMERICAN MERCHANT MARINE MUSEUM.—

(1) IN GENERAL.—Following the award of the gold medal under subsection (a), the gold medal shall be given to the American Merchant Marine Museum, where it will be available for display as appropriate and available for research.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the American Merchant Marine Museum should make the gold medal given to the Museum under paragraph (1) available for display elsewhere, particularly at appropriate locations associated with the United States Merchant Marine and that preference should be given to locations affiliated with the United States Merchant Marine.

#### SEC. 4. DUPLICATE MEDALS.

Under such regulations as the Secretary may prescribe, the Secretary may strike and sell duplicates in bronze of the gold medal struck under section 3, at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

#### SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

#### MOTION TO CONCUR

Mr. ENGEL. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. ENGEL moves that the House concur in the Senate amendment to H.R. 550 with the amendments specified in section 4 of House Resolution 811.

The SPEAKER pro tempore. Pursuant to House Resolution 811, the question shall be divided among two House amendments. Pursuant to section 3(a) of House Resolution 811, the portion of the divided question comprising the amendment specified in section 4(a) of House Resolution 811 shall be considered first.

The text of House amendment to Senate amendment specified in section 4(a) of House Resolution 811 is as follows:

In the matter proposed to be inserted by the amendment of the Senate, strike sections 1, 2, and 3 and insert the following:

# **TITLE I—NO WAR AGAINST IRAN ACT**

## **SEC. 101. SHORT TITLE.**

This title may be cited as the “No War Against Iran Act”.

## **SEC. 102. PROHIBITION OF UNAUTHORIZED MILITARY FORCE IN OR AGAINST IRAN.**

(a) FINDINGS.—Congress finds the following:

(1) The acquisition by the Government of Iran of a nuclear weapon would pose a grave threat to international peace and stability and the national security of the United States and United States allies, including Israel.

(2) The Government of Iran is a leading state sponsor of terrorism, continues to materially support the regime of Bashar al-Assad, and is responsible for ongoing gross violations of the human rights of the people of Iran.

(3) Article I of the United States Constitution requires the President to obtain authorization from Congress before engaging in war with Iran.

(b) CLARIFICATION OF CURRENT LAW.—Nothing in the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note), the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note), or any other provision of law enacted before the date of the enactment of this Act may be construed to provide authorization for the use of military force against Iran.

(c) PROHIBITION OF UNAUTHORIZED MILITARY FORCE IN OR AGAINST IRAN.—

(1) IN GENERAL.—Except as provided in paragraph (2), no Federal funds may be obligated or expended for any use of military force in or against Iran unless Congress has—

(A) declared war; or

(B) enacted specific statutory authorization for such use of military force after the date of the enactment of this Act that meets the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.).

(2) EXCEPTION.—The prohibition under paragraph (1) shall not apply to a use of military force that is consistent with section 2(c) of the War Powers Resolution.

(d) RULES OF CONSTRUCTION.—Nothing in this title may be construed—

(1) to prevent the President from using necessary and appropriate force to defend United States allies and partners if Congress enacts specific statutory authorization for such use of force consistent with the requirements of the War Powers Resolution (50 U.S.C. 1541 et seq.);

(2) to relieve the executive branch of restrictions on the use of force, reporting, or consultation requirements set forth in the War Powers Resolution (50 U.S.C. 1541 et seq.); or

(3) to authorize the use of military force.

The SPEAKER pro tempore. This portion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

The gentleman from New York (Mr. ENGEL) and the gentleman from Texas (Mr. McCAUL) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and

extend their remarks and include extraneous material on the motion to concur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me start by thanking Mr. KHANNA for his hard work on this measure. No one has worked harder to reassert Congress' constitutional authority over war powers, and I have been glad to partner with him and co-sponsor this bill.

Mr. Speaker, this measure passed the House with bipartisan support last year as part of the National Defense Authorization Act, but the Senate stripped it out before that legislation made it across the finish line.

For all my colleagues who supported that amendment, the events of the past few weeks only underscore the importance of your vote. For anyone who was not convinced this measure was needed last summer, the present crisis shows exactly why we must adopt it today.

Now, there is no question that Iran is dangerous. There is no question that Qasem Soleimani was a hardened terrorist with American blood on his hands; the world is better off without him.

I am the first to speak out about the grave threats the Iranian regime poses to our allies and our interests and our way of life, but we need to address these threats in a way that protects Americans, not exacerbate the threat.

No one expects Iran to behave responsibly. American leadership means that we need to keep pressure on Iran while working to avoid an unnecessary conflict. Instead, the administration seems to be holding a match to kindling.

Let's be clear: The American people don't want war with Iran, and Congress has not authorized war with Iran. So the question is whether escalating tensions with Iran by killing Qasem Soleimani and, according to media reports, undertaking a strike against another Iranian official in Yemen were in America's interests and were consistent with the law.

The past few weeks have shown pretty clearly that this action did not advance America's interests. American citizens want to drop everything and leave Iraq; thousands more troops are headed to the Middle East, alienating the Iraqi Government, a valued partner in the fight against ISIS; Iranian missiles injuring American personnel, even though at first the administration said there were no injuries, none of this is in America's interests.

The administration claimed that the goal of the strike against Soleimani, that the goal of their whole Iran plan, is to restore deterrence. I see exactly the opposite. I see an emboldened Iran seeking to kick America out of the region, getting exactly what they want.

And as we have learned more, it does not appear that the President followed the law here. The President ignored the requirements of the War Powers Resolution. He chose not to consult with Congress, as required by the law. He acted without authorization from Congress. And I have seen no evidence that there was any imminent threat against Americans or our Embassies, as the administration has claimed.

The Constitution gives Congress, not the President, the power to declare war. I feel very strongly about that. We have all marched down the primrose path for the last two decades, with Congress sitting there. There has been no declaration of war since World War II, December 7, 1941, and so it means that we have let the executive of both parties really run roughshod and do whatever the President wanted. Congress just sat there and did not reassert its constitutional role. Well, we are reasserting that role now.

Again, the Constitution gives Congress, not the President, the power to declare war. With President Trump taking steps toward conflict with Iran without any consultation with Congress, we need to reassert the responsibility given to us in Article I, Section 8.

It is simple. If the President wants to go to war, he needs to come to Congress first. This measure simply enforces the text of current law as written in the War Powers Resolution. It preserves the President's constitutional right to act in self-defense, explicitly exempting defensive action allowed under the War Powers Resolution. But it makes clear that the President cannot just skip the critical step of coming to Congress.

I hope my colleagues on both sides of the aisle can agree on this matter, as we did last year. Again, this has been done by both Republican and Democratic Presidents. We should all be united here.

This is about upholding the Constitution. This is about checks and balances. This is about all the things we learned about the genius of our Constitution with checks and balances. We have really abrogated our responsibility, and the time to stop that is now. Now is the time for Congress to step up and assert our constitutional authority.

Mr. Speaker, I urge all of my colleagues to support this amendment. I thank Mr. KHANNA for raising this, and I reserve the balance of my time.

Mr. McCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this dangerous amendment. I would like to refresh the memory of my colleagues on the other side of the aisle.

The Iranian regime orchestrated over a dozen attacks against Americans in Iraq over the last 3 months, killing a U.S. citizen and wounding four U.S. servicemembers. They also hit the Embassy of the United States, ordering a

fiery attack on the U.S. Embassy and launched a ballistic missile attack on the United States Forces.

Honestly, Mr. Speaker, I don't know what more the President needs in terms of authorization to respond in self-defense given these events. The President has made it abundantly clear that he is not starting a war with Iran. He has repeatedly shown restraint after Iran's provocations and deescalated when others would not.

When forced by Iran's dangerous escalations, the President has targeted limited military action to defend Americans overseas, using his Article II constitutional authority. This included the strike in Baghdad against Soleimani, Iran's mastermind of terror, who was responsible for killing more than 600 Americans and wounding thousands more. He has blood on his hands.

But my colleagues cannot accept the fact that the President acted time and again with restraint in these matters. They are so blinded by their contempt for this President that they are seeking to tie his hands. They would rather risk putting Americans in the Middle East in harm's way by an Iranian regime with a 40-year history of deadly aggression against us.

This amendment takes legitimate options off the table for the executive branch. In doing so, it shows America divided in the face of mounting Iranian threats, making our Nation less safe. Make no mistake, Iran and others are watching as the Democrats needlessly divide us.

We all agree that, under Article I of the Constitution, only Congress possesses the authority to declare war, but this amendment goes much further than prohibiting an unauthorized war. This amendment uses Congress' power of the purse to preclude any use of force whatsoever against Iran unless it is previously authorized by Congress or provoked by an attack on the territory or the Armed Forces of the United States.

Think about what that means. What can our military do if Iran attacks American civilians or diplomats or commercial shipping overseas? Under this reckless amendment, the answer is absolutely nothing. The United States military cannot fire a single shot until after the successful completion of a bicameral legislative process that enacts law authorizing the use of force. How many Americans would be dead by then?

We need Iran and its terrorist proxies to think twice about attacking Americans, our friends, and our own interests, not enabling them like this amendment does.

Further, this is an unprecedented attempt to limit the powers claimed by every Commander in Chief, both Democrat and Republican, since the War Powers Resolution was enacted over President Nixon's veto in 1973.

This misguided amendment is actually far more restrictive than the War

Powers Resolution itself, which recognizes the use of our Armed Forces for up to 60 days without legislative authorization in situations of war.

This is absolutely not the time to play politics with our national security. Iran's aggression is not going to go away anytime soon.

I would like to quote from a July 8 letter from the Department of Defense when this same proposal was considered as an amendment to the Defense Authorization bill. "The Department strongly opposes this amendment. . . . If U.S. citizens, diplomatic facilities in the region, or other important national interests are threatened or attacked, we must be able to respond promptly and in an appropriate fashion."

That letter was sent 5 months before the attack on the U.S. Embassy in Baghdad. The concerns expressed in the letter are even more urgent today, given the many attacks on Americans in Iraq in recent days.

Bottom line, this measure emboldens our adversary by tying the President's hands on Iran.

Mr. Speaker, therefore, I oppose this legislation, which I believe is politics at its worst. It is dangerous. It ties our Commander in Chief's hands. It emboldens our enemy, the largest state sponsor of terror, the Islamic Republic of Iran. And I urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. KHANNA), the author of this important amendment who has worked very hard on these issues for many years.

Mr. KHANNA. Mr. Speaker, I thank Chairman ENGEL for his moral leadership in preventing a war in Iran and his moral leadership in stopping the war in Yemen.

This amendment is very simple. It would stop another regime change war in the Middle East.

The gentleman from Texas says that it is dangerous, that it is reckless, that it emboldens our enemies. Does he really believe that 27 Republicans, including Representative GAETZ, Representative MEADOWS, and Representative JORDAN are emboldening our enemies?

□ 0930

Does he really believe that they are divisive against the President? I mean, they are some of the President's staunchest supporters.

It is time, in this body, that we get past the rhetoric, past the sloganeering, and consider why 27 Republicans actually voted for this. Perhaps it has to do with our national security. Perhaps it has to do with reversing blunder after blunder that has cost this country trillions of dollars and lives.

Let's consider the facts. The President says we want to have a pivot to Asia because China is our leading competitor in the 21st century. I agree.

China's GDP, 15 percent of global GDP; the United States, at 21 percent. They are putting their money into building rail, building universities.

You know how much Iran's GDP is of global GDP? .44 percent. Future historians will wonder what were we thinking? What were we thinking?

They say, well, we have got to keep the Strait of Hormuz open. Well, the Strait of Hormuz has been open since 1981. And by the way, China, Japan, South Korea, they need 65 percent of that oil. You think they would allow the Strait of Hormuz to close?

Why is America bearing the cost for these wars when China hasn't been in a war since 1979?

This amendment does nothing, nothing, to restrict the Commander in Chief to protect American interests or protect American allies. It gives him all of the powers of the War Powers Resolution. If we are hit, he has every authority to act and not come to Congress for authorization.

All the amendment says is, before we get into another Middle East war, before we waste trillions of dollars again, that we need to come to Congress to authorize that. I hope that this body will vote for this in a bipartisan way. I hope this time even more than 27 Republicans will join.

And I believe actually voting for this amendment is vindicating what President Trump ran on in 2016, which was a promise to the American people to get out of these endless wars in the Middle East.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), the lead Republican on the House Armed Services Committee.

Mr. THORNBERRY. Mr. Speaker, here is a summary of the situation. On an issue of serious interest and concern to Members on both sides of the aisle, the current House leadership has brought to the floor the most extreme proposals, with limited debate, and absolutely no opportunity for any other idea to be considered.

They are so afraid of losing a motion to recommit that they have overturned 100 years of precedent and practice in this House by even denying a motion to recommit. And thus, they have taken a serious, complex subject and turned it into a messaging bill that will do nothing except encourage our adversaries. I would suggest it is a sad day for the House and for the country.

Now, specifically on this amendment, if this amendment were seriously implemented—and by the way, I think no administration of either party would seriously implement this language—but if it were, it is far more restrictive than the War Powers Act. It says Congress has to approve anything ahead of time, or we have to already wait for the attack to have occurred, and then the President to designate a national emergency. No other time could a President use force against Iran.

So, for example, we could not have carried out the attack against

Soleimani. Even if we had perfect intelligence that he was about to kill large numbers of Americans, we would have to wait until they died first.

Anyone who says, oh, this doesn't restrict his ability; we can always defend ourselves, either you haven't read the language, or you really are trying not to understand the effect that the literal interpretation of this language would mean.

We could not, under this language, enforce sanctions against Iran to try to keep them from getting a nuclear weapon. We could not work with our allies to try to keep international shipping open in the Persian Gulf. We could not engage in cyber operations, even to protect ourselves, until after the attack had already occurred.

Attorneys at DOD believe that at least it would call into serious question our ability to defend Israel if it were attacked by Iran or its proxies.

This language is extreme. It is irresponsible on subject, on substance, tying the President's hands from defending the country.

Now, as I said, there are lots of people who are concerned about this issue, but I do not believe that they have understood or thought through the effects of this language.

One other point. You cannot ignore what is happening in the world. Things are still a little tense between us and Iran, so why bring it up this week, with those tensions still fresh on everybody's mind? I believe the only effect will be to encourage Iran.

So bringing this measure to the floor, in this way, at this time, is irresponsible for our Nation's security and for the integrity of the House.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Let me say, with respect to the gentleman's statement about process, when our colleagues on the other side of the aisle were in charge, they struck and replaced language in a Senate-passed bill 15 times in the last two Congresses, and this is doing the same thing, which is exactly what they did.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I have enormous respect for my colleagues on the Armed Services Committee. This particular piece of legislation that was brought, it was amended into my bill, H.R. 550, and was debated for more than an hour and a half in the Armed Services Committee and on the floor when the National Defense Authorization Act was enacted. It has been thoroughly reviewed.

And, with all due respect, it is not the end of the world. But it is the reassertion of Congress for our constitutional responsibilities.

Since I first came to Congress in 2009, I have authored legislation and voted consistently to repeal the 2002 AUMF, which is really a very open-ended authorization for the President to do virtually anything he wants.

Yesterday, in a hearing we heard, in an unclassified portion of that hearing, from the Pentagon's lawyers that essentially said the 2002 AUMF allows the President to do anything with any threat that emanates from Iraq. We should consider that seriously; that if, in fact, that is their justification and, in fact, that is also written into the President's, or the White House's view of this legislation; any threat emanating from Iraq, at any time, into the future. Consider that.

There could be no more powerful reason for us than to terminate the 2002 AUMF with regard to Iraq and come to our senses. When there is an issue, bring it to the floor, and allow us to debate how we should deal with Iraq or Iran or any other threat in that area.

Just going into some detail here. The War Powers Act is not eliminated by any of this legislation. It remains in effect. And the President has the authority under the War Powers Act and under Article II of the Constitution to protect America from imminent attack. That doesn't change. None of that changes.

But what does change is that we are bringing back unto ourselves the power that the Constitution gives to us for very good reason; that is, war is a serious business; between Iraq and Afghanistan, probably several trillion dollars, depending upon the estimate and the cost of maintaining our veterans into the future; \$2 trillion, maybe more. Lives lost on every side of the war. And it goes on and on and on.

Indeed, Trump came to office saying he is going to end endless wars. This is our opportunity to reassert our constitutional authority and, most importantly, our responsibility. We should do that.

We can talk process forever, and we seem to want to talk process more than the reality.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ENGEL. Mr. Speaker, I yield the gentleman from California an additional 30 seconds.

Mr. GARAMENDI. Mr. Speaker, bottom line, for too long we have failed our responsibility. We really must act to repeal the 2002 Authorization for the Use of Military Force in Iraq, and to set clear parameters about further action against Iran.

Mr. MCCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. Mr. Speaker, this amendment forbids the President from taking action that he can't take anyway. With or without this amendment, the President cannot attack Iran, or any country, without Congressional authorization unless it attacks us. And even then, his powers are limited to ordering defensive actions unless Congress acts.

The attack on Soleimani in Iraq was against an enemy combatant in a war zone that was authorized by Congress. It was not an attack on Iran.

The only practical effect of this amendment is to send a message of irresolution to our enemies, and to take a cheap shot at the President by implying he would do something he cannot do.

Now, the Lee amendment, coming next, repeals the AUMF that Congress adopted when it foolishly authorized the Iraq war in 2002.

Under our Constitution, only Congress can start a war. But after that, only the President can wage it or conduct the negotiations to end it. You cannot unring a bell, and you cannot unstart a war. Once unleashed, the war-making authority continues until it is terminated by treaty or agreement.

So here are the lessons of this whole sorry saga in Iraq. Congress should declare war only when our country is attacked. When we declare war, we must put the full resources, resolve, attention, fury, and might of this Nation behind it, and see it through as quickly and decisively as possible.

And most of all, having handed the President that power, and having sent our troops into battle, Congress must stand behind its decision, no matter how long or hard that road may be.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CASTRO), the vice chair of the Foreign Affairs Committee, the chair of the Subcommittee on Oversight and Investigation.

Mr. CASTRO. Mr. Speaker, this month, the American people were unwillingly taken to the brink of war at the reckless direction of this administration. As a coequal branch of government, we must ensure that no President can take any military action without coming to Congress first.

Repealing the 2002 AUMF and passing the No War Against Iran Act will prevent any future escalation or military action without the full consideration and consent of this body. At the same time, they preserve the military's ability to take actions in self-defense to protect our forces.

The American people are tired of unnecessary wars that leave our country less safe. It is our responsibility as elected Representatives to prevent our Nation from entering an unnecessary war with Iran. These measures are critical in that respect.

We cannot allow recklessness to lead us into a protracted conflict that is not in our interests and will lead to suffering.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today in strong opposition to this amendment.

You know, I have seen thousands of amendments during my time here in Congress, but this is the most dangerous I have ever seen. It is far more restrictive than the War Powers Resolution, and it is historic in that it handcuffs the President in advance by

undermining his ability to protect American citizens whom Iran continues to try to harm.

No Member of Congress wants to be at war with Iran, if given the chance, but deterrence is achieved through credible strength, not by publicly tying the hands of the Commander in Chief in advance.

While no American wants to be at war with Iran, Iran believes it is certainly at war with America.

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Now this amendment gives Iran's terrorist forces freedom of movement throughout the region, allowing them to plan and prepare attacks on the U.S. Forces with impunity.

The rulers of Iran are an evil regime and have been for a long time. They were designated a state sponsor of terrorism since 1984, after killing 241 marines in Beirut. Today, it is the source of chaos in the Middle East, fostering conflict throughout the region and fueling wars in Yemen and Syria which have caused death and suffering on an apocalyptic scale, and yet this amendment would require the President to wait until after our troops have been attacked to use force against the terrorist forces of Iran.

And that is not all. Then he has to wait until Congress gets its act together to authorize a response. He could only use force to defend our troops, under the language of this amendment, "if Congress enacts specific statutory authorization for such use of force."

Our troops conducting counter-ISIS missions in Iraq and Syria will be proactively prevented from taking action against Iranian forces or proxy forces to stop an imminent attack.

So passage of this amendment rewards the Iranian regime's growing aggression and it emboldens the IRGC, a designated terrorist organization, and their proxy forces in Iraq and Syria, granting legitimacy and freedom of movement to the world's number one state sponsor of terrorism.

I urge my colleagues to vote "no" on this historically ill-advised and dangerous amendment.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Mr. Chairman, I want to thank Congressman KHANNA for his hard work on this amendment.

All we have heard from our friends across the aisle this morning is a parade of horribles unsubstantiated in fact or law. In fact, we brought together a bipartisan coalition to reassert in this body our constitutional duty in matters of war and peace.

After nearly two decades in the Middle East, Americans have tired of endless wars. We have lost far too many lives and spent far too much money with little progress.

President Trump's reckless escalations with Iran and his abandonment

of our allies have made America and the world less safe. He has no strategy to counter Iran's nuclear ambitions or deter Iranian aggression and malign influence. His rhetoric has put our troops in harm's way and isolated the United States on the world stage.

With this amendment, we assert on behalf of the American people that war with Iran is not in the best interests of our country; we assert that the President does not have a blank check to commit more American lives to yet another war in the Middle East; and we recommit ourselves to robust diplomacy and the need for an open dialogue with even our fiercest adversaries.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. RIGGLEMAN), a veteran of the United States Air Force, who served in Operation Allied Force, Operation Enduring Freedom, and multiple counterterrorism activities over the past two decades.

We thank him for his service.

Mr. RIGGLEMAN. Mr. Speaker, I thank the gentleman for yielding.

I stand in strong opposition to this amendment.

Since I mission-planned the first bombing runs in Afghanistan in early 2001, warfare has evolved. It is fascinating to think that my military career started with dropping bombs.

One of my jobs was to flush out, bury, or kill insurgents who used caves as places for cover. Technology was certainly in use when utilizing GPS-guided weapons, electro-optical and laser-guided missiles. We mensurated coordinates by using systems like raindrop and tracked our aircrews with systems like combat track.

For us older warfighters and folks here, it was incredible then, but today it would be like playing tank war on an original Atari.

Terrorists still use caves, but those caves could be in cyberspace. By 2018, I was working on tracking targets through a myriad of activities, finding gaps in vertically integrated network infrastructures, linking proxy groups to IED resupply, perfecting telephony analysis, computer network attack and identifying network critical touchpoints in command and control architectures. I wasn't just dropping bombs anymore.

Instead of executing war, our group worked to determine as many asymmetric terrorist attack modalities as we could and then used research and development to advance new concepts, such as algorithmic warfare or instantaneous information sharing.

My job, in two decades, took me from bombs to algorithms.

This amendment is ill-timed and irresponsible and seems to coincide with impeachment. This act is political, without any forethought to what a possible AUMF would look like in this new era of asymmetric warfare.

We have Iran on the ropes, have killed their number one terrorist and struck their command and control hierarchy in a devastating way.

This amendment, at the bottom of page 2, states:

No Federal funds may be obligated or expended for any use of military force in or against Iran, unless Congress has declared war, enacted specific statutory authorization for such use of military force after the date of the enactment of this act that meets the requirement of the War Powers Resolution.

Let's ensure we enact specific statutory authorization or reason way before we remove statutory authority already in place.

Does this amendment restrict use of resources already in place if Iran employs cyberattack, critical infrastructure attack, electronic warfare, chemical attack, biological attack, or any other attack modalities that terrorists like to employ?

And what if terrorist-specific modalities can be used where Iran supports terror operations in places such as Iraq, Afghanistan, Lebanon, Algeria, Yemen, Bahrain; is the United States then limited to new resource allocation to defend forces?

The speed of warfare is intense. And let's make no mistake: Congress cannot always move at the speed of warfare in a time of asymmetric kinetic—think airplanes—or nonkinetic—think electric power infrastructure and military communications network—attack. That is why we have a Commander in Chief. That is why we have Article II of the Constitution. That is why our Founders made it this way. Sometimes military force is not war.

Of course we must preserve Article I powers. Let's approach this fix in a way that preserves our Constitution and considers the nongeographic threat posture we live in today.

Mr. ENGEL. Mr. Speaker, let me just say that the President always has a legal right to defend America, U.S. forces and embassies, and this resolution explicitly exempts the defensive actions described in the War Powers Resolution.

The War Powers Resolution has been around since 1973, and it has never prevented the President from defending America.

Again, this amendment just enforces the text of the War Powers Resolution.

I yield 1 minute to the gentleman from Massachusetts (Mr. MOULTON), not only a Member of this body, but a combat veteran.

I thank him for his service.

Mr. MOULTON. Mr. Speaker, I thank the gentleman for yielding.

When I led marines in Iraq, they asked me a lot of questions. Some were simple, like: How do I send a letter home to my parents? Some were more difficult, like: What kind of rocket do I need to use against this building?

But the single hardest question I got was: Sir, why are we here? It came from marines of all backgrounds, all political stripes. And it was rooted in the fact that we got to Iraq care of a President who used false intelligence and a Congress that failed to do its job.

Too many Americans died in Iraq because we did not fulfill our constitutional responsibility.

Now, nothing in this amendment takes away the Commander in Chief's ability to defend ourselves; in fact, it cites the War Powers Resolution. But it does make it very clear that Congress has not authorized the President to go to war with Iran. That is a message that we need to send today.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from New Mexico (Ms. HAALAND).

Ms. HAALAND. Mr. Speaker, I thank the gentleman for yielding.

The President's reckless behavior unnecessarily escalated an already simmering conflict with Iran. The assassination of General Qasem Soleimani, without consulting Congress, led us to the brink of war.

While we have taken a step back from the ledge, the President's actions had severe and fatal consequences. Fifty of our brave servicemembers suffered traumatic brain injuries, and 176 innocent civilians on a commercial airline were tragically killed by retaliatory missile strikes.

Now is the time to reduce tensions and engage in good faith diplomacy. The American people have made it clear that we do not want a war with Iran.

It is long past time for Congress to reclaim its constitutional authority over the power to wage war. I urge my colleagues to do this by passing the No War Against Iran Act.

Mr. MCCAUL. Mr. Speaker, I yield 3 minutes to the gentlewoman from Wyoming (Ms. CHENEY), the distinguished chair of the Republican Conference.

Ms. CHENEY. Mr. Speaker, I thank Mr. MCCAUL for yielding.

Mr. Speaker, the measures that we are voting on and debating today are unconstitutional, they are partisan, and they are dangerous for America's national security.

The House already debated and voted on both of these bills during the NDAA process last year. Both were rejected, rightly, and stripped from the final NDAA for a reason.

Now Speaker PELOSI is choosing to put this legislation on the floor once again in order to weaken the President just as the Democrats did with their unconstitutional War Powers Resolution earlier this month.

Speaker PELOSI and the House Democrats are so unsure of their own substantive case that they are hiding behind House rules to make sure that Republicans can't even bring any amendment to this legislation.

I wish this were a surprise, but it is, unfortunately, more of the same abuse of power we have become accustomed to under the Democratic majority in this House. Speaker PELOSI and the Democrats continue to demonstrate they hate the President so much that they will not even stand with him when he kills the world's deadliest terrorist. Representative KHANNA's measure today would tie the President's hands at a time when he needs flexibility most.

Earlier this month, Mr. Speaker, the President took action to protect American troops, to defend our national security, when he killed the terrorist Qasem Soleimani. His decisive strike against Soleimani made the world a safer place.

In carrying out this action, President Trump relied on several authorities, including his Article II powers and the 2002 AUMF, the measure my colleagues on the other side of the aisle are attempting to repeal today.

The bills before us will undermine the deterrence established by President Trump. They will embolden Iran. They will make conflict more, not less, likely.

Weakness, Mr. Speaker, is provocative, and both of these measures convey weakness.

Representative KHANNA's bill is a serious constitutional transgression:

It would call into question whether the President could defend our closest ally in the Middle East, Israel, without first getting approval from 535 Members of the House and the Senate;

It would call into question whether he could protect our diplomats in Iraq, who have just, in recent months, faced attacks from Iranian-backed militias;

It would call into question whether he could uphold the basic principle of freedom of navigation and defend against Iran's attacks on international shipping.

Our troops are fighting today, Mr. Speaker, to protect the freedom of every person in this Chamber and every person across this country. They should never have to question whether they can defend themselves against America's enemies, but Representative KHANNA's measure would sow exactly this kind of doubt.

This bill ignores a key historical reality: Iran has been at war with the United States for four decades. The regime has been designated the world's leading state sponsor of terrorism for years on end. Hundreds of troops have died at the hands of Iranian-backed militias.

As the U.S. faces these adversaries, it is absolutely critical that the President retain the flexibility to act swiftly and decisively when our interests or forces are threatened.

It is time for my colleagues on the other side of the aisle to stop playing politics with the security of our Nation. I urge my colleagues to vote against these measures today.

Mr. ENGEL. Mr. Speaker, let me say that America's Constitution laws don't really convey weakness. Enforcing those laws is what keeps America strong. And when any President does not follow the law, this Congress must act, and that is what we are trying to do now.

I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

Well, hating all things Obama, Trump impulsively tore up the nuclear

deal with Iran, even though all of his intelligence agencies, all of the other signatories, the inspectors, agreed they were in compliance.

□ 1000

He said he would get a better deal as a master negotiator, through a unilateral campaign of maximum pressure, and bring stability to the region.

Instead, he has triggered steadily escalating tensions, culminating in the January 3 assassination of Soleimani, bringing the U.S. to the brink of war with Iran.

The Bush invasion of Iraq under phony intelligence provided by Vice President Cheney was the worst foreign policy mistake in the history of the United States of America, and we are still seeing the repercussions, but a war with Iran would be worse.

Trump says he doesn't need to consult with Congress for a war in Iran. We hear from the other side that Congress asserting its constitutional authority regarding declaration of war is dangerous.

I tell you what is dangerous: an impulsive Commander in Chief embroiling the United States in yet another endless war in the Middle East.

Mr. MCCAUL. Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, Trump has no plan, no strategy in the Middle East, but this self-described "stable genius," who tells us he is smarter than our generals, smarter than our military and intelligence leaders, he wants sole control over whether our Nation is plunged into a war with Iran.

Today, we say: No, Mr. President. You are not yet the tyrant that you wish to become. You defied military judgment by rejecting the Iran nuclear agreement. You abruptly abandoned our Kurdish allies, so vital to the fight against ISIS and terrorism, and you have taken us to the brink of war with an assassination of a foreign leader without any imminent threat demonstrated, only double-talk to explain that assassination.

It is time to put the brakes on his dangerous pursuits.

We reject this reckless and impulsive escalation, the endless bloodshed, and the lack of vision beyond promoting his own selfish interests.

It is Congress that our Constitution vests with responsibility to declare war.

If 1776 stood for anything, it was that America would not be ruled by a king or one who today aspires to be an authoritarian.

This legislation will cut off funds for future war with Iran unless Congress authorizes war, has a specific authorization, or we face a true, genuine imminent threat.

Before young Americans are again placed in harm's way, let's be sure it is the only choice to ensure our security and have a strategy for victory.

Today, let's set the groundwork for peace, not more architecture for endless war.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Members are further reminded to address their remarks to the Chair and not to a perceived viewing audience.

Mr. McCAUL. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. WATKINS), a veteran of the United States Army with 8 years of combat service in the Middle East.

Mr. WATKINS. Mr. Speaker, I thank the gentleman from Texas (Mr. McCAUL) for yielding.

With respect to my friend from Massachusetts, Representative MOULTON, I was asked tough questions in the Middle East as well by my soldiers. I was asked: "How do we kill our enemy?" And I was asked, perhaps more jarring: "How do we live and go home?"

We need two things on the front lines. We need speed, and we need lethality. This body has proven itself incapable of empowering our troops to act with speed and lethality.

Operations are dangerous. When I went out doing combat and rebuilding operations on the front lines in two conflict environments, I was very noticeable, Mr. Speaker. I am a White guy. I am pretty upfront about that. But you better believe that they know I was a soft target. It is important for my own survivability that, should anything happen to me, they know that a Reaper drone is going to rain a Hellfire missile down on them.

That is deterrence. That works far better than appeasement.

I would also like to add that we talked a lot about the process. Supposedly, we are attacking the process and not reality. Well, the reality is that I have had friends of mine tortured to death, friends of mine I knew very well in conflict environments.

It is in their spirit that I say this. This is awful, what we are doing. We need to empower our Commander in Chief. Despite your hatred of his policy, we need to empower him to act with decisiveness.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. JUDY CHU).

Ms. JUDY CHU of California. Mr. Speaker, I rise today in strong support of Congress Member KHANNA's resolution to prevent any funds from being used for an unauthorized war with Iran.

Just a few weeks ago, America and Iran were on the brink of a terrible and destructive conflict. Fortunately, both sides stepped back, but the tensions and volatility remain.

Make no mistake, Iran continues to be a challenge and continues to threaten U.S. interests in the region. However, as the Iran nuclear deal demonstrated, conflict is not inevitable.

But with a President committed to a campaign of maximum pressure, we cannot simply wait for the next crisis and hope for the best. That is why we must reclaim Congress' constitutional authority to declare war and prevent the President from leading us into a war of choice.

Already, the House passed a bipartisan War Powers Resolution to force the President to seek congressional authorization for any war with Iran. Today's resolution would help enforce that by prohibiting the use of funds for an unauthorized war.

Mr. Speaker, I urge my colleagues to vote "yes."

Mr. McCAUL. Mr. Speaker, I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. FRANKEL).

Ms. FRANKEL. Mr. Speaker, I thank Mr. ENGEL for yielding.

We can agree Iran is the world's leading state sponsor of terrorism and must not be allowed to obtain a nuclear weapon, but let's also agree that diplomacy is preferred, instead of armed conflict.

But the question today is not whether to go to war but who has the power to make that decision.

Mr. Speaker, our family was blessed when my son, a United States marine war veteran, came home safely from tours in Iraq and Afghanistan, but too many loved ones were not that lucky. So when I came to Congress, I made a promise never to send someone else's child to a war that could be avoided.

The constitutional law gives Congress, not the President, the sole power to declare and authorize war, and it is time that Congress owns up to that grave responsibility.

Mr. Speaker, I urge my colleagues to have the courage to repeal the war authorization against Iraq and tell the President no war against Iran without our consent.

Mr. McCAUL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WALTZ), a U.S. Army veteran and decorated Special Forces officer with 23 years of service, including combat tours in Afghanistan and the Middle East.

Mr. WALTZ. Mr. Speaker, today, and as the underlying premise for this legislation, we are hearing a lot of things.

Number one, we are hearing that the President recklessly escalated our relationship with Iran. Wrong. The President responded to a series of escalations from Iran, and he responded responsibly.

Our issues with Iran, this relationship, didn't start just in the last few months. It started in 1979. It started with Iranians taking our diplomats hostage. It continued with them sponsoring the suicide attack on our Embassy in Beirut, with killing hundreds of marines in Beirut, with bombing the Khobar Towers, with killing hundreds of Americans in Iraq at the hands of its militias, and on and on.

Most recently, after the Iranians attacked international shipping, attacked global oil supplies in Saudi Arabia, stormed our Embassy and killed yet another American, finally, the President responded by taking down the mastermind of many of these attacks over the years in a way that was limited, that was precise, and that had zero collateral damage.

The other thing you are going to hear is that this attack on Soleimani, the killing of Soleimani, the head of the Quds Force, was disproportional. I have to tell you, the families of the tens of thousands of people across the Middle East that Soleimani and his militias have killed, they didn't think it was proportional. They thought it was long overdue. The Gold Star families, the American Gold Star families who no longer have their loved ones with them holiday after holiday, they didn't think it was disproportional. They too thought it was long overdue.

Soleimani should have been killed years ago. I am grateful the President finally took action.

Mr. Speaker, I would ask my colleagues how many more Americans, how many more families, should go without their loved ones at the hands of this serial human rights abuser before the President should take action?

In fact, I, as a Member of Congress, would have been pounding the table had he not taken action, given actionable intelligence and the opportunity to do so.

You are hearing that the President assassinated a foreign leader. Also wrong. A terrorist is a terrorist, and this individual was designated a terrorist by the Obama administration. The Quds Force is a terrorist organization, as decided by the Obama administration.

Whether it is al-Qaida and Osama bin Laden, whether it is ISIS and Baghdadi, or whether it is the Quds Force and Soleimani, we have an obligation to strike back at terrorism and to stop terrorism in its tracks. The President had a duty and a responsibility as Commander in Chief to take this action.

Finally, you are hearing that the administration has no strategy. Also wrong. The administration withdrew from the Iran deal. It was a bad deal, narrowly focused on one aspect of its program.

Its maximum pressure campaign is in place.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCAUL. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. WALTZ. The Iranian economy is tanking. They came to the table in the first place in 2012 to enter into negotiations because the sanctions were working, and they will come to the table again. But this time, this administration will strike a better deal that encompasses terrorism, its missile program, and the fact that Iran is still taking American hostages to this day.

Then, we will get the entirety of its nuclear program in a much better deal.

Mr. Speaker, I urge my colleagues to step away from this partisan bill, to vote against these bills coming to the table, and to support the administration in taking on the world's leading sponsor of terrorism.

Mr. ENGEL. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, let me say that if killing Soleimani was about retaliating for past bad acts by Iran, that is exactly when the law requires the President to work with the Congress for a response, not do a response on his own.

The President didn't work with us. Instead, he told the American people there was an imminent threat, with no evidence to support that claim.

Now, I don't like the Iranian regime. There are lots of things I don't like about them. But it doesn't mean that we just give any President a blank check to do whatever he wants to start a war.

We have been through that in the past decades of endless war, with this body, as far as I am concerned, abrogating its responsibility and essentially giving the administrations of both parties blank checks.

This is about Congress reasserting what it is supposed to do. This is about Congress saying only we have the power to declare war; the President does not have that power to declare war.

□ 1015

Now, the Khanna measure is about enforcing current law as it is written in the War Powers Resolution. We should not create special loopholes in current law for any one country, no matter how close our alliance or partnership is. This is not a question of whether we will defend our allies and partners. It is a question of which branch of government is responsible for making that decision.

The War Powers Resolution could not be more clear. It is Congress who is responsible for authorizing the use of military force. We went through the entire Cold War without ever creating an exception to the War Powers Resolution or the Constitution when it comes to Article 5 of the NATO treaty. We do not need to create a loophole now.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say something that I have been saying a lot recently. Nobody denies the fact that Iran is a bad actor. No one denies the fact that Iran is the leading state sponsor of terrorism in the world. No one is saying that the Iranian regime is a good regime or a regime that doesn't threaten our interests. They do threaten our interests.

I am not a naive person. I don't like the regime, and I know what they do. But we have a way of responding, and it is not to give any President a blank check to do whatever he or she may want to do.

Congress declares war according to the Constitution; not the President. Congress declares war. And today we are attempting to take back the authorization that is given to us in the United States Constitution and say to this President and to every President that comes in the future: No blank checks for war.

We gave blank checks for the past 20 years, and we have been involved in one mistake after another. This is simply saying for Congress to reassert its authority. I am not saying that in the future there may not be a different decision, but the decision that should always remain the same is that Congress has the power to declare war; not the President. Congress.

I think my friends on the other side of the aisle somehow forget that. They make some good points. But, again, I say, it comes back to this Congress to declare a war, and we are today taking that responsibility, grabbing the bull by the horns and saying: Enough is enough, where Congress just sits idly by and has no say except to rubberstamp whatever administration wants to go to war.

That should stop today, and that is why we are moving ahead with this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of both the amendments to H.R. 550 under consideration today. I thank the Speaker for her courage in bringing these bills to the floor, and I thank the sponsors, my friends, BARBARA LEE and RO KHANNA for their leadership.

It is long past time for the 2002 AUMF to be repealed. This vaguely worded authorization of force against Iraq, which was obtained under false pretenses by the George W. Bush administration, has long posed a problem for proper congressional oversight, though at various points in time, both parties have shied away from taking action to rectify this.

But now we have no choice but to act, as the Trump administration argues that the 2002 AUMF which justifies war against Saddam Hussein's Iraq apparently applies to members of the Iranian Government, even though the word "Iran" appears nowhere in the text.

As Congress, we must assert our constitutional oversight authority in matters of war. Permitting this and future administrations to rely on an open-

ended authorization of force without proper oversight, is nothing less than an abrogation of our duty.

I urge each of my colleagues to support this amendment and final passage of the bill.

The SPEAKER pro tempore (Ms. JACKSON LEE). The time of the gentleman has expired.

Mr. ENGEL. Madam Speaker, I yield the gentleman from Rhode Island an additional 30 seconds.

Mr. CICILLINE. Madam Speaker, if I may just respond to some arguments that this will undermine our rights to self-defense. The President always has a legal right to defend America and defend U.S. forces and embassies. This resolution explicitly exempts the defensive actions described in the War Powers Resolution.

The War Powers Resolution has been around since 1973 and has never prevented the President from defending America. So that argument simply is baseless, and I urge all of my colleagues to support both of these excellent amendments.

Mr. ENGEL. Madam Speaker, may I ask how much time is remaining?

The SPEAKER pro tempore. The gentleman from New York has 3½ minutes remaining. The gentleman from Texas has 6 minutes remaining.

Mr. MCCAUL. Madam Speaker, we have no more speakers, and I continue to reserve the balance of my time.

Mr. ENGEL. Madam Speaker, it is now my honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the Speaker of the House.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding. I thank him for his courageous leadership in bringing this important legislation to the floor.

I commend the two makers of the resolutions, Congresswoman BARBARA LEE and Congressman RO KHANNA for their exceptional leadership, and I urge a positive vote on this important legislation.

Just to put it in some perspective, as Members of Congress, our first responsibility is to keep the American people safe, and that includes both our servicemembers abroad and our families at home. Three weeks ago, this House honored that duty by passing the War Powers Resolution to limit the President's military actions regarding Iran.

We all salute Congresswoman SLOTKIN for her leadership in putting that forth. Now we are taking additional steps to protect American lives and values by passing two strong pieces of legislation: Congresswoman BARBARA LEE's legislation to repeal the 2002 Iraq Authorization for the Use of Military Force, AUMF, and Congressman RO KHANNA's legislation to prohibit funding for military action against Iran not authorized by Congress.

We thank them for their long-standing leadership to protect American lives, and we thank all Members who have worked tirelessly on this priority, including Congresswoman ESHOO

who had similar legislation in this regard.

Members of Congress continue to have serious, urgent concerns about the President's decision to engage in hostilities against Iran and about its lack of strategy moving forward. Let us just stipulate that we all agree that Iran is a bad actor; that they treat their people terribly; that they are a menace to the region; and that we have sanctions against them for their spreading of technologies and other resources to terrorists in the region.

We don't want them to have a nuclear weapon, and I think that the President's decision to withdraw from the nuclear agreement was wrong, but that is not on the floor today. What is on the floor today is for us to, again, honor our constitutional responsibility to protect and defend—we take that oath—but also to honor our responsibilities, the power to declare war that is written into the Constitution for the Congress.

Over time, that has been, shall we say, usurped by administrations, both Democratic and Republican, and now, to an extent that practically abrogates whatever is in the Constitution.

This morning a YouGov poll said that 60 percent of the American people oppose war with Iran and 68 percent want to remove all troops from Iraq.

There is no appetite for war in our country. I was stunned recently to be with a delegation in observance of the 75th anniversary of the end of the victory at the Battle of the Bulge, a very decisive battle in World War II. There were 19,000 Americans who died in that war.

There were all of the heads of state present, but the VIPs for us were the veterans who were there; some of them now, 75 years later, in their 90s, but still vigorous. One of them who spoke for the veterans talked about the band of brothers and the allies, that there was multilateralism, and the horrors of war, and the glory of that victory. But at the end of his speech he said: "Maybe I shouldn't say this, but I will. I urge all of you to pray for peace."

I spoke to him afterward and thanked him for that and he said: "It is so important."

Even our President Kennedy who said that we will fight any foe, pay any price—what he said in his inaugural address—he has said that unless men end war, war will end men.

So we have to be very careful about how we engage in protecting the American people and remove all doubt in anybody's mind that we will. Think of me as a lioness. If you come near our cubs, you are dead.

So this is not about not understanding our responsibility and our strength. But as warriors, that gives us even more power to be peacekeepers. All we are saying is: Let's do this carefully and not in a way that escalates.

I remember after that weekend I got the call from the administration confirming that we had made the attack

on Soleimani—who was a terrible person, no doubt about that—and I said: "Well, why did you not inform the Gang of Eight as you were required to do?"

That Gang of Eight are the four leaders, House and Senate, Democrats and Republicans; and the four leaders of the Intelligence Committee, House and Senate, Democrats and Republicans.

"Why did you not inform the Gang of Eight?"

And their response was: "We really had to keep this close."

You wanted to keep it "close" from not honoring your responsibility of notifying or consulting with the Congress of the United States?

I didn't expect to hear that from the chairman of the Joint Chiefs. I did probably expect to hear it from the Secretary of Defense. But that cannot be the way we proceed. Congress has the constitutional responsibility.

The administration has a responsibility, too, and we respect that. And that is why when we redid the War Powers Act it was respectful of the power of the President, but also the power of the Congress of the United States.

They failed to appropriately notify the Congress. Then the President issued an insufficient War Powers Act notification that raised more questions than it answered, and it was classified in its entirety, leaving the public in the dark about our national security.

When the President finally briefed Congress, their own party Members described the briefing as "insulting and demeaning" with one GOP Senator saying it was the "worst briefing I have ever seen."

When the President asked me if I agreed with that characterization, I said: "There is stiff competition for the worst classified briefing we have ever seen from this administration."

And now it appears that the President may have even misled Congress and the public about the threats facing our troops related to this conflict. For 2 weeks, the President insisted there were zero injuries or casualties from Iran's attack on our military bases, contradicting multiple news reports.

But over the past week, the administration has admitted that there were injuries, first reporting 11 servicemembers who were diagnosed with traumatic brain injury, TBI, and then 34 and now 50 of our troops. TBI, as defined by the National Institutes of Health is: "... damage to the brain, whether from impact, penetrating objects, blast waves or rapid movement of the brain within the skull" and is a leading cause of death and disability for Americans.

This serious injury is understood in both the military and medical communities to be the "signature wound" and the "silent epidemic" of the wars in Afghanistan and Iraq.

□ 1030

Yet the President minimizes our soldiers' wounds saying:

I heard they had headaches and a couple of other things, but I can say and I can report it, not very serious.

Not very serious? That is not what the Veterans of Foreign Wars says.

The Veterans of Foreign Wars put out a statement saying they expect an apology from POTUS. TBI is a serious injury and not one that can be taken lightly.

Madam Speaker, I include their statement for the RECORD.

#### VFW EXPECTS APOLOGY FROM POTUS

[January 24, 2020]

KANSAS CITY, MO.—"In light of today's announcement from the defense department that 34 U.S. service members suffered traumatic brain injuries as a result of Iran's retaliatory strike and President Trump's remarks which minimized these troops' injuries, the Veterans of Foreign Wars cannot stand idle on this matter.

TBI is a serious injury and one that cannot be taken lightly. TBI is known to cause depression, memory loss, severe headaches, dizziness and fatigue—all injuries that come with both short- and long-term effects.

The VFW expects an apology from the president to our service men and women for his misguided remarks. And, we ask that he and the White House join with us in our efforts to educate Americans of the dangers TBI has on these heroes as they protect our great nation in these trying times. Our warriors require our full support more than ever in this challenging environment."—William "Doc" Schmitz, VFW National Commander

Ms. PELOSI. Madam Speaker, Americans have a choice: to keep the American people safe or to enable the administration's dangerous escalation which is happening again without the consent of Congress or the knowledge of the public.

We want to see a strategy. What is the purpose? What is the mission? What is the strategy involved in this?

Madam Speaker, I urge the President to work with Congress to advance an immediate and effective deescalatory strategy that prevents further violence.

Our brave servicemen and -women, their families, and all Americans deserve smart, strong, and strategic action, not the administration's reckless and rash policies. Therefore, again, I urge our colleagues to support the Khanna amendment and the Barbara Lee amendment.

I thank them for their leadership. I thank Chairman ENGEL for the moderation that he has brought to this, the experience that he has in terms of war, in terms of peace, and in terms of Congress' role in our foreign affairs.

Mr. MCCAUL. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, as I have said repeatedly, I am strongly in favor of exercising our solemn Article I authority for matters of war and peace; but we are not at war with Iran, we are not engaged in hostilities, and the President is not trying to start a war with Iran.

I have been in the White House, and I have heard him say this personally. In fact, he has shown incredible restraint against Iran after they shot

down our drone, after they hit 50 percent of the Saudi oil fields, after they killed an American, and after they wounded four soldiers.

My Democratic colleagues know very well there are many situations short of war which require military action. In fact, they supported President Obama's thousands of unauthorized strikes in Libya which were not even related to the protection of Americans overseas.

I believe it is hypocritical and dangerous for the majority to tie this President's hands in responding to the very real and growing threats that Iran and its proxies pose to Americans in the Middle East. As I said, they killed an American contractor and they launched a massive attack against our Embassy in Baghdad.

For those Members who think it was a minor brush against the Embassy, look at these photos. Look at the damage that was done to our United States Embassy. It is absolutely disgraceful.

Soleimani had an imminent plot when he went to Damascus, Lebanon, and Baghdad to meet with his number two guy to go to the Ayatollah to get the green light to get out further operations to kill diplomats and American soldiers. The idea that that strike on Soleimani was not justified, I don't know what more evidence was required than this.

Then, after this, they launched anti-ballistic missiles against United States military bases. They launched dozens of ballistic missiles at U.S. Forces, causing, as the Speaker said, traumatic brain injury in at least 50 U.S. servicemen.

Again, what more do we need?

It is unconscionable at this point in time, with this happening at this time in history, to limit the President's ability to respond as needed to protect American lives from this vicious regime. This time I think the Democrats have gone too far.

Like President Reagan said, I believe in peace through strength, and it is my sincere hope that we will not need to launch another strike like the President did against Qasem Soleimani, but it did make the world a safer place.

Unfortunately, the enemy also gets a vote. If Iran doubts our resolve to respond forcefully, then it will surely affect their calculus moving forward about whether to attack America again.

In opposing this amendment, I am standing with the Iranian people. It is important that they hear this. I know they are hearing this because I have so many Iranian friends who tell me that what we say here in this Chamber means something. The people of Iran are listening, and when they see a divided Congress, that sends the worst message at the absolute worst time.

I want to let the American citizens there in the Middle East know that they deserve to be covered by the umbrella of our great men and women in uniform. They deserve the protection of our government. If their lives are

threatened, I do not view them as a hypothetical. They are real people representing our country abroad, and I will not let them be vulnerable.

So, Madam Speaker, I urge my colleagues to oppose this amendment for the second time this Congress because it divides the Nation and sends a wrong message at the wrong time to the people of Iran.

Madam Speaker, I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for too many years, Congress has allowed administration after administration after administration to sideline us in critical foreign policy matters. It is time we said enough is enough, particularly when it comes to when and where the United States military is engaged around the world.

As I have said before, if killing Soleimani was about retaliating for past bad acts by Iran, then that is exactly when the law requires the President to work with Congress. The President didn't work with us. Instead, he told the American people there was an imminent threat with no evidence to support that claim, once again moving ahead and making Congress irrelevant.

We have seen that done with Chief Executives of both parties, and it is time we stood up and said: No, enough is enough; only Congress can declare war.

I know I sound like a broken record, but I think that is the crucial spot of what we are talking about here. Congress cannot just be swept along for the ride. Congress has the power to declare war.

The American people are sick of perpetual war. If we don't do everything in our power to make sure this administration cannot plunge us into another war that we don't want, then we will have let the American people down.

Again, for too many years, Congress has allowed administration after administration after administration to sideline us on critical foreign policy matters; and, again, it is time to say enough is enough. That is what we are attempting to do today, and that is why I urge my colleagues to support this very important bill.

Madam Speaker, I urge a "yes" vote, and I yield back the balance of my time.

Mr. CROW. Madam Speaker, I rise today in support of the bills offered by Representatives LEE and KHANNA to reassert Congress's constitutional role in authorizing the use of military force.

It was an honor to serve my country in Iraq and Afghanistan, but I also witnessed the consequences of sending Americans into harm's way without defined goals and a clear exit strategy.

For the past 17 years, that authorization has sent hundreds of thousands of American men and women to war in Iraq. We are now faced with the prospect of another confrontation in the Middle East, this time with Iran, that risks repeating some of the mistakes of the past.

The most solemn responsibility of Congress is the decision to send our men and women into harm's way. Authorizations granted by Congress should be revoked once the original purpose has ended. But Congress has allowed authorizations to live far past their intended life and abdicated its Constitutional authority in matters of war and diplomacy. Until now.

The bills offered by my colleagues reclaim Congress's constitutional role in determining when we send our sons, daughters, mothers, and fathers to fight on our behalf. They ensure that the American people have a voice in making such significant decisions. Through the leadership of my colleagues, this chamber is ensuring that any future use of military force must be subject to the rigorous debate the American people expect.

I applaud the leadership of Representatives LEE and KHANNA on this important issue and I urge my colleagues to join me in reasserting Congress's role in deciding when to use military force by voting yes on these bills.

Ms. JOHNSON of Texas. Madam Speaker, I rise today in support of H.R. 2456, a resolution to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002.

Madam Speaker, the President's interpretation of the 2002 AUMF as a blank check for military intervention in the Middle East is certainly troublesome. It is because of this abuse that the United States has been involved in a seemingly endless conflict in the region, as demonstrated in the Administration's justification for the recent strikes in Iran.

A repeal of the 2002 AUMF is a step in the right direction towards ending the cycle of military interventionism in the Middle East. Our foreign policy must instead be guided by diplomacy and collective dialogue; only with military action as a last resort can we build peace in the region.

This bill will send a clear message to the President that the power to declare war begins and ends in Congress. I plan to vote in favor of it and would urge my colleagues to do the same.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 811, the previous question is ordered on this portion of the divided question.

The question is: Will the House concur in the Senate amendment with the House amendment specified in section 4(a) of House Resolution 811?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENGEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

Pursuant to House Resolution 811, the portion of the divided question comprising the amendment specified in section 4(b) of House Resolution 811 shall now be considered.

The text of House amendment to Senate amendment specified in section 4(b) of House Resolution 811 is as follows:

In the matter proposed to be inserted by the amendment of the Senate, strike sections 4 and 5 and insert the following:

**TITLE II—REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002**

**SEC. 201. REPEAL OF AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.**

The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note) is hereby repealed.

The SPEAKER pro tempore. This portion shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

The gentleman from New York (Mr. ENGEL) and the gentleman from Texas (Mr. MCCAUL) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me start by thanking my friend, Representative LEE from California, for her hard work on this amendment. As you know, she is the newest newlywed in the House of Representatives, so we congratulate her on a great new marriage and wish her and her husband a long life together.

She is a principled, passionate leader when it comes to standing up for Congress' role and responsibility in foreign affairs, particularly war powers. I am proud to be a cosponsor of her legislation. I am glad we are able to partner on such an important issue.

Madam Speaker, it has been nearly two decades since the House voted to authorize the war in Iraq. I wish we could have that vote to do over again knowing what we know now. We were led into war on phony intelligence and found our brave servicemembers bogged down there for years at such tragic costs.

The war is over, and it is long past time that the authority Congress granted to fight that war should be removed from the books—because we see how it is being misused.

Earlier this month we heard the argument that the Iraq war authorization would justify military action against Iran. Here is how the argument goes:

The executive branch says that this authorization can be used to deal with any threat emanating—I stress the word, “emanating”—from Iraq. Yes, you heard it right, emanating from Iraq.

That is just wrong. It is not what the authorization says. It is not what Congress intended when it passed that resolution. I was here. I remember it. It dealt with threats coming from Saddam Hussein's Iraq. Saddam Hussein is dead. His government and regime are long gone.

This war authorization has no relevance to present-day Iraq, and it should be repealed. It should not be used to launch more military action.

Now, we will likely hear an argument that repealing the Iraq war resolution would undermine our ability to combat

terrorism around the world. But let's be clear about something: the Iraq war resolution—what we are seeking to repeal today—was never intended to authorize our fight against ISIS or other associated terrorist groups, and it is not needed as authorization for any of these operations.

There is another existing authorization for the use of military force, the measure that Congress passed after 9/11 to deal with al-Qaida. I don't agree with the administration's overly expansive interpretation of the 9/11 AUMF. I think they have stretched it well beyond what Congress ever intended. But even this administration has said clearly that they can continue current counterterrorism operation using the post-9/11 authorization even if we repeal the 2002 Iraq war authorization.

The only time this administration has pointed to the 2002 Iraq war authorization as its only source of congressional authority is the strike against Soleimani, something Congress never intended. We cannot allow this President or any President to claim Congress has already authorized him to attack Iranian officials.

If the President wants to use military force against Iran, then he has to come to Congress, plain and simple. An administration certainly shouldn't be twisting a decades-old authorization to justify plunging us into a war the American people don't want and that Congress has not authorized.

I get back to what I said before: Only Congress can declare war, not the President, and we have had violation after violation after violation about this important matter. It is time that Congress reassert its constitutional role in declaring war or not declaring war, so it is long past time that we repeal this outdated war authorization. The House has already voted to do so with bipartisan support.

I hope all of my colleagues will join me in supporting this measure and taking these important steps in reclaiming Congress' authority over war powers.

I thank Ms. LEE, who has the foresight to be courageous and stand all alone because she believes something is right. That is what we are trying to do now. We are trying to do what is right, what is right for our country.

Again, what is right for our country is that Congress needs to grab the bull by the horns. Congress has the authority to declare war, not the President, not any President—Congress. We are reclaiming Congress' authority over war powers the way it was intended.

Madam Speaker, I reserve the balance of my time.

□ 1045

Mr. MCCAUL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I strongly oppose repealing the Authorization for Use of Military Force to “defend the national security of the United States against the continuing threat posed by Iraq.”

We should not be repealing current counterterrorism authorities unless and until we have replaced them with an updated AUMF that clearly allows us to confront the enemies that continue to threaten our Nation, our people, and our allies.

As I have stated before, I would prefer a new, updated AUMF. But in the 13 months our Democratic colleagues have been in charge, we have seen no such proposal from the majority. In fact, they haven't even started that conversation.

None of us want to see the extension of any conflict beyond what is necessary, but we also have learned that premature disengagement can have huge costs, such as when the Obama administration's rush to withdraw U.S. troops out of Iraq contributed to the deadly rise of ISIS in Iraq and Syria and the formation of the caliphate.

The 2002 Iraq AUMF was not only used against Saddam Hussein; it also identified al-Qaida and “other international terrorist organizations, including organizations that threaten the lives and safety of United States citizens.”

So those on the other side who say this only applies to Saddam Hussein, that is absolutely incorrect. It applies to international terrorist organizations like al-Qaida.

Members will recall that al-Qaida in Iraq later became ISIS, a brutal transnational terrorist organization that continues to threaten American lives and interests in our homeland. And for that reason, President Obama used the 2002 AUMF as legal authority for his military operations against ISIS in Iraq.

The current administration opposes repealing the 2002 AUMF because it “remains an important source of additional authority for military operations against ISIS in Iraq and to defend the national security of the United States against threats emanating from Iraq.”

As my colleagues know, these vital counter-ISIS operations continue. Repealing that authorization without a replacement endangers not only the United States' national security, but our coalition partners, most notably, Iraq.

The 2002 AUMF was most recently invoked for our January 2 strike on Qasem Soleimani, Iran's mastermind of terror, who killed more than 600 Americans, wounded thousands more, and orchestrated the fiery New Year's attack on the U.S. Embassy in Baghdad. It was a targeted, defensive strike in Iraq against a designated terrorist by the Obama administration who threatened U.S. Forces inside Iraq.

In the 2 months beforehand, Soleimani and his proxies launched a dozen attacks against U.S. personnel in Iraq, killing one American and wounding four U.S. servicemen near Kirkuk on December 27. And then, furthermore, as we saw in the photographs

from the previous argument, the Embassy was attacked in a very strong way.

I don't know what more evidence the President needed to respond under Article II in self-defense than this, Madam Speaker. And if he did not do so, he would be derelict in his responsibility.

And if he didn't stop the plot that we know Soleimani was getting ready to move forward after he went to Damascus and Lebanon and Baghdad to go to the Ayatollah to get the green light to kill more Americans and diplomats, then what would the American people say?

What if we had a storm on the Embassy like in 1979, then what?

I think the President was restrained. I think he did the right thing at the right time. It was an appropriate use of this AUMF, which states that Iraq "poses a continuing threat to the national security of the United States . . . by, among other things . . . harboring terrorist organizations."

Contrary to some of the rhetoric we heard 3 weeks ago, the administration does not claim that the 2002 AUMF gives them a blank check—as we have heard quite a bit on the other side—to attack Iran.

To the contrary—this is very important—the administration, and the President has told me personally, they have stated publicly that it has never interpreted the 2002 Iraq AUMF to provide authority for strikes inside of Iran or for war with Iran. Soleimani was in Baghdad, designated by Obama as a terrorist.

The President is also not seeking war with Iran. He has said this time and time again, and he gets misquoted on this time and time again.

The President has shown great restraint time and again after Iran's increasing provocations. I was actually quite surprised, after our U.S. military drones were struck down, there wasn't a response. And as he told the Nation and the world, he wants a deal that allows Iran to thrive and prosper.

Repealing this AUMF does not retroactively remove the President's ability to order his justified and limited strike on Soleimani. A repeal standing alone will only send the wrong message to our troops, our partners, our enemies, and our terrorist adversaries in Iraq.

To be sure, the 2002 AUMF should be replaced with new authorities—after all, it is almost 20 years old—that reflect current circumstances and provide our men and women in uniform with clear support for their critical missions that protect us. And it also gives the American people a voice in that.

I deeply regret that my colleagues are not serious enough about exercising our Article I authority to put forward a real, updated alternative to counter the persistent terrorist threats that we see in Iraq, Syria, and elsewhere.

Therefore, I see today's effort as nothing more than a political message

that does nothing to that end. It ties the hands of the President at a time when he is responsibly facing down a very dangerous Iranian regime, the Islamic Republic of Iran, the largest state sponsor of terrorism, that lives by the motto, "Death to America."

These critical constitutional issues of war and peace deserve better than that. I think if we are serious, we will work on both sides of the aisle. I know my Conference has great interest in working on a modernized 2002 AUMF, and I hope the other side can join us in that effort in the following year.

But, with respect to this, with no replacement, it would be very dangerous. It would tie our hands' ability to attack ISIS in Iraq. I think it is ill-advised, and, for that reason, I oppose it.

Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 5 minutes to the gentlewoman from California (Ms. LEE), the newlywed and author of this important amendment.

Ms. LEE of California. Madam Speaker, first let me thank the chairman of our Foreign Affairs Committee, Mr. ENGEL, for his kind words of congratulations and also for his persistent and steady leadership on this issue and so many issues.

I also want to take a moment to thank Speaker PELOSI; Majority Leader HOYER; our whip, Mr. CLYBURN; and also Congresswoman JAYAPAL and Congressman POCAN. And I have to give a shout-out to my staff; our legislative director, Emma Mehrabi; my chief of staff, Julie Nickson; all of Team LEE; Mr. ENGEL's staff; all of our staffs who have come together, who have exhibited such an unwavering dedication and patriotism on this issue.

My bipartisan amendment before us today, Madam Speaker, would repeal the 2002 Iraq Authorization for Use of Military Force, AUMF.

It is important to note that nearly 75 percent of current Members were not serving when this AUMF was passed in 2002. I have long fought to repeal this. And what we knew then is that the 2003 invasion of Iraq was based on lies told by our own executive branch.

Let me remind you now that, in 2002, I stood here and urged us not to rush into war. I offered an amendment to the AUMF that was presented that would have prevented the war by requiring the inspectors to allow verifiable information with regard to the alleged weapons of mass destruction before we took military action.

That amendment received 72 votes. But had it passed, it would have exposed the false intelligence that the war was based on. There were no weapons of mass destruction in Iraq. That is what the 2002 authorization authorized and was about.

So I stand here once again urging Congress to do its job, this time by repealing the long-outdated and unnecessary 2002 AUMF. Not only is it not needed for any current counterterrorism operations, but repealing it would

have absolutely no impact on the administration's ongoing military operations.

Let me be clear: Congress passed the 2002 AUMF to address the perceived threat posed by the regime of Saddam Hussein. U.S. military deployments and operations carried out under this AUMF, dubbed Operation Iraqi Freedom, officially ended in 2011. Almost 18 years after the resolution's passage, the United States recognizes the sovereignty of Iraq and considers the Iraqi Government a key ally.

Madam Speaker, leaving this authorization on the books is both dangerous and irresponsible. Doing so would allow any administration to use it for military action that Congress never intended to authorize. It will continue to allow these wars without end.

Congress must make clear that any President must seek specific authorization for the use of force against Iran or any country. The 2002 AUMF was specifically authorized to rid Iraq of weapons of mass destruction which did not exist. That is why this is so important and something that we have already voted on, as our chairman indicated.

Make no mistake: We are here today to rein in this President and any President, rein in their abuse of executive power, and to make clear that Congress has the sole constitutional duty to declare war and authorize the use of force.

This should not be a partisan issue. Part of that responsibility is in ensuring that authorizations do not remain indefinitely, leaving them subject to use far outside those which Congress intended.

For example, the Trump administration has said that the 2002 AUMF has been used to justify attacks on Iran. These arguments have absolutely no basis in reality, underscoring the need for immediate action by Congress. That is why the outdated AUMF must be repealed, to prevent further abuse by this administration. We can't allow any irrational decisionmaking to drag us into an unnecessary and catastrophic war of choice in the Middle East.

And, Madam Speaker, let me just remind you of this. As the daughter of a veteran who served valiantly in two wars, I know personally the cost and consequences of war. I know that they are grave.

Several thousands of our brave servicemen were killed, thousands more have permanent injuries, seen and unseen. We have witnessed the horrific rise of suicide and deep strains placed on our military families, and we must always remember the tens of thousands of Iraqis killed as well and trillions of taxpayer dollars spent.

Of course, the unnecessary U.S. invasion of Iraq also sparked, yes, the rise of ISIS and allowed Iran to establish a presence in Iraq.

Madam Speaker, we all know that our top priority is to protect our national security, our brave troops, our

allies, and the American people. It is past time to finally exercise our constitutional duty and muster the courage to vote on matters of war and peace.

Madam Speaker, I again thank Mr. ENGEL and my colleagues, and I urge them to vote "yes" on this amendment.

Mr. MCCAUL. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PERRY), whose four decades of uniformed service to our Nation included 40 combat missions in Iraq before his retirement last year as a general in the United States Army.

□ 1100

Mr. PERRY. Madam Speaker, I thank the gentleman from Texas.

Madam Speaker, it wasn't part of my remarks, but from my standpoint, when I was in Iraq, we found weapons of mass destruction, so let's just make that part of the RECORD.

None of us want to be in a war with Iran, with Iraq, with anybody, for that matter—and that includes the President. None of us want that. And many of us on this side agree with our colleagues that this needs to be updated to reflect current circumstances, current enemy capabilities, and different tactics, techniques, and procedures used by our enemy. But I wonder where my colleagues in this Congress have been. They would have you believe that they were impotent, that they were helpless, unable to do anything about this.

I listened to the Speaker's remarks, and she said the President didn't inform her of the strike against Soleimani. For 8 years, Madam Speaker, nearly 4,000 people were taken off the planet by the previous administration. Do the math; that is over one a day. I wonder if the Speaker got a call every single day that said: "We are going to take this terrorist off the battlefield." I highly doubt that.

The question is about how we are going to change the policy, because like I said, many of us agree the policy needs to be updated. I would hope that this Congress, that any Congress, has the courage to understand that when we sent our finest into battle in Iraq, that they are fighting two enemies, but we are only allowed to engage one.

Right now, as we speak, we have servicemembers in Iraq that are depending on us to have their backs. But what are we going to do? We are going to rip the rug right out from underneath their feet because suddenly, under this administration, Congress suddenly has the courage.

I offered an AUMF 7 years ago and talked to my friends on the other side of the aisle. They didn't want to talk about it at all, nothing.

Our servicemembers expect us to have their backs. We welcome the debate, but there is no debate. This should be in the Committee on Foreign Affairs, where we can discuss these very weighty issues. We are looking

forward to that; we want that. But, no, this is a coin bill taken from the Senate and sent back over here with this put into it so we would have no debate. They don't want debate.

Our enemies are watching, and they are waiting. They are waiting for Iraq to become a free-fire zone, which is what it is going to become.

The last time, after the 4,500 untimely deaths of your American citizens, the executive decision was just to walk away—no ramp down, no policy, no strategy. Just walk away and leave the family members of those who had lost their loved ones wondering: What was that for?

You know what we have learned from that, Madam Speaker? Apparently nothing.

We want to do this, and we want to do this correctly, but this isn't the correct way to do it, and we should not abandon our servicemembers in combat.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY), a valued member of the Committee on Foreign Affairs.

Mr. CONNOLLY. Madam Speaker, I rise in support of my good friend BARBARA LEE's longstanding amendment, which would repeal the 2002 Authorization for Use of Military Force against Iraq.

More than 17 years ago, Congress passed a resolution authorizing the equivalent of war with Iraq, a war I opposed then. It stretches credulity to claim that same resolution now extends authorization to the President's order to assassinate a foreign leader from Iran. Yet, that is precisely what the White House would have you believe.

This AUMF is obsolete, and it is far past time that Congress make crystal clear to the administration, our allies, and our adversaries, as well as our constituents, the circumstances under which we would authorize engagement by our men and women in uniform.

The Lee amendment repeals a misguided AUMF that has had disastrous consequences, and it reasserts Congress' Article I authorities as provided and mandated by the Constitution of the United States.

Let's live up to our constitutional responsibility. Madam Speaker, let's support this amendment and get back to constitutional responsibilities and powers.

Mr. MCCAUL. Madam Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BACON), who was deployed to the Middle East four times during his 30-year career with the United States Air Force before his retirement as a brigadier general.

Mr. BACON. Madam Speaker, I rise today in strong opposition to this amendment and to the disrespectful manner in which it was brought to the people's House.

It is strategically reckless and naive, and both amendments politicize our most serious constitutional obligation

and willfully bypass regular order just to score political points against our President.

Like many of my colleagues and my fellow veterans in the House, I agree it is long past due to update the two Authorizations for Use of Military Force now in effect. We owe our citizens and servicemembers an honest debate on the use of military force. Madam Speaker, 18 years is too long for this AUMF. We are not living up to our constitutional duties.

But let's be clear: This is not what this amendment does. Rather than confront reality that American security at home requires the principled use of force abroad, repealing the 2002 AUMF without a replacement will trigger our immediate withdrawal from Iraq.

Our military leaders have been clear. Without the 2002 AUMF or a suitable replacement, they cannot continue their missions in Iraq and defend themselves against Iranian-backed militias, the same militias that killed another American last month and attacked us again just 3 days ago.

Ask yourselves: Who benefits from this vote? It is Iran. Who loses from this vote? It is Iraq, the Kurds, and every U.S. partner in the Middle East. Our security will be compromised.

To our Democratic colleagues, you may think this is a free vote, that the Senate may not support or a veto will give you cover, but you would be wrong. A vote to repeal the 2002 AUMF without a replacement will embolden Iran and ISIS and sends an unmistakable message to every U.S. partner around the world that Congress has lost its resolve and that partisanship trumps America's national security and reason.

For the record, attaching these two provisions to a Congressional Gold Medal vote for the purpose of avoiding a motion to recommit is beneath the dignity of this Chamber and shameful by the majority, and it is disrespectful to the World War II veterans it recognizes.

Madam Speaker, I oppose this feckless amendment.

Mr. ENGEL. Madam Speaker, let me say that no one on this side needs to be lectured to about preserving America's role in the world. I just think that we don't think there should be a blank check for war.

I will mention a couple of things that are relevant here. The 2001 AUMF passed after 9/11 authorizes counterterrorism operations. The 2002 AUMF has nothing to do with counterterrorism operations, al-Qaida, or ISIS. It specifically says the threat posed by Iraq, not al-Qaida. The reference to al-Qaida is in the findings, not in the authorization.

It does not need to be replaced because the 2001 AUMF is still in the books. The administration has been clear with Congress that counterterrorism operations would not stop if the 2002 AUMF is repealed.

I would note that it is the President's recent actions in the Middle East that

have posed challenges to our efforts to defeat ISIS. The United States has had to cease operations against ISIS because our military is needed for force protection after the Soleimani strike.

So if there is anything that has posed an obstacle to our fight against terrorism, it is the recent actions of the administration. I think a little thing should be put into perspective here.

Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. ESPAILLAT), a valued member of the Committee on Foreign Affairs.

Mr. ESPAILLAT. Madam Speaker, for far too long, Congress has allowed the executive branch to usurp its constitutional responsibility of the power to go to war. Now, we have seen how a President can misuse one of his most solemn responsibilities as Commander in Chief.

The 2002 AUMF, which was built on a lie, on a lie of weapons of mass destruction, is long irrelevant and must be repealed.

The American people do not want war. The American people do not want war. Yet, the President has escalated the prospects of war in the Middle East in a way that has not only severely endangered U.S. interests and diplomacy to prevent Iran from getting a nuclear weapon but has also resulted in the injury of at least 50 American servicemembers.

We must repeal the 2002 AUMF because the President has not been given the authority to go to war. And we must exercise the power of the purse and ensure that no funds are used for an unwanted, unauthorized war.

Mr. MCCAUL. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, I thank my friend, also from Texas. He has made wonderful points.

For those of us who have studied history—especially in my case, spending my life studying history—you know one thing if you really understand history: Weakness is provocative.

There was no better display than in 1979, November 4, actually. I was at Fort Benning, in the Army there. We took notice when our Embassy was attacked, and we had a very weak President who went about begging Iran to let our people go without any threat. We just wanted diplomacy. Iran then and now does not understand the weakness they perceive from diplomacy unless there is a hammer behind it.

We are here today to vote on two amendments. One, of course, has already been discussed, titled “No War with Iran Act.” The other is titled “Repeal of Authorization for Use of Military Force Against Iraq Resolution of 2002.”

Some of us have been wanting a new AUMF since we got here. During the Obama administration, it was clear we weren’t going to get that. I appreciated Chairman McKeon allowing me to come up with language to try to make it a little better, but he made me stay

in a back room to write the language so the Democrats in the Senate didn’t know it was me who was doing the language. That might have created a problem. We made some amendments, but we needed a new AUMF.

Where were my friends across the aisle when, out of no vital interest, as our own Secretary of Defense said on television, our President decided to attack Libya, the President of Libya who had blood on his hands from the 1980s and 1990s, but he had opened his doors and let us tell him what weapons they could have and not have? He was not a threat.

Look, we need a new AUMF, but the message that this will send to Iran is: Not only is this group trying to throw this President out and weaken him every which way they can, but now they are going to take away any power to kill somebody like Soleimani, which he just did.

If he was still alive, it appears clear there would be Americans dying.

Look, let’s vote this down. Let’s work together on a new AUMF that doesn’t send word to our enemies that “President Trump is too weak to do anything,” because he is not. Quit sending that message.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentlewoman from Virginia (Ms. SPANBERGER), a valued member of the Committee on Foreign Affairs, one of our newer members.

Ms. SPANBERGER. Madam Speaker, I rise today in support of repealing the 2002 AUMF. The repeal of this authorization, which in 2002 authorized our use of military force in Saddam Hussein’s Iraq, would have no effect—none—on current U.S. military operations.

To be clear, as a former CIA officer who worked counterterrorism issues, our own Nation’s security is always my priority.

Today’s vote is about that, our national security and the responsibility of Congress to exercise its constitutional authority over decisions of war and peace. It is not about one particular President, party, or administration. It is about Congress’ constitutional responsibility, our duty to debate and vote on sending our Nation’s servicemembers off to war.

But Congress has long evaded this duty, allowing President after President to use the 2001 AUMF—not this one, the one we are discussing today—to authorize varied military operations without Congress taking responsibility.

And after nearly two decades, the American people have waited to see principled leadership on ending the cycle of endless war. We must update the 2001 AUMF. But today’s vote is on the now-defunct 2002 AUMF. Repealing this AUMF is a good first step towards Congress taking responsibility on behalf of the servicemembers we represent.

□ 1115

Mr. MCCAUL. Madam Speaker, I yield 1 minute to the gentleman from

California (Mr. MCCARTHY), the Republican leader.

Mr. MCCARTHY. Madam Speaker, I thank the gentleman for yielding.

I rise in opposition to the House amendments to H.R. 550.

Before I explain why, I need to address what has become an all-too-frequent occurrence in this esteemed body, the abuse of power by the Democrat majority. We saw it during impeachment, and we are seeing it again now.

Today, Democrats are denying basic and essential floor rights to the Republicans as we consider these two flawed Iran measures. Specifically, by considering these measures as amendments to an unrelated, Gold Medal bill, the majority is intentionally using a partisan procedural gimmick to silence dissenting opinions. Even RO KHANNA recently admitted as much. He didn’t want a vote on an amendment that could “divide the caucus.”

Leader HOYER did not respond to my letter that I recently sent him; the idea of eliminating a motion to recommit. We appealed to address these concerns and were rejected on the floor over and over again; 25 times, to be exact.

And no Republican amendments were ruled in order, including my amendment with Ranking Member COLE that would have allowed the President to use force if there was an imminent threat against the United States or our ally, Israel. Democrats were too afraid to debate that.

We can all agree that the decision to go to war is the most significant choice Congress can make, followed only by impeachment.

And we could also agree, as Leader HOYER recently said, that “more Members from across the ideological spectrum need to have input into the work we do” in the House.

These measures should be withdrawn until the Republicans’ rights are fully restored. This tactic purposely eliminates Republicans’ last opportunity to amend legislation, the motion to recommit.

Now, for 100 years, in this body, the motion to recommit has given the minority the right to—and let’s quote—“have a vote upon its position upon great public questions.” That is the definition of a motion to recommit. “Have a vote upon its position upon great public questions.”

In other words, MTRs allow constituents whose Members are in the minority to have their voices heard. Certainly, I would think this issue before us would meet the standard of a great public question.

As referred to earlier, I sent that letter to Leader HOYER earlier this week, the procedural gimmick is not only wrong, it is in bad faith. The House has never debated matters of war and peace in such an irregular and restrictive manner.

What’s more, Speaker PELOSI gave her word that her majority would not

govern like this. Just last May, she claimed to be “a big respecter” of minority rights.

You know what is so ironic about all of this? The use of this is very rare throughout the history of this entire body, a body we all respect.

What is most depressing is people talk a bigger game than they show in their actions.

Let me show you a little research on how often this tactic has ever been used. It wasn’t used ever on war, probably the most significant thing we would debate on this floor. But we are using a Gold Medal bill we already voted for, just for a gimmick.

In fact, in the 110th Congress, 16 times House bills with a Senate amendment were considered, and there was not one MTR given to the minority. If I have to refresh your memory, in the 110th Congress, Democrats were in the majority.

Compare that to in the Republican-led 109th Congress, which only debated one message, one time, under a rule like this. You know what the majority Republican-led Congress did then? They provided the minority with an amendment to compensate for the loss of a motion to recommit; something this majority has failed to do, again.

There is a difference between our two parties, and there is no bigger example than the tactic used today.

If Democrats will not withdraw these amendments, the House should vote them down immediately. This is a terrible time to be considering a repeal of the 2002 AUMF, a key authority to protect ourselves from the Iranian-backed militias in Iraq.

The Soleimani strike delivered a clear message to Iran: If you kill a U.S. citizen, you will suffer the consequences. For the first time in years, deterrence has been reestablished.

Yet, the threat of Iran and Iraq still remains and cannot be ignored. For the last 6 months, Iran has moved more and more military assets into Iraq. That is a fact.

And though deterrence has changed Iran’s calculus, it has not eliminated the timeless goals: One, to kick the United States out of the region by fraud or force; two, turn Iraq into a puppet state; and, three, take away the freedom of the Iraqi people, just as they stole the freedom from their own people.

Let’s not forget that Iran will seize every opportunity to undermine our interests in the region.

The Lee amendment would have us repeat the same strategic failures of the Obama administration, whose rush to withdraw from Iraq on a political timeline led to the direct rise of ISIS. If passed, it would send a message of weakness and division to the regime in Iran.

The RO KHANNA amendment is even more foolish and poorly-timed. The claim that it just prohibits an unauthorized war against Iran is totally false.

The Members on their phones should take a moment and actually realize what they are going to vote on because there are consequences to this judgment. They may make it easier, where they do not have to have an amendment where they actually have facts before their eyes and be judged upon a vote that is so serious as war.

Plainly, it abuses the power of the purse by proactively banning the use of force far short of war and makes exemptions only for direct attacks on U.S. territory or troops. Its effects are more constraining than the War Powers Resolution, which forces cutoffs in just 60 days.

Consider a few scenarios that would be illegal under RO KHANNA’s proposal. This is what you are voting for.

Think, for a moment, if Iran plans catastrophic attacks against New York and Jerusalem. The intelligence is clear and undeniable. Under KHANNA’s bill, we couldn’t use the military to protect ourselves or our allies. That is what you will vote for and have to answer to.

U.S. citizens are kidnapped, and our government knows the location and how to save them. Under KHANNA’s bill, we could not use our Navy SEALs or any other part of our military to rescue those Americans.

A U.S. merchant ship is in international waters and is being hijacked by the IRGC. Under the RO KHANNA bill, we couldn’t come to their rescue.

Any way you look at it, these amendments do not make Americans or our allies safer. But this is becoming a recurring, bad pattern for House Democrats.

It is interesting, the more I listen on the floor from the other side, Madam Speaker, I hear blame America first, instead of protect America first.

First, they had to be shamed by the Republicans into passing a resolution this week in support of the Iranian protesters. They rejected a Republican-led resolution just 2 weeks ago that would have given our total support.

Now, Democrats refuse to stand for our troops or our allies against our enemies.

Madam Speaker, the future of our policy in the Middle East will play a crucial role in determining the security of our citizens and the character of our Nation.

Iran is watching what we are doing today. Its regime is looking for signs of hesitation and disagreement, just like the denying of standing with those college students who would not walk on an American flag. But Congress would not say a word that week.

Its citizens—who are protesting in the streets for a free and accountable government—are looking for signs of assurance, poise, and support. They did not find that a few weeks ago. And today, they are going to hear a whole different message, once again.

But they aren’t the only ones watching. China and Russia are also closely studying our actions for signs. Our

long-term competition with China, in particular, directly involves Middle East energy resources which are still essential for our allies in the Pacific, even though, we, ourselves, are energy-independent.

Everyone is looking for signs about the future. Will it be a future we can be proud of or a future that we are going to be ashamed of?

Well, the future is never clear, but this much is: If we abandon our commitments now, we will be saying that we lack confidence in our values and resolve in our mission. The world will say, and history will record that we lost faith in the American cause in the moment that it was needed the most.

This is not the America I know and love. This is not the America you know and love. America is better than this. Americans are stronger than this.

I see an unbreakable spirit in my fellow Americans, and I know that, whatever the challenges ahead, together, we are up to the task; which is why I am ashamed of the actions of many of my colleagues today which divide us instead of uniting us.

If you truly believe in your position, debate it. If you truly believe in your position, stick with the 100-year tradition of allowing constituents to have a voice. You denied any ability to offer one amendment—one amendment.

You are so sure in your position that, yes, when the American is kidnapped, they won’t need the Navy SEAL to rescue them. You are so sure in your position that when we know the facts of the attack coming, you are so much smarter that you will tell Americans who die that we should not have stopped it.

You are so sure in your position that you would change a century of history just so you wouldn’t have to debate.

Madam Speaker, that is not what the Founders devised this floor to be about; that the sheer, raw power of a majority would be used in a manner to deny a voice because they could not win a vote; because they wanted to drive a policy that made us weaker.

Madam Speaker, the idea that we would blame America first, instead of stand with it, is not one I could support.

Madam Speaker, it has been very clear from the administration, from the intel community, from our men and women in service, this is not what they expect of us.

If you are proud enough, and you believe your policy brings people more freedom, why would you change 100 years of precedent? Why would you change, just to be able to think you can win in a corrupt manner?

Madam Speaker, I hope all those examples I showed never come to fruition, because we could not look at Americans in the eye and say we had an honest debate; it was played by the rules; and everybody had an opportunity to make sure it was the best resolution passed.

No. History will say there was a Gold Medal bill that everybody voted for,

then we gutted it and amended it, so we denied people a voice. Because of sheer, raw power of being in the majority, we were willing to break a 100-year tradition.

It doesn't matter what the language said or how open it would be. It doesn't matter that we were afraid to be challenged that our bill is wrong. We think we are so right that we will do anything to make America weaker.

The SPEAKER pro tempore. The Chair reminds Members to address their remarks to the Chair.

□ 1130

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I rise in support of both the repeal of the Authorization for Use of Military Force against Iraq in 2002 and the No War Against Iran Act, and I thank Congressman RO KHANNA and Congresswoman BARBARA LEE for their true leadership.

Sending our servicemembers into war is one of Congress' most solemn constitutional responsibilities. History will show this administration's reckless go-it-alone strategy against Iran with no allied support has left America less safe.

Indeed, having dodged the draft himself, the President does not appreciate the true costs of war. Just look at the President's initial report that no U.S. troops were harmed following Iran's retaliatory strike on U.S. bases in Iraq. It has since been reported that at least 50 U.S. servicemembers were wounded and suffered traumatic brain injuries, a stark contrast from President Trump's tweet on January 8 stating all is well.

The cavalier approach this President has taken in escalatory action against Iran is haphazard. Our servicemembers' safety and America's security have been hard won.

This Congress fully understands the cost of liberty. It is why, today, we reassert our Article I power and clearly demand a clear request if the administration wishes to engage in war with Iran.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ENGEL. Madam Speaker, I yield an additional 15 seconds to the gentlewoman from Ohio.

Ms. KAPTUR. Madam Speaker, this Congress will ensure the wise, strategic, and prudent use of force to win the future by defending the American people and not carelessly tripping into war with Iran.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. MCCAUL. Madam Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. PALAZZO), a Marine combat veteran of the Gulf war and a current member of the Mississippi National Guard.

Mr. PALAZZO. Madam Speaker, I want to thank my friend, Mr. MCCAUL, for yielding.

Madam Speaker, the amendment before us today is another example of the Democrats' most recent campaign to undermine our military, our national security, and, as always, President Trump.

Repealing the AUMF of 2002 without a replacement is dangerous, and the House majority must understand that. If the Democrats choose to adopt this amendment, it shows our military men and women stationed in the Middle East that the United States Congress does not have their backs.

By adopting this amendment, it tells our enemies that they can continue attacking the United States completely unchecked. It projects uncertainty and weakness to those who are actively working against us.

The United States must maintain the ability to counter terrorist attacks, and an active AUMF accomplishes that. This amendment, if adopted, will only weaken America's defense strategy in the Middle East.

The AUMF is important and helped lead our military to the defeat of al-Qaida in Iraq. It continues helping us identify other international terrorist organizations that want to harm Americans and spread terror throughout the world.

No one wants endless wars in the Middle East, but we must have the tools necessary to react in this highly volatile region. We should not prevent the President from defending Americans from imminent threats. To do this is reckless and dangerous. Not only will it put our military at risk, but it will also endanger American civilians.

Keep in mind, we need to fight the global war on terrorism over there; otherwise, it will end up in our backyards. I urge my colleagues to vote "no" on this dangerous resolution.

Mr. ENGEL. Madam Speaker, let me just say I would like to briefly respond to the Republican leader's remarks about the Iranian protest movement, because I feel very strongly about the Iranian protest movement and in supporting them.

The leader accused the Democrats of being shamed into passing the resolution in support of the protestors in Iran. I want to correct the record because Mr. DEUTCH, who is a Democrat, introduced this resolution nearly a month before Mr. MCCARTHY; the House Foreign Affairs Committee marked the resolution a couple of weeks later.

So there was no shame, except accusing Democrats of any nefarious motives. That is shameful.

I yield 1 minute to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the chairwoman of the Committee on Oversight and Reform.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding.

I rise in strong support of the Lee amendment to repeal the Authorization for Use of Military Force against Iraq.

In 2002, this Chamber voted to invade Iraq on what would later prove to be false and misleading intelligence provided by the Bush administration. We removed Saddam Hussein, established a democratic government in Iraq, and declared a formal end to the mission in 2011.

However, that 18-year-old authorization is now being used by the President to escalate a conflict with Iran, a conflict that the American people strongly oppose and one that Congress never authorized.

The Constitution states plainly that Congress shall have the power to declare war and peace. This amendment exercises that constitutional authority, reflects the will of the American people, and is the first step to finally ending our endless wars and bringing them to an end.

I urge all of my colleagues to support the Lee amendment.

Mr. MCCAUL. Madam Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), the Republican whip.

Mr. SCALISE. Madam Speaker, I thank the gentleman for yielding and for his leadership on our ability to make sure that any administration, Republican or Democrat, has the ability for the President to carry out their duties as Commander in Chief. And that is what is at stake here, this amendment that we are debating right now that would completely repeal the 2002 AUMF and not have an honest conversation, a sincere debate about if there should be any changes to it, modernize, work with the administration. Again, any Commander in Chief should have the ability to defend America, to respond to attacks on Americans both here in America or abroad.

Madam Speaker, as you look at this debate as well as the vote we are going to be taking shortly on the Iranian language, which would limit the ability of the President to respond to attacks coming from Iran, it is another major concern about whether or not we are going to have a Commander in Chief who can actually defend America.

There are things that are going on right now that we all know are an underlying part of this debate. Let's start with the taking out of one of the bloodiest terrorists in the history of this country, Soleimani, who was just taken out primarily using the authority of the 2002 AUMF, which would be gutted if this were to pass.

So I don't think most people in this country think it is a debatable question of a bloody terrorist who killed hundreds of American troops. This guy had the blood of over 600 U.S. servicemen and -women on his hands. He was in Iraq plotting to take out more Americans, to kill more Americans, and he was taken out.

Is it really a question of whether or not that was the right thing to do? I think most Americans would agree he was a brutal terrorist. And whether it was Osama bin Laden or al-Baghdadi or

other terrorists who want to kill Americans, our Commander in Chief ought to have the ability to protect Americans and stop terrorists who want to kill more Americans. To take away that ability is reckless. It is destructive to the country.

Again, if you wanted to have an honest debate, Madam Speaker, you would have seen the committees of jurisdiction have true hearings on this, bring in people in the administration, talk about what the right way to approach this is.

That is not what happened. They literally took a coin bill—a coin bill—and brought it forward with these two amendments so that there can't be that honest debate on both sides, shutting out the minority's ability to bring amendments, to have an honest discussion about what the process should be.

In terms of Iran, just think about what they are doing there. It is not only Iran. It is Iranian proxies that carry out attacks against servicemembers of the United States and our allies, and they take that away, too.

Don't tie the hands of any President of the United States, Republican or Democrat, from being able to defend this country both here and abroad. I oppose both amendments and would hope we reject it.

Mr. ENGEL. Madam Speaker, let me quickly say that I agree with Mr. SCALISE that the Foreign Affairs Committee should be having hearings on this. We have tried to get the Secretary of State to come. I am still hopeful he is coming, but it is a little hard to hold hearings if you don't get the administration witness to come to the hearings. We are trying.

I yield 1 minute to the gentleman from Colorado (Mr. NEGUSE).

Mr. NEGUSE. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of my good friend and colleague's commonsense measure, and I want to thank Representative LEE for her leadership and her moral courage.

I also would just say we have heard a lot with respect to objections around the process. Long before I got here, Representative LEE, as I understand it, secured a similar amendment in an appropriations bill just a few years ago. In the dead of night, the prior Speaker of the House struck that amendment out of the bill, and I didn't hear many process objections at that time from so many of my colleagues on the other side of the aisle. If folks want to have an honest debate, let's have that honest debate.

For my part, I support this measure and what it represents. I believe it is ultimately about the need to underscore to this administration the constitutional limitations placed on its authority, a reminder that is necessary because of this President's reckless foreign policy and his refusal to engage Congress in the authorities placed with us by the Founders.

This Chamber is often referred to as the "people's House," elected by the

people, charged to represent the people and to govern for the people. The Founders, the Framers, in their infinite wisdom, decided to rest the solemn power to declare war with the Congress as the people's House, and yet, for the better part of the last 18 years, this Chamber has abdicated its traditional role.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ENGEL. Madam Speaker, I yield the gentleman from Colorado an additional 15 seconds.

Mr. NEGUSE. Administration after administration has used this authority to engage our Armed Forces in various conflicts around the world.

It is time for Congress to return to its traditional role under our constitutional structure. I support this measure. I encourage my colleagues to vote "yes."

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I thank the gentleman for yielding.

My service in the House has been marked by a loss of Congress' power to deal with war and peace. I am proud to stand with my friend, Congresswoman LEE, as I did with her in her 2002 amendment. Republicans empowered President Bush for the worst foreign policy blunder in our history, and we are still paying the price for the war in Iraq.

It is time to end this bipartisan failure, time to end it, stand up for Congress. This is especially critical today with the reckless current occupant who cozies up to dictators like Putin and some of the worst people on the planet, and who attacks our allies with trade wars. He committed colossal blunders like breaking the Iranian nuclear agreement, which the Iranians had abided by, and by killing the second most powerful person in Iran, which made us less safe.

It is time to vote for the Lee amendment, repeal the AUMF, a key tool to rein in a reckless President and reclaim the rightful powers of Congress over war and peace.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, I thank the gentleman for yielding.

I stand in strong support of Representative LEE's resolution to repeal the 2002 Authorization for Use of Military Force against Iraq.

The Constitution is unambiguous; it is clear: Congress has the power to authorize war.

In 2002, Congress passed an Authorization for Use of Military Force to address the ongoing threat from Saddam Hussein's regime in Iraq to this country.

With the overthrow of Saddam Hussein by U.S. military forces and the establishment of a new Iraqi Government, this AUMF became obsolete; but we continued, Democratic Presidents

and Republican Presidents, to use the Authorization for Use of Military Force ongoing, as if the same conditions existed then.

If there is a need for the authorization for the use of military force against any threat, we should bring it up and have a full and fair and open debate on what that threat is constituted of and, as a Congress, exercise that constitutional authority to declare war.

This language does not prevent a President from defending America. Don't let anyone tell you that.

It is important that we exercise our constitutional role.

□ 1145

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. The gentleman from New York has 8½ minutes remaining. The gentleman from Texas has 8½ minutes remaining.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Washington (Ms. JAYAPAL).

Ms. JAYAPAL. Madam Speaker, I rise to support Representative LEE's amendment to say no to unauthorized wars.

The Trump administration claims that this outdated authorization justifies future strikes against Iran. That is outrageous. And as a result of the assassination of General Soleimani and Iran's retaliation, we now have 50 American soldiers tragically injured.

Representative LEE, during debate in 2002 on this very authorization, said: "It does not take leadership to go drop bombs and go to war. It takes real leadership to negotiate and to develop peaceful resolutions to our security needs."

Seventeen years ago, Madam Speaker, I spoke at a rally of 50,000 people in Seattle who believed the evidence was not there to go to war in Iraq. Today, we know we were right. We must learn from that.

Let's repeal this outdated authorization and ensure that Congress has real oversight and debate before we go into any war. Let's show leadership and stop these endless, unauthorized wars.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. POCAN).

Mr. POCAN. Madam Speaker, today, I rise in strong support of Representative BARBARA LEE's amendment to repeal the 2002 Authorization for Use of Military Force in Iraq.

We cannot allow this President or any President to use an outdated AUMF intended to address Saddam Hussein to wage unauthorized wars against whatever leader they are upset with on any given day.

Because of congressional inaction, the U.S. military is operating in at

least 76 countries across the world, and we have spent trillions of dollars on military activities since 9/11, largely on unauthorized wars abroad, when we could be helping people at home, expanding Social Security, ensuring healthcare is a human right, and investing in green jobs and renewable energy.

Recently, the President threatened this bill with a veto. It only made the case more clear: Congress must reassert its constitutional authority per Article I, Section 8, to declare war.

Madam Speaker, I urge my colleagues to support both Representative RO KHANNA's bill to prohibit funding for war with Iran and Representative LEE's efforts to repeal the 2002 AUMF.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BROWN).

Mr. BROWN of Maryland. Madam Speaker, I was deployed to Iraq in 2004 and served with the most patriotic Americans and committed Iraqi partners in Baghdad, Fallujah, Kirkuk, and Mosul.

While the justification for that war was fundamentally flawed, our authorized mission was to defend the national security of the United States from the continuing threat posed by the Government of Iraq.

Yes, we continue to counter ISIS in Iraq, but the Government of Iraq no longer poses a threat to our national security, and that is why I advocate for the repeal of the 2002 AUMF.

We have a responsibility to the men and women who wear the uniform to ensure that the authorized missions they execute are targeted, defined, and achievable. We cannot accomplish that goal with a nearly two-decade-old authorization that doesn't recognize the current landscape.

With this amendment, we officially end America's 2002 mission in Iraq.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentlewoman from Michigan (Ms. TLAIB).

Ms. TLAIB. Madam Speaker, this administration's rogue attempt to start a war with Iran endangers countless lives around the world and was a wake-up call for Congress that we must reclaim our constitutional role as a check on executive power to wage endless wars.

Repealing the AUMF of 2002 is an important step toward reasserting that Congress alone has the authority to declare war. The 2002 AUMF was passed to wage a war ultimately deemed to be based on lies, and the United States military operations pursuant to the 2002 AUMF ended in 2011.

Iraq is a sovereign nation, and passing today's amendment is an important measure of respect for our key ally.

The 2002 AUMF is an outdated relic whose only function is to provide this administration with cover to claim that Congress has authorized attacks

on Iran or whichever country draws its attention. Leaving it in place makes us less safe in our country.

Madam Speaker, I thank Representative LEE, my mentor, for her leadership on repealing the 2002 AUMF and ending our forever wars so that we can better serve our constituents at home.

Madam Speaker, I know Ms. LEE was alone at one point. She is not alone anymore. We stand with her in pushing back against this very much unconstitutional measure by the President of the United States.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. GAETZ), our Republican colleague.

Mr. GAETZ. Madam Speaker, I come to vote my heart.

Saddam died more than a decade ago, and even the faintest echoes of his regime have long dissolved.

So if we are unable to declare victory and bring our troops home at this time after Saddam is dead, after his regime has evaporated, after ISIS has collapsed, then no war is ever truly winnable and every authorization is an authorization for a forever war.

Let's not hand the 21st century off to China as we toil in the Middle East. Instead of sending America's bravest patriots to the bloodstained sands of the Middle East, let's care for our veterans here at home.

Instead of wasting American treasure bombing and rebuilding Iraq, let's rebuild our own great Nation. Let's secure the U.S. border with Mexico before we send the next soldier, sailor, dollar, or marine to secure Iraq's border with Iran.

Instead of ill-fated adventurism, let's put America first.

Keeping U.S. Forces in Iraq is not what President Trump wants. It is not what the American people want. It is not what the Iraq parliament wants.

The best time to vote against the Iraq war would have been in 2002. The second best time is today.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, my first opportunity in speaking today is to make sure that we honor all the men and women who are wearing uniforms in the United States military, as Congresswoman LEE has said, her family members and many family members who served.

What we do know is we found no weapons of mass destruction in Iraq.

We supported Congresswoman LEE in the rational position to have the inspection go forth, to know what was going on. The only thing we secured was an endless war.

In the question of Iran, Mr. RO KHANNA's position is right. If there is any need to defend us in Iran, the War Powers Resolution allows a President

to do that if we are defending ourselves against attacks or if there are hostilities.

We need to address this in a constitutional way. Article I says that Congress declares war.

The endless war that has carried on, for those of us who have been to Iraq and then Afghanistan realize that our soldiers deserve the dignity of a debate when they should go to war.

Let me say to those who were injured by Iran: It is not just a side hit, if you will. These soldiers have been hit. We honor them.

We should have a Congress to stand up if we go to war, not use this resolution. It should be repealed.

Mr. MCCAUL. Madam Speaker, I reserve the balance of my time.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding.

This is not a resolution to go to war. My friend, the minority leader, wrote me a letter and implied that it was.

These two bills are about the Constitution and about the awesome responsibility placed upon the Congress of the United States to determine whether or not we do go to war. It is not in Article II. It is in Section 8 of Article I of the Constitution of the United States.

With Democrats as President of the United States and Republicans as President of the United States, this Congress has too often ceded its constitutional responsibility to the President of the United States.

The Founders would find that very dangerous. They wanted a cumulative voice of the American people to make this extraordinary decision to go to war.

It has been said that the Congresswoman from California, BARBARA LEE, stood as a lone and courageous voice in voting "no" when America was attacked, not because she did not want to defend America, but because she wanted to ensure that we did so in a thoughtful way and in a correct way.

It has been said before that nothing in this resolution prevents America or members of our Armed Forces from defending themselves.

This vote is about the Constitution of the United States. Both votes are about the Constitution of the United States.

Americans have experienced a generation of war abroad to prevent terror at home.

Madam Speaker, I was preceded by just a little bit by Mr. GAETZ from Florida. He and I don't agree on much. We have different perspectives on policy. But he and I agree on these two bills.

In Afghanistan and Iraq, our troops have fought courageously. Their families have sacrificed. Their friends and neighbors have waited anxiously for news of their safe return home. Many, tragically, did not return. We hold

them in our hearts today as we engage in this critical debate about the nature of Congress' role in making consequential decisions of war and peace.

The Founders wanted those of us, particularly in this House, to every 2 years have to go back to our constituents to renew our contract to represent them. The Founders did that because they wanted us to be in close touch with the American people, and they wanted the people's views reflected before any one person took us to war.

Now, the House has already voted on both of these propositions, on Ms. LEE's bill and on Mr. KHANNA's bill. Now, they have presented us with two amendments.

Last year, during the debate on the National Defense Authorization Act, they were included and passed by this House.

□ 1200

These are not new propositions. They were approved with bipartisan support. I don't mean one Republican or two Republicans, or three Republicans—as my Republican colleagues talk about, well, the impeachment opposition was bipartisan with one or two; one of whom, of course, is now a Republican.

But the vote was 27 in one vote and 14 in the other. Fourteen Republicans voted for Congresswoman LEE's proposition, and they did so largely on the basis of what Mr. GAETZ from Florida had to say.

In Representative KHANNA's amendment, the tally was 251–170. Fourteen Republicans voted for Ms. LEE's amendment and 27 for Mr. KHANNA's amendment.

Now, Mr. KHANNA's resolution is directly related to the Constitution and Ms. LEE's is directly related to what Mr. GAETZ said. Whether you agreed or not with what is happening in Iraq, it is over. The bipartisan votes are a testament to the very strong public sentiment that sending America's young men and women to war must not be the decision of the Commander in Chief. And from my perspective, frankly, certainly not this Commander in Chief who is so impulsive and so inclined to avoid and deny the advice of his Secretary of Defense and other intelligence-related personnel.

That is why, as I said earlier, our Founders enshrined in the Constitution that only Congress can declare war. That is why we have the War Powers Act that we adopted in 1973. That is why we are having this debate on the floor today.

I strongly support both the Lee amendment and the Khanna amendment. The former would repeal the 2002 Authorization for Use of Military Force in Iraq which was meant to enable, as Mr. GAETZ so powerfully said, the removal of Saddam Hussein. He is gone. We are not at war with Iraq.

Sadly, that resolution is being used some 18 years later as rationale for doing something not against Iraq, not against Saddam Hussein—who we all

know is dead—but for something else. The something else needs to be approved by this Congress unless it is a defensive action, again, which is provided for.

The latter would prohibit the Trump administration from using Federal funds without congressional authorization to strike Iran in the absence of an imminent threat. “In the absence of an imminent threat” is the key language.

This is not about retreat. This is not about exposing us to danger. It is carrying out the strictures of the Constitution of the United States. Let me make this point clear: Nowhere in this bill do we take funding away from the military or say that our forces cannot defend themselves. We include clear language to ensure that if an imminent threat presents itself, our forces can strike and respond to that threat.

I am proud that so many Democratic Members of the House are veterans who know what it means to serve at the point of the spear. Mr. BROWN, my colleague from Maryland, just spoke. He was one of those. Many of our freshmen served in the military during the Iraq and Afghanistan conflicts and are working hard to make sure that our Democratic House majority always keeps faith with those in uniform and our veterans.

They have been instrumental in helping to shape our policies in a way that is smart, strategic and strengthens our national security.

Let me also say that Iran remains a dangerous enemy. I doubt that there is a person on this floor who disagrees with that. No one is suggesting taking our eye off Iran and its malevolent behavior, and no one is mourning the loss of Soleimani. That is not the issue.

The issue is, as I said at the beginning, the Constitution. That is why Congress needs to take action now to make it clear that the President does not have the unilateral authority to take America into another costly war in the Middle East or anywhere else.

We passed the War Powers Resolution on a bipartisan basis earlier this month. This is not a partisan issue. This is an issue of standing up for the Article I branch of government, the Congress of the United States, who represent the people. We call this the people's House, and the Founders wanted the people to make this decision.

Madam Speaker, I want to thank Representative LEE and Representative KHANNA, as well as all of those who have been involved in this effort, for bringing these two propositions to the floor of the House.

I urge each and every one of my colleagues to vote for these bills. I also hope that those who voted with the Khanna amendment, 27 Republicans, stick with their principles; stick with their commitment to the Constitution; stick with the separation of powers; stick with the awesome responsibility of this House, representing the people, to be the ones that make that terribly hard decision to send our people to war.

I hope that the 14 who voted for the Lee amendment stick with their principles to rationally say: Iraq is over. It is gone. The resolution of authorization is 18 years old. It is time for us to look anew, think anew, and act anew as the circumstances require.

I thank Ms. LEE and Mr. KHANNA. Let us pass these two amendments. That is what our Founders would want us to do.

Mr. MCCAUL. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. REED).

Mr. REED. Madam Speaker, I rise today in response to my good friend from Maryland who just spoke. As one of those 27 who voted with the Democrats on that previous resolution, I stand in opposition today because this is a sham.

You are using a commemorative coin bill on the floor of the House so we cannot debate the merits of this constitutional question. That is a shame. And just on that basis alone, I vote “no.”

You are damn right we should, as Members of Congress, exercise our constitutional authority, and we need to come back to this question and debate honestly and openly. When we put our men and women in harm's way, we should set aside our Democrat and Republican colors and say: Let's stand as Americans.

So if you want to use this sham process to shame me, I will accept that because I will do the right thing each and every day.

Vote “no” on these amendments. Vote “no” on this sham, and let's have a real debate as Members of Congress do in our constitutional responsibility.

The SPEAKER pro tempore (Ms. JACKSON LEE). The Chair reminds Members to address their remarks to the Chair and to maintain the appropriate decorum on the floor.

Mr. ENGEL. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the majority leader.

Mr. HOYER. Madam Speaker, there is no sham here. We have debated this proposition. This is the second time we have debated it, and it has passed twice. There is no sham here.

I will talk about the MTR sham that you are arguing about at a later time. But this is on the merits of whether or not you believe the Congress of the United States ought to be making these decisions. Don't hide behind some sham argument about MTRs. We will get to that.

The SPEAKER pro tempore. The Chair reminds all Members to address their remarks to the Chair.

Mr. MCCAUL. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think back to my dad's war. Churchill warned Neville Chamberlain about the dark clouds of the Nazi regime on the horizon. He talked about how weakness invites aggression, and then we saw Hitler take the world stage.

Reagan talked about peace through strength. These are the ideals I believe

in, and these bills do not project that. They project weakness; weakness with ISIS; weakness with Iran; and weakness with our enemies.

I would like to close by stating the obvious, and I think we all can agree here to some extent, that the 2002 AUMF is outdated. It is almost 20 years old. I believe it is time to replace it with a new authority that is tailored to the specific threats that we face today.

But one thing that has been mischaracterized is that this only applied to Saddam Hussein, when, in fact, the AUMF says: "Iraq poses a continuing threat to the national security of the United States." And Iraq does, among other things, "harbor other international terrorist organizations, including organizations that threaten the lives and safety of American citizens."

That, my friend, is ISIS. It is not just Saddam Hussein. It is ISIS. And we have seen ISIS too much. We owe an updated AUMF to our soldiers, I think, who are in Iraq risking their lives for our security. We owe a debt to our partners and to the American people. But the problem, Madam Speaker, and the reason I oppose this amendment, is because passing it, does not make any progress toward that goal.

A standalone repeal does not recognize the reality on the ground that our counterterrorism mission in Iraq is ongoing as we debate here on the floor right now, today.

The inspector general for the counter-ISIS mission just reported last quarter that: "In Iraq . . . ISIS continued this quarter to solidify and expand its command and control structures." On the other hand, they said: ". . . it had not increased its capabilities in areas where the coalition was actively conducting operations against ISIS."

Madam Speaker, repealing the AUMF without a replacement shows our soldiers, our partners, our adversaries, that we are undermining our important mission there to protect the homeland; that we are not committed to completing the mission; and that we are not committed to a free and democratic Iraq.

The last time the United States abandoned Iraq under President Obama, ISIS reared its ugly head and formed the caliphate.

Just a few short years later, they declared it a caliphate and killed and savaged thousands of people. We all saw the videos. It surged all across the world. At that time, I was chairman of the Homeland Security Committee, and in 2016, the threat briefings were absolutely terrifying; one external operation after another to kill Americans in the United States out of Iraq and Syria.

None of us want to see the next ISIS rise. None of us in this Chamber should allow that to ever happen again. So let's have a serious conversation about what an Authorization for Use of Military Force to defeat today's threats

would look like instead of playing partisan politics.

□ 1215

What else are the Democrats' partisan maneuvers costing us today? They are exploiting the Greatest Generation, our World War II merchant mariners whose brothers died at the hands of the Nazis on the high seas.

World War II veterans are dying every day, yet this majority is hijacking a bipartisan bill to honor their bravery in World War II as the vehicle for these two political measures.

Rather than sending the President a Senate-passed version of this bill to grant this long-overdue recognition, they are setting that effort back to square one where it will require passage again by the Senate that is tied up with impeachment.

Let me just say this: As the son of a World War II veteran, I am saddened and ashamed that the majority would allow playing procedural games that set back this bipartisan bill that was on its way to the President's desk. They are forcing these elderly merchant mariners, World War II veterans, to wait even longer for the thanks of a grateful nation.

In closing, we owe it to our constituents to take action to replace this 2002 Authorization for Use of Military Force, but this, Madam Speaker, does nothing to meet that goal.

Madam Speaker, I urge my colleagues to oppose this empty and reckless gesture and vote "no" on the amendment, and I yield back the balance of my time.

Mr. ENGEL. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, in 2002, the House authorized the Bush administration to go to war the Saddam Hussein's regime in Iraq. It makes no sense that this authorization is still on the books when the original purpose of it has long passed.

It is dangerous when we see an administration trying to claim that this decades-old vote gives them a green light to conduct military actions against Iran.

With this measure today, there is no blank check for war. The President must come to the Congress.

We want to fill our constitutional role. Only Congress can declare war, not the President. With this measure today, we can finally reclaim Congress' constitutional role in war powers and repeal this outdated authorization that has been misused time and time and time again.

As my friend from Texas knows, the 2001 9/11 AUMF is cited as the authority for every operation against terrorists in Iraq. This AUMF needs to be updated and limited. The 2002 Iraq war AUMF does not need to be updated; it just needs to be repealed.

What we are saying here is that there should be no automatic blank check for war. If this President or future Presi-

dents want to go to war, they must come to Congress. Only Congress can declare war.

Madam Speaker, I urge my colleagues on both sides of the aisle to support this, no blank check for war. If war is necessary, it will happen, but it shouldn't be a blank check for Presidents to go to war. We want peace; we don't want war; and now is the time to show it.

Madam Speaker, I yield back the balance of my time.

Mr. SCHIFF. Madam Speaker, I rise in support of House Amendments to the Senate Amendment to H.R. 550, to repeal the 2002 Authorization for Use of Military Force Against Iraq, and to prohibit the use of force in or against Iran without Congressional authorization. I urge my colleagues to join me in supporting these two bills which would begin to reclaim Congress's Constitutional authority over the use of force.

First, the repeal of the 2002 AUMF is long overdue. Passed in the lead up to the Iraq War, the objectives embodied in the authorization are obsolete. Leaving it in effect only invites abuse by this or any other administration, undermining Congress's Article I authority. This 18-year-old authorization should not remain as a blank check for the United States to engage in military action in Iraq in perpetuity. By passing this repeal, Congress will reclaim the important decision-making authority the Founders specifically afforded to the legislature, and not the executive branch.

I also strongly support the No War Against Iran Act. The Administration's reckless policies towards Iran have repeatedly brought us near the brink of a war with Iran, one which would be contrary to our interests, which the American people do not want, and which the Congress has never authorized. This bill would make clear that the President does not have the unilateral authority to drag us into war, while leaving in place authorities needed to counter Iran's malicious influence in the region.

Finally, while not the subject of the vote today, I hope that the renewed Congressional interest in reclaiming our war powers authorities will be followed by an effort to sunset the 2001 Authorization for Use of Military Force against those who planned and conducted the 9/11 attacks. This authorization has been stretched beyond recognition to authorize force against terrorist groups around the world, many of which didn't exist in 2001. Should the Executive Branch need additional authorities beyond those granted in Article II, they should come to Congress and make the case for what those authorities should be so that we can determine if a replacement authorization is needed. But the Congressional inertia that has kept the 2001 AUMF in place has gone on too long, and I hope that we will see renewed bipartisan energy to replace it.

Ms. JACKSON LEE. Madam Speaker, as a senior member of the Homeland Security Committee and a cosponsor, I rise in strong support of RCP 116-49, the House Amendment to the Senate Amendment to H.R. 550, the No War With Iran Act, introduced by the gentlewoman from California, Congresswoman BARBARA LEE.

I thank my Out of Iraq colleague, Congresswoman BARBARA LEE, for sponsoring this legislation which repeals P.L. 107-43, the broad,

unrestrained, and outdated 2002 Authorization for the Use of Military Force (AUMF) against Iraq, which was passed and signed into law on October 16, 2002, nearly twenty years ago.

Congress never intended for the 2002 AUMF to have such broad and extended reach.

Over the last 18 years, we have seen 3 Presidents use this legislation as a blank check to engage in serious military action.

The 2002 AUMF is an outdated piece of legislation and repealing it will not affect any current military operations.

The 2002 AUMF's only function is to provide the President with cover to claim Congress has already authorized him to attack Iranian officials, which is false.

Moreover, the 2002 AUMF is unnecessary because in the administration's own view, everything the 2002 AUMF covers is already fully covered under the 2001 9/11 AUMF, except for attacks against Iran.

Congress passed the 2002 AUMF to address the perceived threat posed by the regime of Saddam Hussein and the AUMF permitted the President to use the Armed Forces as "necessary and appropriate" to "defend U.S. national security against the continuing threat posed by Iraq" and to "enforce all relevant Security Council resolutions regarding Iraq."

U.S. military deployments and operations carried out pursuant to the 2002 AUMF—dubbed Operation Iraqi Freedom—officially concluded in 2011.

Almost 18 years after the resolution's passage, the United States recognizes the sovereignty of Iraq and considers Iraq a key ally.

Under the Constitution, Congress has the sole duty to declare war. Repealing obsolete Authorizations for Use of Military Force (AUMFs) is essential to Congress living up to its constitutional responsibilities.

Leaving the 2002 AUMF in place increases the likelihood that future Presidents will use it as a basis to start a new war, or expand a current one, without Congress's explicit authorization.

In July 2019, the House adopted a Lee amendment to NDAA virtually identical to H.R. 2456, To Repeal the AUMF Against Iraq Resolution of 2002, by a bipartisan vote of 242 to 180. Unfortunately, the Republican leadership stripped it out.

The overly broad 2002 AUMF represents a critical deterioration of congressional oversight.

As our brave servicemembers are deployed around the world in combat zones, Congress is missing in action.

Congress must repeal the 2002 AUMF immediately to fulfill its constitutional obligation to provide oversight and consent on matters of war and peace.

As provided under the War Powers Resolution of 1973, absent a congressional declaration of war or authorization for the use of military force, the President as Commander-in-Chief has constitutional power to engage the U.S. Armed Forces in hostilities only in the case of a national emergency created by an attack upon the United States, its territories or possessions, or its Armed Forces.

Madam Speaker, since the objectives which led Congress to pass the 2002 Authorization to Use Military Force (AUMF) have been achieved, I believe the authorization to use that military force expired automatically.

Madam Speaker, where a congressional authorization to use military force has expired, the President must obtain a new authorization to continue the use of force.

Given the material changes in circumstances, introducing additional U.S. combat troops into the region would be both unwise and beyond the scope of authority conferred by the 2002 AUMF.

As a co-equal branch of government, it is Congress's right and responsibility to be fully consulted regarding any potential plans to expand military operations in the region, to assess whether such action is in the national security interest of the United States and our allies, and to withhold or grant authorization for the use of military force based on this assessment.

As we have learned from the painful and bitter experience of the past 18 years, at the initiation of hostilities, the costs in terms of blood and treasure of U.S. military interventions abroad are often underestimated and the benefits overstated.

More than 6,800 American servicemembers gave the last full measure of devotion to their country on battlefields in Afghanistan and Iraq, with hundreds of thousands more returning with physical, emotional, or psychological wounds that may never heal.

The direct economic cost of the war in the Persian Gulf exceeds \$1.07 trillion, including \$773 billion in Overseas Contingency Operations funds, an increase of \$243 billion to the Department of Defense base budget, and an increase of \$54.2 billion to the Veterans Administration budget to address the human costs of the military involvement in Iraq.

We should not repeat the mistakes of the past and my position on this issue is directly aligned with the will of the American people.

I commend my colleague, Representative BARBARA LEE, for her introduction and advocacy of this legislation that will repeal the outdated 2002 AUMF.

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Speaker, I am a proud cosponsor of both of these bills on the floor today—H.R. 2456 to repeal the 2002 AUMF and H.R. 5543, No War Against Iran to prevent any funds from being used for military force against Iran. Having previously voted in support of these bills as amendments to the Fiscal Year 2020 National Defense Authorization Act, I believe bringing these bills to the floor today is important in order to reassert Congress' constitutional authority. The 2002 AUMF is an outdated piece of legislation. U.S. military deployments and operations carried out pursuant to the 2002 AUMF—dubbed Operation Iraqi Freedom—officially concluded in 2011. Almost 18 years after the resolution's passage, the United States recognizes the sovereignty of Iraq and considers Iraq a key ally. Under the constitution, Congress has the sole authority to declare war. Repealing obsolete AUMFs is essential to Congress living up to its constitutional responsibilities. Leaving the 2002 AUMF in place increases the likelihood that future Presidents will use it as a basis to start a new war, or expand a current one, without Congress's explicit authorization. Following our January 9 vote on, H. Con. Res. 83, a War Powers Resolution to make clear the President could not constitutionally escalate the conflict with Iran without congressional approval, the Trump Administration has only continued to thumb its nose at the Constitution

and has ignored Congress' authority as a co-equal branch of government. I, again, urge the Trump Administration to refocus its efforts on creating a coherent and constructive strategy towards the Middle East.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 811, the previous question is ordered on this portion of the divided question.

The question is: Will the House concur in the Senate amendment with the House amendment specified in section 4(b) of House Resolution 811?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ENGEL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 550 with the amendment specified in section 4(a) of House Resolution 811; and

Concurring in the Senate amendment to H.R. 550 with the amendment specified in section 4(b) of House Resolution 811.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, the remaining electronic vote will be conducted as a 5-minute vote.

#### MERCHANT MARINERS OF WORLD WAR II CONGRESSIONAL GOLD MEDAL ACT OF 2019

The SPEAKER pro tempore. The unfinished business is the question on concurring in the Senate amendment to the bill (H.R. 550) to award a Congressional Gold Medal, collectively, to the United States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II, with the House amendment specified in section 4(a) of House Resolution 811, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on concurring in the Senate amendment with an amendment.

The vote was taken by electronic device, and there were—yeas 228, nays 175, not voting 26, as follows:

[Roll No. 33]

YEAS—228

Adams	Beatty	Brindisi
Aguilar	Bera	Brown (MD)
Allred	Beyer	Brownley (CA)
Amash	Bishop (GA)	Bustos
Axne	Blumenauer	Butterfield
Barragán	Blunt Rochester	Carbajal
Bass	Bonamici	Cárdenas

Carson (IN)	Hollingsworth	Perlmutter	Hurd (TX)	Mooney (WV)	Stauber	Cárdenas	Himes	Perlmutter
Cartwright	Horn, Kendra S.	Peters	Johnson (LA)	Newhouse	Stefanik	Carson (IN)	Horn, Kendra S.	Peters
Case	Horsford	Peterson	Johnson (OH)	Norman	Steil	Cartwright	Horsford	Peterson
Casten (IL)	Houlihan	Phillips	Johnson (SD)	Nunes	Steube	Case	Houlihan	Phillips
Castor (FL)	Hoyer	Pingree	Jordan	Palazzo	Stewart	Hoyer	Pingree	Pingree
Castro (TX)	Huffman	Pocan	Joyce (OH)	Palmer	Taylor	Castor (FL)	Huffman	Pocan
Chu, Judy	Jackson Lee	Porter	Joyce (PA)	Pence	Thompson (PA)	Castro (TX)	Jackson Lee	Porter
Cicilline	Jayapal	Pressley	Katko	Perry	Thornberry	Chu, Judy	Jayapal	Pressley
Cisneros	Jeffries	Price (NC)	Keller	Posey	Timmons	Cicilline	Jeffries	Price (NC)
Clark (MA)	Johnson (GA)	Quigley	Kelly (PA)	Ratcliffe	Tipton	Cisneros	Johnson (GA)	Quigley
Clarke (NY)	Johnson (TX)	Raskin	King (NY)	Reed	Turner	Clark (MA)	Johnson (TX)	Raskin
Clay	Kaptur	Rice (NY)	Kustoff (TN)	Reschenthaler	Upton	Clarke (NY)	Kaptur	Rice (NY)
Cleaver	Keating	Richmond	LaHood	Rice (SC)	Van Drew	Clay	Keating	Richmond
Clyburn	Kelly (IL)	Rose (NY)	LaMalfa	Riggleman	Wagner	Cleaver	Kelly (IL)	Rose (NY)
Cohen	Kennedy	Rouda	Lamb	Roby	Walorski	Cloud	Kennedy	Rouda
Connolly	Khanna	Roybal-Allard	Lamborn	Rodgers (WA)	Walden	Clyburn	Khanna	Roy
Cooper	Kildee	Ruiz	Latta	Rogers (KY)	Walters	Cohen	Kildee	Roybal-Allard
Correa	Kilmer	Ruppersberger	Lesko	Rose, John W.	Watkins	Connolly	Kilmer	Ruiz
Costa	Kim	Rush	Long	Rouzer	Weber (TX)	Correa	Kim	Ruppersberger
Courtney	Kind	Ryan	Lucas	Roy	Webster (FL)	Costa	Kind	Rush
Cox (CA)	Krishnamoorthi	Sánchez	Luetkemeyer	Rutherford	Wenstrup	Courtney	Krishnamoorthi	Ryan
Craig	Kuster (NH)	Sarbanes	Marchant	Scalise	Westerman	Cox (CA)	Kuster (NH)	Sánchez
Crist	Langevin	Scanlon	Marshall	Schrader	Williams	Craig	Langevin	Sarbanes
Crow	Larsen (WA)	Schakowsky	Mast	Schweikert	Wilson (SC)	Crist	Larsen (WA)	Scanlon
Cuellar	Larson (CT)	Schiff	McAdams	Scott, Austin	Wittman	Crow	Larson (CT)	Schakowsky
Cunningham	Lawrence	Schneider	McCarthy	Sensenbrenner	Womack	Cuellar	Lawrence	Schiff
Davids (KS)	Lawson (FL)	Schrier	McCaul	Shimkus	Woodall	Cunningham	Lawson (FL)	Schneider
Davidson (OH)	Lee (CA)	Scott (VA)	McClintock	Simpson	Wright	Davids (KS)	Lee (CA)	Schradler
Davis (CA)	Lee (NV)	Serrano	McHenry	Smith (MO)	Yoho	Davidson (OH)	Lee (NV)	Schrier
Davis, Danny K.	Levin (CA)	Sewell (AL)	McKinley	Smith (NE)	Young	Davis (CA)	Levin (CA)	Schweikert
Dean	Levin (MI)	Shalala	Meadows	Smith (NJ)	Zeldin	Davis, Danny K.	Levin (MI)	Scott (VA)
DeFazio	Lewis	Sherman	Meuser	Smucker		Dean	Lewis	Scott, David
DeGette	Lieu, Ted	Sherrill	Miller	Spano		DeFazio	Lieu, Ted	Serrano
DeLauro	Lipinski	Sires	Bergman	Kelly (MS)	Murphy (NC)	DeGette	Lipinski	Sewell (AL)
DelBene	Loebach	Slotkin	Boyle, Brendan	King (IA)	Olson	DeLauro	Loebach	Shalala
Delgado	Lofgren	Smith (WA)	F.	Kinzing	Roe, David P.	DelBene	Lofgren	Sherman
Demings	Lowenthal	Soto	Buck	Kirkpatrick	Rogers (AL)	Demings	Lowenthal	Sherrill
DeSaulnier	Lujan	Spanberger	Byrne	Loudermilk	Rooney (FL)	DeSaulnier	Lujan	Sires
Dingell	Lynch	Stanton	Granger	Luria	Speier	Dingell	Lynch	Slotkin
Doggett	Malinowski	Stevens	Heck	Mitchell	Stivers	Doggett	Malinowski	Smith (WA)
Doyle, Michael	Maloney	Suozzi	Higgins (LA)	Moolenaar	Walberg	Doyle, Michael	Maloney	Soto
F.	Carolyn B. Maloney, Sean	Suozzi	Huizenga	Mullin	Walker	F.	Carolyn B. Maloney, Sean	Spanberger
Engel	Massie	Takano				Engel	Massie	Stanton
Escobar	Matsui	Thompson (CA)				Escobar	Matsui	Stevens
Eshoo	McBath	Thompson (MS)				Eshoo	McBath	Suozzi
Espallat	McCollum	Titus				Espallat	McCollum	Swalwell (CA)
Evans	McEachin	Tlaib				Evans	McEachin	Takano
Finkenauer	McGovern	Tonko				Finkenauer	McGovern	Thompson (CA)
Fletcher	McNerney	Torres (CA)				Fletcher	McNerney	Thompson (MS)
Foster	Meeks	Torres Small				Foster	Meeks	Titus
Frankel	Meng	(NM)				Frankel	Meng	Tlaib
Fudge	Moore	Trane				Fudge	Moore	Tonko
Gabbard	Morelle	Underwood				Gabbard	Morelle	Torres (CA)
Gaetz	Moulton	Vargas				Gaetz	Moulton	Torres Small
Gallego	Mucarsel-Powell	Veasey				Gallego	Mucarsel-Powell	(NM)
Garamendi	Nadler	Vela				Garamendi	Nadler	Trane
Garcia (IL)	Napolitano	Velázquez				Garcia (IL)	Napolitano	Underwood
Garcia (TX)	Neal	Visclosky				Garcia (TX)	Neal	Upton
Golden	Neguse	Wasserman				Golden	Neguse	Vargas
Gomez	Norcross	Schultz				Gomez	Norcross	Veasey
Gonzalez (TX)	O'Halleran	Waters				Gonzalez (TX)	O'Halleran	Vela
Gottheimer	Ocasio-Cortez	Watson Coleman				Gottheimer	Ocasio-Cortez	Velázquez
Green, Al (TX)	Omar	Welch				Green, Al (TX)	Omar	Visclosky
Grijalva	Pallone	Wexton				Grijalva	Pallone	Wasserman
Haaland	Panetta	Wild				Haaland	Panetta	Schultz
Harder (CA)	Pappas	Wilson (FL)				Harder (CA)	Pappas	Waters
Hastings	Pascrell	Yarmuth				Hastings	Pascrell	Watson Coleman
Hayes	Payne					Hayes	Payne	Welch
Higgins (NY)						Herrera Beutler		Wexton
Himes						Higgins (NY)		Wild

## NAYS—175

Abraham	Carter (GA)	Foxx (NC)
Aderholt	Carter (TX)	Fulcher
Allen	Chabot	Gallagher
Amodei	Cheney	Gianforte
Armstrong	Cline	Gibbs
Arrington	Cloud	Gohmert
Babin	Cole	Gonzalez (OH)
Bacon	Collins (GA)	Gooden
Baird	Comer	Gosar
Balderson	Conaway	Graves (GA)
Banks	Cook	Graves (LA)
Barr	Crawford	Graves (MO)
Biggs	Crenshaw	Green (TN)
Bilirakis	Curtis	Griffith
Bishop (NC)	Davis, Rodney	Grothman
Bishop (UT)	DesJarlais	Guest
Bost	Diaz-Balart	Guthrie
Brady	Duncan	Hagedorn
Brooks (AL)	Dunn	Harris
Brooks (IN)	Emmer	Hartzler
Buchanan	Estes	Hern, Kevin
Buchon	Ferguson	Herrera Beutler
Budd	Fitzpatrick	Hice (GA)
Burchett	Fleischmann	Hill (AR)
Burgess	Flores	Holding
Calvert	Fortenberry	Hudson

## NOT VOTING—26

□ 1243

Mr. RUIZ changed his vote from “nay” to “yea.”

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MERCHANT MARINERS OF WORLD WAR II CONGRESSIONAL GOLD MEDAL ACT OF 2019

The SPEAKER pro tempore. The unfinished business is the question on concurring in the Senate amendment to the bill (H.R. 550) to award a Congressional Gold Medal, collectively, to the United States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II, with the House amendment specified in section 4(b) of House Resolution 811, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on concurring in the Senate amendment with an amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 166, not voting 27, as follows:

[Roll No. 34]

YEAS—236

Adams	Beatty	Bonamici
Agullar	Bera	Brindisi
Allred	Beyer	Brown (MD)
Amash	Biggs	Brownley (CA)
Axne	Bishop (GA)	Bustos
Barragan	Blumenauer	Butterfield
Bass	Blunt Rochester	Carbajal

## NAYS—166

Abraham	Calvert	Flores
Aderholt	Carter (TX)	Fortenberry
Allen	Chabot	Foxx (NC)
Amodei	Cheney	Fulcher
Armstrong	Cline	Gianforte
Arrington	Cole	Gibbs
Babin	Collins (GA)	Gohmert
Bacon	Comer	Gonzalez (OH)
Baird	Conaway	Gooden
Balderson	Cook	Gosar
Banks	Cooper	Graves (GA)
Barr	Crawford	Graves (LA)
Bilirakis	Crenshaw	Graves (MO)
Bishop (NC)	Curtis	Green (TN)
Bishop (UT)	Davis, Rodney	Griffith
Bost	DesJarlais	Grothman
Brady	Diaz-Balart	Guest
Brooks (AL)	Duncan	Guthrie
Brooks (IN)	Dunn	Hagedorn
Buchanan	Emmer	Harris
Buchon	Estes	Hartzler
Budd	Ferguson	Hern, Kevin
Burchett	Fitzpatrick	Hice (GA)
Burgess	Fleischmann	Hill (AR)

Holding	Meadows	Stauber
Hollingsworth	Meuser	Stefanik
Hudson	Miller	Steil
Hurd (TX)	Newhouse	Steube
Johnson (LA)	Norman	Stewart
Johnson (OH)	Nunes	Taylor
Johnson (SD)	Palazzo	Thompson (PA)
Jordan	Palmer	Thornberry
Joyce (OH)	Pence	Timmons
Joyce (PA)	Perry	Tipton
Katko	Posey	Turner
Keller	Ratcliffe	Van Drew
Kelly (PA)	Reed	Wagner
King (NY)	Reschenthaler	Walden
Kustoff (TN)	Rice (SC)	Walorski
LaHood	Riggleman	Waltz
LaMalfa	Roby	Watkins
Lamb	Rodgers (WA)	Weber (TX)
Lamborn	Rogers (KY)	Webster (FL)
Latta	Rose, John W.	Wenstrup
Lesko	Rouzer	Westerman
Long	Rutherford	Williams
Lucas	Scalise	Wilson (SC)
Luetkemeyer	Scott, Austin	Wittman
Marchant	Sensenbrenner	Womack
Marshall	Shimkus	Woodall
Mast	Simpson	Wright
McCarthy	Smith (MO)	Yoho
McCaul	Smith (NE)	Young
McClintock	Smith (NJ)	Zeldin
McHenry	Smucker	
McKinley	Spano	

## NOT VOTING—27

Bergman	Kelly (MS)	Olson
Boyle, Brendan F.	King (IA)	Ro, David P.
Buck	Kinzinger	Rogers (AL)
Byrne	Kirkpatrick	Rooney (FL)
Carter (GA)	Loudermilk	Speier
Granger	Luria	Stivers
Heck	Mitchell	Walberg
Higgins (LA)	Moolenaar	Walker
Huizenga	Mullin	
	Murphy (NC)	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1254

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Speaker, had I been present, I would have voted "yea" on rollcall No. 33 and "yea" on rollcall No. 34.

## PERSONAL EXPLANATION

Mrs. KIRKPATRICK. Madam Speaker, I was absent today due to a medical emergency. Had I been present, I would have voted: "yea" on rollcall No. 33 and "yea" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. KING of Iowa. Madam Speaker, I was unable to vote on January 30, 2020, because of the need to travel back to Iowa. Had I been present, I would have voted as follows: "no" on rollcall No. 33; "no" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. OLSON. Madam Speaker, due to a family issue, I was unable to make today's votes. Had I been present, I would have voted "nay" on rollcall No. 33 and "nay" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. MITCHELL. Madam Speaker, due to an unavoidable and unforeseen scheduling conflict, I am not recorded on Roll Call 33 and Roll Call 34. Had I been present, I would have voted "nay" on rollcall No. 33 and "nay" on rollcall No. 34.

## PERSONAL EXPLANATION

Mr. BERGMAN. Madam Speaker, on Roll Call Votes No. 33 and No. 34, I am not re-

corded because I was absent from the House of Representatives. Had I been present, I would have voted: "nay" on rollcall No. 33 and "nay" on rollcall No. 34.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2382

Mr. JOHNSON of Louisiana. Madam Speaker, I ask unanimous consent to be removed as a cosponsor of H.R. 2382.

The SPEAKER pro tempore (Mrs. HAYES). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 1075

Mr. TRONE. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 1075, a bill originally introduced by Representative Cummings of Maryland, for the purposes of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1300

## COMMEMORATING 75TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Madam Speaker, this week we commemorate the 75th anniversary of the liberation of Auschwitz and honor Holocaust survivors and those who lost their lives during this terrible period of history. Horrible atrocities were visited upon millions of innocent souls, driven by fear, hatred and oppression.

Seventy-five years later, as anti-Semitism, racism, and other forms of bigotry continue to plague our society, we are reminded that we cannot be silent in the face of intolerance or discrimination.

Earlier this week, I was proud to support the Never Again Education Act, which will help educate the next generation about the genocide that occurred during the Holocaust and the dangers of allowing hatred to go unchallenged.

As we reflect on this moment in history, let us set an example by condemning senseless acts of aggression and intolerance and, instead, encouraging equality and inclusion and honoring our enduring pledge: "Never Again."

## RECOGNIZING SHUBHANKAR BALIYAN, PENNSYLVANIA'S 10TH CONGRESSIONAL DISTRICT 2019 CONGRESSIONAL APP CHALLENGE WINNER

(Mr. PERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERRY. Madam Speaker, I rise today to recognize Shubhankar Baliyan as the winner of the 2019 Congressional App Challenge for the 10th District of Pennsylvania.

Shubhankar is a student at Cumberland Valley High School in Mechanicsburg, Pennsylvania, and submitted the winning app called ExciteMath. It is an application designed to help elementary-aged students practice basic, mental math skills in a fun and engaging way.

In each level of the app, students are given a target range or sum, that their final number must fall within and a specific number of hits they must use during that round. The student must then maneuver around falling numbers and select which to add or subtract from their sum for that round.

A panel of experts selected ExciteMath as the winner for its creativity, coding proficiency, and functionality. Through this app, Shubhankar also demonstrated a desire to give back to our community by helping children struggling with mathematics.

I congratulate Shubhankar on a job well done and look forward to seeing his app displayed right here in the Capitol.

## ADJOURNMENT FROM THURSDAY, JANUARY 30, 2020, TO MONDAY, FEBRUARY 3, 2020; AND HOUR OF MEETING ON TUESDAY, FEBRUARY 4, 2020

Mr. PAYNE. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1:30 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at noon on Tuesday, February 4, 2020 for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## RECOGNIZING THE SERVICE OF KEITH LAMONT STITH

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, I rise today to congratulate Keith Lamont Stith for becoming the first African American Chief of Detectives of the Criminal Investigation Division of the Hudson County Prosecutor's Office.

Mr. Stith brings more than 2 decades of accomplishments and experience in

law enforcement to the position. For the last 3 years, he was the deputy chief for the prosecutor's office; and in that role, he managed the daily investigation operations of the Criminal Investigation Division.

In the past, he has worked as a narcotics detective and for the U.S. Customs Service in their Financial Crimes Task Force.

He has done groundbreaking work to reduce gang and gun violence, as well as rehabilitate convicted criminals in Hudson County.

Also, he is a graduate of the prestigious FBI National Academy.

With these extraordinary credentials, I think Mr. Stith will be an exceptional chief of detectives in Hudson County.

#### POSTHUMOUS RECOGNITION OF THE SERVICE OF CARLTON HAND

(Mr. VAN DREW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DREW. Madam Speaker, I would like to posthumously recognize the heroic efforts of Carlton Hand, of Rio Grande in south Jersey.

Carlton Hand was a Technical Sergeant, Infantry, Cannon Company, 349th Infantry. Hand was recognized for his gallantry in combat. He stormed an entrenched German position in the face of heavy enemy sniper fire, grenades and mortar shells blasting all around them.

With snipers shooting at them, Carlton Hand abandoned his radio, secured grenades from one of his comrades, and killed two attacking Germans. He then seized a rifle in the face of continuing mortar and sniper fire, and killed two, and wounded one more German.

Germans then dropped grenades on his position, which he then proceeded to hurl back at the enemy. He then captured 20 prisoners in the seizure of the enemy position.

Carlton Hand was awarded the Silver Star Medal for Valor for his heroic efforts. Carlton Hand is the definition of an American hero, and we owe our future to the brave actions of Carlton Hand and the men and women like him who have shaped this great United States of America.

Our country was forged by the blood, sweat, and tears of brave men and women like Carlton Hand.

May God bless them as they look down upon us.

#### RECOGNIZING THE SERVICE OF MICHAEL LECIK

(Ms. SPANBERGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPANBERGER. Madam Speaker, I rise today in recognition of the selflessness, courage, and resilience of my constituent, Mike Lecik.

Mike served in the United States Air Force and deployed twice to the Middle

East as a military firefighter. After returning home to Powhatan County, he was diagnosed with multiple myeloma, a blood cancer linked to the carcinogenic conditions of his work.

The VA does not currently recognize the service connection between firefighting and diseases such as myeloma, leaving many veterans like Mike unable to get the care they need.

Since his diagnosis, Mike, and his wife, Tiffany, and their family have demonstrated incredible strength, and I am deeply inspired by his commitment to ensuring that no other military firefighters face these same challenges.

In his service overseas and through his advocacy at home, Mike represents the best of Virginia's Seventh District. Driven by his story and in coordination with Mike, I recently introduced the Michael Lecik Military Firefighters Protection Act. This bill would recognize cancer, lung disease, and other serious illnesses as presumptive service-connected disabilities for our Nation's veteran military firefighters.

I thank Mike for his tireless work on this issue, and I thank my colleague, Congressman BACON, for joining me in this effort to do right by the thousands of veterans and their families, people like my constituent, Mike Lecik.

#### THE OPIOID EPIDEMIC DOES NOT DISCRIMINATE

(Mr. CLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINE. Madam Speaker, the opioid epidemic does not discriminate based on age, race, sex or socioeconomic status. It is a plague that affects Americans in all regions of the country, including Virginia's Sixth Congressional District.

In 2016, the United States experienced an astonishing 60,000 deaths related to drug overdose; nearly two-thirds of which involved opioids. That means that more than 91 Americans die from an opioid overdose every day, making it the leading cause of death for people under the age of 50.

This crisis is being fueled in part by a synthetic opioid known as fentanyl, a drug 80 to 100 times more powerful than morphine. In 2018 alone, more than 800 people died from fentanyl overdoses in Virginia.

I applaud my colleagues for voting to save lives this week by renewing the classification of fentanyl as a Schedule I narcotic.

Through commonsense solutions like this and support for first responders and treatment programs, I am confident we can help our fellow Americans struggling with opioid abuse and end this insidious epidemic.

#### REMEMBERING 75TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

(Mrs. MILLER asked and was given permission to address the House for 1 minute.)

Mrs. MILLER. Madam Speaker, I rise today in remembrance of the 75th anniversary of the liberation of Auschwitz Concentration Camp.

I grew up in a Jewish community, alongside children of Holocaust survivors. It was something that was so real and so close. Following the liberation of Auschwitz and the devastation of the Holocaust, we must never forget the tragedy that happens when religious persecution goes unchecked.

We need to remember the six million heartbreaking deaths of our Jewish brothers and sisters around the world to ensure that they are never forgotten. We must teach our next generation about the horrors of the Holocaust to ensure that it will never happen again.

We must speak out, now and forever, against religious oppression, against anti-Semitism, and against radical extremism.

We have all been taught the Golden Rule and we all should live by it.

#### WAR IS VIOLENT AND CATASTROPHIC

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE. Madam Speaker, war is a violent and catastrophic act, and its impact on the people of any nation is one that is long-lasting.

Between the wars of Iraq and Afghanistan, close to 7,000 Americans lost their lives; families were broken. But yet, we honor them for their service, as we honor those who are now serving and who have put on the uniform unselfishly, just like the young men and women who were called immediately after the killing of General Soleimani.

Today, we made an important statement on this floor; that is that the Constitution prevails; the rule of law prevails, as we hope it will prevail in the other body in this proceeding.

We know that Congress declares war. If there is danger, the President can use the War Powers Resolution. But as we did not find weapons of mass destruction in Iraq, we have an endless war.

We do not need to engage in a war with Iran. If we are attacked or there are hostilities, we can defend ourselves.

Let us deliberate on behalf of the American people and do it the right way.

To our military, we thank you for your service.

#### CELEBRATING A NEW CHAPTER FOR MINNESOTA'S LIBERIAN COMMUNITY

(Mr. EMMER asked and was given permission to address the House for 1 minute.)

Mr. EMMER. Madam Speaker, I rise today to recognize the Liberian community in Minnesota and throughout the United States, as they celebrate passage of the Liberian Refugee Immigration Fairness Act. This act provides a lifeline to certainty for Liberians around the country, bringing relief and clarity to so many families and communities throughout my district and home State.

Adoption of this important legislation is credited to the hard work of the many advocates who lived in a constant state of limbo and under the threat of the unknown for many years. Thank you to all our community members who banded together to advocate for our Liberian American friends and neighbors.

I am pleased that Congress, the administration, and President Trump have finally provided our Liberian Americans, our neighbors, and our friends, the clarity and protection they deserve.

#### ATROCITIES IN IDLIB, SYRIA

(Mr. RASKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RASKIN. Madam Speaker, there is another unfolding humanitarian crisis in Syria, this time in Idlib province. Syrian President Bashar al-Assad has launched an all-out assault on the province, aided by Vladimir Putin's Russian forces.

More than a quarter of a million people, 80 percent of them women and children, have fled their homes to the northern part of Idlib into freezing desert and refugee camps, without adequate food, shelter, or medical care.

With the current death toll of the Syrian civil war estimated to exceed 500,000, along with six million people internally displaced, humanitarian groups are concerned that the siege of Idlib will result in the largest humanitarian disaster yet seen in the country.

This assault is a replay of the siege of Aleppo as the government again bombs civilian targets like hospitals, schools, markets and people's homes.

This disaster will only be compounded as a result of Russia vetoing a U.N. Security Council resolution allowing cross-border aid to Syrian refugees. Although a modified resolution was adopted, cross-border aid has been restricted and may come to an end this summer if Russia and Syria continue to push for its elimination.

As U.S. Ambassador to the U.N. Kelly Craft said: "Syrians will suffer needlessly as a result of this resolution."

□ 1315

#### SUPPORTING NATIONAL SCHOOL CHOICE WEEK

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Madam Speaker, I rise today to express my support for National School Choice Week.

Every American enjoys choices, and, indeed, it is the American way; yet, when it comes to educating our children, one size fits all seems to be the norm—and is even forced upon families.

Every family, regardless of their background, should be able to choose an educational option that is right for the needs of their children, whether that is traditional public schools, charter schools, magnet schools, private schools, or other alternatives.

There is plenty of evidence to suggest that, when a family can choose a school based on their own children's needs, there is an increase in college readiness and success in life after graduation.

If we expect today's students to become tomorrow's world leaders, we should give them every opportunity to learn and grow and thrive, to have choices that work for them, not for the government and not for special interests.

Expanding school choice is the most viable option to prepare students for success.

#### COMMEMORATING 75TH ANNIVERSARY OF THE END OF DEATH CAMPS

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Madam Speaker, last week, I went with Speaker PELOSI and some other Members of Congress to Jerusalem, where we had the commemoration of the 75th anniversary of the end of the death camps. Many of our colleagues went to Auschwitz-Birkenau to look at the concentration camps.

Some of my colleagues have said this, but I think it is important that each one of us says it: We have to raise our voices loudly and clearly and monitor the situation so these types of things don't happen again to any people.

First of all, anti-Semitism is rearing its ugly head, and certainly we need to do everything we can to stop the scourge of anti-Semitism. We cannot treat people the way the Jewish population was treated during the Second World War, and America must always be in the forefront of equal rights and standing up against injustice.

I wanted to take the time to say that participating in that conference was really emotional for me, and I think that we should always say: Never again will we stand idly by and allow anti-Semitism to rear its ugly head. Never again will we stand idly by and allow any group of people to be killed and slaughtered.

So, never again.

#### DISCUSSING ECONOMIC DATA

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 3, 2019, the gentleman from Arizona (Mr. SCHWEIKERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHWEIKERT. Madam Speaker, I yield to the gentleman from Indiana (Mr. HOLLINGSWORTH).

#### HONORING THE LIFE OF LORILEE WARD

Mr. HOLLINGSWORTH. Madam Speaker, over the last few weeks, we have lost two Americans about whom I want to, here, speak.

Earlier this month, we lost a valued member of our southern Indiana community. Lorilee Ward from Clarksville died of cancer. All of us, her friends, her family, are devastated by her loss, and the outpouring of support from fellow Hoosiers shows just how large a legacy Lorilee leaves behind in her wake created by that strong dedication she always had to her community and the values she so fervently believed in.

Lorilee's warmth and enthusiasm was a staple of our Clark County community. Lorilee served on the board of southern Indiana's Clark-Floyd Counties Convention Tourism Bureau, a group dedicated to bettering our neighbors. She furiously believed in the prosperity and future of our towns all the way across southern Indiana, and she gave liberally of her time and of her energy to make sure that we are all the best we can be.

For Lorilee, the future of our communities of Indiana and of our country rests in preserving and promoting our conservative values in principles like the value of all life; supporting our troops and veterans, which she did so passionately through her involvement in Wreaths Across America; economic opportunity and job creation; and putting America and Americans first.

Lorilee always fought to make sure our voices and values were heard. She served adamantly as the president of the Clark County Republican Women, a reliable and relentless volunteer for her President, and a member of our Indiana GOP. She did it all on behalf of others, knowing that she was fighting for bettering the lives of future generations.

Southern Indiana will not be the same, both because of her work and because of our loss.

Lorilee's mighty spirit shown through in all she did. Lorilee has always been a fighter. At the age of 18, Lorilee was diagnosed with stage 4 non-Hodgkin's lymphoma, and she was told by her doctors that the end was near, that she should expect the worst. But Lorilee did not expect the worst. She fought for the best. She fought for her future and lived another 37 years.

Despite the challenges she faced, Lorilee had a smile on her face every day and went through life with a positive energy that inspired everyone around her. Lorilee was truly a force of nature, and her death is a great loss.

It was once said that success in old age is having a crowded table, knowing that your friends, your family want to gather with you on special occasions

and spend time with you. This was especially true for Lorilee.

Lorilee, survived by her incredible family, was loved dearly by them. Lorilee put her family above everything else, and I know her husband of 25 years, Donald; her two daughters, Chantelle and Darci; her father; her siblings; and her 14 grandchildren will miss her dearly. That, to me, sounds like a crowded table. That, to me, sounds like a great legacy.

Madam Speaker, may Lorilee rest in peace.

HONORING THE LIFE OF THOMAS LAVELL  
SECRET

Mr. HOLLINGSWORTH. Madam Speaker, Thomas Lavell Secrest passed away this week after a life full of service to his country.

Tom was born in Corpus Christi, Texas, and attended the U.S. Military Academy at West Point from 1966 to 1970. After graduation, Tom served in Germany and Fort Knox, achieving the rank of captain, as a tanker. Tom is remembered by his West Point classmates as a smart and kind guy.

After his service in the Army, Tom returned to Texas to attend law school at the University of Texas and then went on to a very successful legal career in New York City. Over his career, Tom represented Polaroid, AT&T, Lucent, and Hunter Douglas in defending their intellectual property. Tom's demand for uncompromised performance was evident in every pursuit of his life: academic, military, professional, and personal.

Tom spent the last few years of his life in South Carolina with his beloved wife, Liz, where they enjoyed their mutual passion for golf. Throughout their marriage, they also ensured that their friends, their family could participate in their love for golf, including Golf Magazine's editor-in-chief, George Peper.

In 2002, George highlighted his friend Tom's spirit both on and off the golf course in an article that tells you exactly who he was: an ardent believer in hard work, a fiercely loyal friend, husband, and father. He was someone who never missed an opportunity to hit the links. And while always staying humble, Tom's golf game was legendary.

A golfer once said that many golfers argue very frequently, very vigorously about where they played or which course was the best; but, at the end of their lives, what they will remember is with whom they played. Tom truly embodied this by always remembering it was with whom you played that mattered most. He played with his favorite friends, his family.

He is survived by his wife, his son, his daughter-in-law, his brothers, his nieces, his nephews, and his grandchildren. I know each of them will miss him dearly but will carry on the legacy of earnestness and humor that he instilled in each of them.

Tom is someone whom those around him could always rely on, but he was taken from us far too soon. Our country

and his family are better off because of his life, because of his service, and because of his spirit.

Madam Speaker, may Tom rest in peace.

Mr. SCHWEIKERT. Madam Speaker, I am going to come down to the lower microphone because we are going to be using a number of slides, and I want to apologize right now, this one is going to be a little thick. We are actually going to do some information in regard to what CBO put out this week and some other economic data and try to put it in perspective. So let me come on down.

I get teased all the time about the charts and the fact that I can't even get my wife to now watch me do these because she says I am boring, but it is important.

Madam Speaker, what I am going to try to do today—and let's see if I can do it as well as possible. I want to walk through what is a little bit of sort of the political folklore that we engage in here about the math when we talk about the deficits and the debt and the economic future and when you hear people say things like the debt as compared to the size of the economy and what is driving it, because, if we don't actually sort of get our act together here and start to become honest about just the math and what is driving it, we can't put together policy.

I am incredibly optimistic that there is a path where we can digest the realities of these costs that happen from our demographics, because we are a society that is getting old really fast, but we do politics now.

The other day, I am home and I am watching a little bit of one of the Presidential forums. It is a candidate on the Democrat side running for President from the Midwest, and his first comment was: These deficits, this trillion-dollar deficit we are going to have next year, that is because of tax reform.

It just breaks your heart because you know these individuals are smart, and have we hit this world where, as Republicans—and please understand, I beat up both sides—as Republicans, we had this history of saying: Well, the debt and deficit comes from waste and fraud.

The left often said: We don't tax rich people enough.

All that is lunacy, and the investment in a calculator here would really go a long way.

First, I brought a number of boards because, heaven knows, I am incapable of speaking without my charts.

This, right here, is the change in receipts to the Federal Government. Revenues are up, and they are up fairly substantially since tax reform.

Do you understand last fiscal year revenues were up over 4 percent? With the size of our economy, that is actually a big deal. Our problem is we increased spending just shy of 8 percent.

Does anyone see a small math problem there?

Our projection is we will take in over \$3.6 trillion in the fiscal year we are in right now. Last year, revenues were about \$3.462 trillion. That is a fairly substantial increase in these revenues, but how can we keep running these massive deficits?

Well, it turns out it is spending, but it is spending on what we call the mandatory side, the formulas that we don't get to vote on and we are terrified as elected officials to talk about.

I am going to walk us through part of this math. First, let's do some of the positive stuff, and then let's get to the really difficult policy issues.

So, revenues are up, and they are going up fairly substantially. A lot of this economic growth and receipts is payroll taxes. It is because we are having a remarkable period here of employment.

When you look at what we call the U-6 data put out by the Bureau of Labor Statistics, the number of our brothers and sisters who weren't even looking for work that are moving into the labor force and all the sudden now are paying payroll taxes, Social Security, Medicare, these things, is remarkable.

We should actually, as a society, be joyful, both those on the left and those on the right. We should be joyful because, if I had come into this room 3 years ago and said we are living in a time where we have more jobs than people, we are going to live in a time where it actually turns out to be our brothers and sisters who are functionally defined as the working poor have the fastest growing wages, double what the mean is—this has been our goal around here for years, and it is not a Democratic goal or a Republican goal. It just should be a goal of lifting people up, and it is happening. So let's take some joy in that. And it turns out it is also helping the receipts here to the Federal Government.

There are other things that we should be joyful about.

When you actually look at this enhanced period of economic stability, what happens when what we call the real net worth—the value of your homes, the value of your savings, the value of your investments, the value of things you hold—well, it turns out the bottom 50 percent, their real net worth has gone up fairly substantially, over 15 percent in these last 3 years. That is a big deal.

But then I will get folks who will just make up stuff. Well, the rich are the ones. Well, it turns out that is not true.

□ 1330

The top 1 percent aren't having most of that growth in their personal wealth. It is the bottom 50 percent is where most of the growth is.

Can we take some joy in that? This is one of the most unique economic cycles because it has been so stable for so long. You also have the GDP numbers that came out today basically saying:

Hey, looks like we are just going to be in a steady, healthy environment.

We really need this because you get really positive math when you hit this type of economic stability.

All right, last one on this. When you look at what we call real wage growth, who are seeing their incomes go up? I know this is thick, but the politics—and I accept that we are in an election year, but we have to stop—what do you call that? Oh, yeah—lying.

The fact of the matter is it isn't the top income earners who are seeing the most actual movement in their wages.

Take a look at this red line. That is what is really going on right now. The blue is what we thought was going to happen. You see that inflection point.

I have been on the Joint Economic Committee for years now, and it was only about 3 years ago we were having some of the smartest economists, the experts, coming in and saying: Well, you have to understand, Joint Economic Committee, those who don't have a high school education, those who have moderate skill sets, you need to prepare, because they will be part of the permanently poor, the permanent underclass of your country forever.

Then, all of a sudden, something has happened the last couple of years where their labor now has some of the most value in this economy. Look at the wage growth for our brothers and sisters who didn't graduate high school, who have moderate skill sets. That is where the substantial, almost double the growth of the mean is.

We should be joyful about this because all of those fancy economists who were in front of us just a couple of years ago said that it couldn't happen, that we should be planning for this to be a population that will have to live in a subsidized world for the rest of their lives. It turns out they were wrong.

We have sort of a family saying: Figure out what you do right and do more of it; figure out what you have done wrong and do less of it.

Maybe we should stop inviting those particular economists to come to testify in front of us.

Where is the trillion-dollar deficit coming from? Well, it is a combination of a bunch of things. This is one of the things that will frustrate you, particularly about Congress. We seem incapable of dealing with complexity because the solution to this is also really complex. We will sort of close on that.

This chart, it is almost impossible to read this chart, so I stole some notes from myself.

The point I am trying to make here is this is 2017, before tax reform, and where we are at today. The top one is net interest. It looks like our projection of what we are going to spend in interest costs has gone down and gone down fairly substantially.

The argument here is one of the things that happened in tax reform that we didn't expect is that savings rates are much better than we expected

and what they call repatriation, cash that has been coming in from overseas—remember, we had that cycle for almost 20 years where businesses would move their headquarters out of the country and then keep their profits there because if they brought them in, they were substantially taxed in the United States. We made a deal with sort of the world and those businesses saying: Here will be the new tax rates. Bring your money in.

That money, I think, in our reports we had last summer, we were seeing about \$400 billion more than we had modeled for. I have not seen a more recent number, but there is an argument that we are afloat with cash in North America, in the United States, and that drives interest rates down.

Is that a first- or second-degree effect? Let's not geek out too much on that.

But take a look here. Let's use, like, 72 percent of the budget, of our spending here. It is what we call mandatory. It is on autopilot.

The other portion is what we call discretionary. About half of that is defense, and about half of that is everything else you think of as government, from the Park Service to the FDA to this and that. That is the other, let's call it 14, 15 percent of government. That is what we vote on, the discretionary side.

Take a look at this. Where you see that little orange bar, you see that big piece of growth. Those are things we have voted on in just the last 2 years, and it is up substantially.

We have some other charts I am going to show you that if you look at the growth in deficit—not debt, the deficits from this year, even the next couple of years—a big driver of it is our own votes. It is the discretionary side.

This here is the growth in mandatory, and there is something wonderful about this. Do you notice that it is getting smaller? I know these look like tiny, little increments, but when you are talking about a trillion dollars, that is a lot of money.

It turns out, because of the economic expansion, we are seeing a reduction in some of the demands for entitlements.

We always have to be careful when we talk about this because this is sort of the—what is the term?—third rail for a lot of us who are elected officials to explain this.

There are earned entitlements. You earned your Social Security; you earned your Medicare; you earned your military pension. Those are earned entitlements. You paid for those. You earned them with your service and your contributions.

There are other types of entitlements that are part of this mandatory formula. It is a treaty obligation. You are part of a certain Native American population, other things. They are obligations we took on. Or you fell under a certain income. You know, you are having really rough times in your life, so there is certain income support or

access to certain healthcare or housing allowances and those things.

We haven't done all the analysis yet, but we think that is where part of this drop all of a sudden in mandatory spending has come from. As the economy is growing and we are seeing our brothers and sisters who were—the term is often marginally detached or detached from the workforce—are coming back in, all of a sudden, they are leaving certain programs. So that is another benefit we are seeing mathematically and budgetarily in the growth of the economy.

Is that a first-degree effect or second-degree effect from tax reform? Okay, fine.

Other spending, these are other types of programs that may have their own individual trust funds or those things, and you will take a look and notice that their spending is up just a little bit.

Here is where, when we talk about the tax reform, we see lower corporate taxes; we see substantially higher payroll taxes because people are working; and we see lower individual taxes.

When you have someone walk up behind one of these microphones and say, "Well, it was the tax reform. That is why we are"—no, it is not. Tax reform is part of it. I mean, we always modeled that tax reform was going to cost about \$1.4 trillion over 10 years.

If we could get the economic expansion and employment statistics, that number would come down. You all saw now—because I know everyone immediately grabbed their CBO update report—that from August to the report this week, there is a \$705 billion reduction in the deficit projection over the 10 years.

A lot of that, I think, are these first- and second-degree effects. Some of that was interest rates are lower, like you see up here in this top line, because people are saving more, and payroll taxes, which you see down over here, because more people are working.

I don't want to sound whiny up here and frustrated, but these numbers are complex. I will go through this three or four times with a highlighter to get my head around the numbers, and then I will turn to the freaky smart staff of the Joint Economic Committee and others to make sure we are understanding it correctly.

But I beg of my brothers and sisters who are elected or policymakers, stop spouting off in political terms, because if we can start to get an honest understanding of the math, maybe we can come up with some honest approaches on how to deal with the crushing level of debt that is coming at us.

Let's start walking through what is driving the deficits and the debt. One of the comments I heard the other day from an economist on I think it was CNBC—now, it was ideological. It was a politically liberal economist from a university: Well, if we could have some substantial cuts in defense, we would see all these changes in these deficits.

That is lunacy. Look, the model on defense is pretty flat and stable.

Here is a number I am going to give you two or three times, and I beg of you, I know a number of people don't want to hear this, but it is math: Just the growth of Social Security, Medicare, and healthcare entitlements over the next 5 years equals the entire Defense Department.

Is that Republican or Democrat? It is neither. It is demographics.

There are—what?—74 million of us who are baby boomers. We are about halfway moving into our retirement cycle, turning 65, qualifying for certain benefits. It is like Congress only just recently discovered there were baby boomers. But when you hear someone start to say something like, "Well, if we would just cut defense, all of a sudden the numbers are better," it is lunacy.

You could get rid of all of defense tomorrow, and it only gives you 5 years of the growth in Social Security, Medicare, healthcare entitlements. Why is it so hard to tell the truth?

Here is another one. This is sort of building a chart right out of CBO, Congressional Budget Office. CBO projects budget deficit rise is entirely—this is CBO—driven by soaring Social Security and Medicare shortfalls.

I know it is the third rail. I know we are not supposed to talk about it. But if you believe like I do, I believe it is a moral obligation to protect Social Security and Medicare. How can you step up to that ethical obligation and then not tell the truth about the math? You know, you can't fix a problem unless you are willing to accept it.

Look, the chart is the chart is the chart. This is from the nonpartisan arbiters of what is going on. It is demographics. And the sizes of these numbers are just devastatingly large.

Let's take a look at another one. There is a bunch of the tax reform that expires in the next couple of years, and we go back to other sort of tax rates and those things, but this one, we just pretend everything is permanent, that those revenue gains that are coming in a couple of years don't happen, assuming they would create multipliers in the economy, which they won't. They probably won't pay for themselves, but that is a completely different chart and models. This also misses a bunch of the expanded spending that happened late last year when we lifted some of the budgetary restriction caps.

But once again, 90 percent of the budgetary shortfall is Social Security, Medicare, healthcare entitlements, but mostly Medicare, yet this body is terrified to talk about that. It is the math.

One more on this, just to sort of get our head around it because I am frustrated, because for those of us who do believe there is a policy set, and I have been behind this microphone—and the poor folks who have to try to keep up with me. Tell me if I am starting to speak too quickly. I have had a lot of coffee today.

There is a way to get there. Now, when I say "get there," that means to sort of stay about 95 percent of debt to GDP and hold it as we wait for those of us who are baby boomers to meet our reward and go back to more normal population demographic numbers. This is hard, but it is the reality. Then we put this together.

And, I am sorry, we don't typically try to do something that is this blatant, but it is. This is one of the things that comes into our office, saying: "Well, if you would tax rich people more, you would be fine." It is lunacy. It only covers about 4.7 percent of—8.3 percent of GDP. It doesn't even cover close to half of the total shortfall when you put everything together.

□ 1345

The entire defense budget, if you get rid of that, we have already talked about that, it only covers 5 years of the growth in spending.

We actually have an entire chart list if anyone ever wants it. You are welcome to call our office where we actually have been laying out all of these proposals.

If we tax this bunch more, or Republicans, if we do this in waste and fraud, or this and that, and you start to see, we are talking about slivers that functionally have almost no impact. Because if you do them solo and not tie it in with lots of other economic growth dynamics, you don't get anywhere.

The last column is just things that are being proposed in the Presidential race. So we are talking about trillion-dollar deficits, and then you look at that last bar on this chart and those trillion-dollar deficits don't even have these things in it. That is about another 25.6 percent of GDP going to debt.

You can't get there. The fact of the matter is, the economy blows up a long time before that.

So, can we move back a little bit from the lunacy and actually sort of say: Okay, how do you get there? SCHWEIKERT, you keep coming to the microphone. You keep begging your Democrat colleagues and Republican colleagues to open up their minds and think more creatively—think with a calculator—actually, in some way optimistically. We joke in my office that I am 57 with a 4-year old. I am optimistic.

But first off, you have to grow. We have to grow like crazy. You do tax policy that maximizes economic growth. And we saw that in some of the earlier boards here when you see what is happening in the labor force participation and payroll taxes.

You will have to fix the immigration system. The economic modelers keep coming to us saying: A talent-based immigration system will give you much more economic lift.

We are going to have to also come up with policies that encourage family formation. Birth rates are collapsing in our country. And it turns out that that

has a really devastating effect over the coming decades in what happens in economic growth and we just need to be honest about that. But there are other things. So that is population stability.

There are other things you can do in economic growth. I am not happy with the term "deregulating." I argue that you need to move to a type of smart regulation. We all walk around with these super computers in our pocket, and we don't stop for a second to think what would happen if we actually started to use technology as part of our regulations.

There are arguments, like in financial markets, the ability to use technology to find bad actors, instead of the lunacy of the model used today, which is almost like a 1938 model where people fill out pieces of paper. They may email them in, but they are still filling out pieces of paper instead of using technology to watch the markets.

It turns out you could crowdsource data for water, for air, and so many of these things, and have instantaneous information if there is a bad actor in your environment. And it turns out it is dramatically less expensive because you don't have to be crushing each little business with regulations. If one of them screws up, you catch them immediately because you are using technology.

There are lots of ideas like this. They are not Republican. They are not Democrat. They are technology. But, yet, you have to be willing to take on the bureaucracy. And as a lot of us are learning around here, it is the bureaucracy now that basically runs Washington, D.C.

Technology disruptions. We need to have an honest discussion. You saw in the charts; Medicare is the primary driver of our debt. You have to be honest with it. How do you have a disruption in healthcare prices? And there are lots and lots of ideas that you are going to have to put together.

We had a meeting in our office earlier today. We were walking through the math on pharmaceuticals. Did you know the misuse or lack of use—which is misuse—of pharmaceuticals is over half a trillion dollars a year? Sixteen percent of all healthcare spending is because of the fact that people didn't take, or took too much, or screwed up taking their hypertension medicine, or other things.

But there is a simple technology solution. It turns out it is not in the pharmaceutical pricing. It is actually in the cap of the pharmaceutical bottle that says: "Hey, Bob, we calculate you did not take your hypertension medicine," and you ping the phone. You can do that for a couple of dollars. Or the thing that distributes pills to grandma who has to take two in the morning and one in the afternoon—this and that—and when she screws up, she ends up in the hospital. It is efficacy of when you take your pharmaceuticals.

What would happen if I could walk up and say, just changing this technology

platform is 16 percent of all U.S. healthcare spending? We have to be willing to think creatively and disruptively.

There is the thing you can blow into. It looks like a large kazoo and instantly tells you you have the flu; instantly can bang off your medical records; and instantly order your antivirals.

Would that make us healthier, more productive, less time getting sick? Of course, it would. Is that Republican or Democrat? It is just technology, except it is illegal. That type of technology today, the way our laws are set up, is illegal.

How do we actually drag in the willingness to engage in those disruptions? It is one of my running arguments. Should we have protected Blockbuster Video from Netflix? We love it when it comes into our home and makes our lives easier. But what happens when it makes many of our constituencies that are filling up the halls here lobbying us really nervous?

There are technology disruptions out there that could crash the price of healthcare and raise productivity and raise GDP. We know what they are. But the arrogance of this place often thinks we know what the future is, and we keep getting it wrong. So we need to legalize technology.

Employment. We still have a problem with millennial men. We have lots and lots of people who have gotten older who want to stay in the workforce. What do you do in programs to incentivize as many people as possible to be in the labor force?

It turns out to be simple ideas that I can't believe we can't come to an agreement on and we have been working on it for years; things like Social Security disability. Should someone say: "Oh, I got a job," boom, they hit the cliff and their benefits, and that sort of safety net goes away.

How do you actually smooth the off-ramp on these programs so it incentivizes people getting attached into the labor force? Because labor force attachment is one of the most powerful things you can ever do for someone's future and for the economy. That is true for lots of programs, even the earned entitlement.

Should we give you a spiff on Social Security and Medicare if you will stay in the labor force? Because as it turns out, you lower our costs. You lower society's costs.

So we really, really need to think about that. And that ties into the earned and unearned benefits of how do you build incentives in there to be part of the labor force to actually use the technologies that make your healthcare much less expensive but keep you healthier. How do we do those things? We know the policy, but this place seems to think about them in silos of: "Well, I have this piece of legislation that does this," instead of understanding it will be dozens of pieces of legislation that are complex. They

are politically difficult and have to be put together.

And the reason those are so important—I have been working on this model now for years saying, if we do everything here and do it right, the future is actually really bright. If we don't do it, we are crushing my little girl. We are crushing our country to just a time of anemic growth and crushing debt. At some point, Members of Congress and the armies of lobbyists in these hallways will have to step up and admit that we squandered the opportunity when we were in this time of just almost a miracle Goldilocks economy where things are stable.

If we are going to do this, this is the time to step up and make it work. But, yet, this has been a couple of years that I have come behind this microphone, and I will get one or two offices that will reach out and want some of the slides and some of the backup information.

I will have—probably next week—certain associations, lobbyists come marching into my office and saying: "David, you can't talk about technology that way. Don't you understand, you are going to screw up our business model?"

We have got to get honest. We know the math. We know how devastating it gets. And just to make a point, before tax reform, CBO was still predicting in these next couple of years we are going to have trillion-dollar deficits. We have known this is coming. The game here is to find someone or something to blame.

How about actually starting to expect us to start offering solutions? That is why I am behind this microphone. There is a path. It will be hard. It will be complex, but there is a path where it works.

Let's try it.

Madam Speaker, I yield back the balance of my time.

#### ADJOURNMENT

Mr. SCHWEIKERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Monday, February 3, 2020, at 1:30 p.m.

#### RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

[Omitted from the Record of January 29, 2020]

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of September 13, 2019, through January 3, 2020, shall be treated as though received on January 29, 2020. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORD.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3678. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Approval of Laboratories To Conduct Official Testing; Consolidation of Regulations [Docket No.: APHIS-2016-0054] (RIN: 0579-AE46) received January 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Agriculture.

3679. A letter from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting the Department's Fiscal Year 2016 Report to Congress on Community Services Block Grant Discretionary Activities — Community Economic Development and Rural Community Development Programs, pursuant to Sec. 680(c) of Public Law 97-35, and Public Law 105-285; to the Committee on Education and Labor.

3680. A letter from the Secretary, Department of Health and Human Services, transmitting a renewed determination that a public health emergency exists nationwide as a result of the consequences of the opioid crisis, pursuant to 42 U.S.C. 247d(a); July 1, 1944, ch. 373, title III, Sec. 319(a) (as amended by Public Law 107-188, Sec. 144(a)); (116 Stat. 630); to the Committee on Energy and Commerce.

3681. A letter from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting a certification related to Condition 7(C)(i) of Senate Executive Resolution 75 (1997) Concerning Advice and Consent to the Ratification of the Chemical Weapons Convention; to the Committee on Foreign Affairs.

3682. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Definition of Johnson County, Indiana, to a Nonappropriated Fund Federal Wage System Wage Area [RIN: 3206-AN93] received January 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Reform.

3683. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Redefinition of Certain Appropriated Fund Federal Wage System Wage Areas [RIN: 3206-AN87] received January 28, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Oversight and Reform.

3684. A letter from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule — Civil Penalties Inflation Adjustments [NPS-WASO-NAGPRA-29542; PPWOVPADU0/PPMPRL1Y.Y00000] (RIN: 1024-AE60) received January 29, 2020, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on the Judiciary.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CRIST (for himself and Mr. RESCHENTHALER):

H.R. 5715. A bill to improve honesty in pet sales, and for other purposes; to the Committee on Agriculture, and in addition to the

Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MASSIE (for himself, Mr. GOHMERT, Mr. GOSAR, Mr. LAMALFA, and Mr. MOONEY of West Virginia):

H.R. 5716. A bill to reduce, from 21 years of age to 18 years of age, the minimum age at which a person may obtain a handgun from a Federal firearms licensee; to the Committee on the Judiciary.

By Mr. JOHNSON of Georgia (for himself, Mr. KENNEDY, Mr. QUIGLEY, Mr. BROWN of Maryland, Mr. MORELLE, Ms. DELAUNO, Mrs. CAROLYN B. MALONEY of New York, Mr. KEATING, Mr. LYNCH, Mr. MOULTON, Ms. PRESSLEY, Mrs. TRAHAN, Mr. MCGOVERN, Mr. DANNY K. DAVIS of Illinois, Mr. NEAL, Ms. CLARK of Massachusetts, and Mr. PASCRELL):

H.R. 5717. A bill to end the epidemic of gun violence and build safer communities by strengthening Federal firearms laws and supporting gun violence research, intervention, and prevention initiatives; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself and Mr. LONG):

H.R. 5718. A bill to establish a refund effective date for rates and charges under the Natural Gas Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ARRINGTON (for himself, Mr. JOHNSON of South Dakota, Mr. YOHO, Mr. ADERHOLT, and Mr. SMITH of Nebraska):

H.R. 5719. A bill to amend the Food and Nutrition Act of 2008 to modify the standards to determine eligibility to receive supplemental nutrition assistance program benefits; and for other purposes; to the Committee on Agriculture.

By Mr. CLAY:

H.R. 5720. A bill to amend the Fair Credit Reporting Act to prohibit the creation and sale of trigger leads, and for other purposes; to the Committee on Financial Services.

By Mrs. BUSTOS:

H.R. 5721. A bill to apply user fees with respect to tobacco products deemed subject to the requirements of chapter IX of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

By Mr. CARTWRIGHT (for himself, Ms. NORTON, Ms. LEE of California, and Mr. TAKANO):

H.R. 5722. A bill to require reporting of bullying to appropriate authorities and assist with equal protection claims against entities who fail to respond appropriately to bullying, and for other purposes; to the Committee on Education and Labor.

By Ms. DELAUNO:

H.R. 5723. A bill to make a supplemental appropriation for the Public Health Emergency Fund, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EMMER:

H.R. 5724. A bill to direct the Secretary of Veterans Affairs to develop objectives and performance measures for provision by the Department of Veterans Affairs of same-day services, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GALLAGHER:

H.R. 5725. A bill to impose sanctions under the Global Magnitsky Human Rights Accountability Act to combat the suppression of the freedoms of speech, association, assembly, procession, and demonstration of the people of Hong Kong, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOTTHEIMER (for himself and Mr. KATKO):

H.R. 5726. A bill to amend the Internal Revenue Code of 1986 to allow, in certain cases, an increase in the limitation on the exclusion for gains from a sale or exchange of a principal residence; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. THOMPSON of Mississippi, Mrs. WATSON COLEMAN, and Ms. BARRAGAN):

H.R. 5727. A bill to provide for a study by the National Academy of Medicine on ambulance diversions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota (for himself and Mr. SOTO):

H.R. 5728. A bill to provide for the regulation, inspection, and labeling of food produced using animal cell culture technology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. LANGEVIN, and Mr. CARSON of Indiana):

H.R. 5729. A bill to amend the Public Health Service Act to authorize grants for increasing seasonal influenza vaccination rates, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. LANGEVIN, and Mr. CARSON of Indiana):

H.R. 5730. A bill to direct the Homeland Security Council and the National Security Council, in consultation with Federal departments and agencies responsible for bio-defense, to update the National Strategy for Pandemic Influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Armed Services, Foreign Affairs, Intelligence (Permanent Select), and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MALINOWSKI (for himself, Mr. SIRE, and Mr. PAYNE):

H.R. 5731. A bill to amend title 49, United States Code, to provide for a program dashboard for the fixed guideway capital investment grants program; to the Committee on Transportation and Infrastructure.

By Mr. MAST (for himself, Ms. GABBARD, Mr. ALLRED, and Mr. HIGGINS of Louisiana):

H.R. 5732. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to study the feasibility of establishing a pilot program to assign certain officers of the Armed Forces to serve as directors of medical centers of the Department of Veterans Affairs; to the Committee on Veterans'

Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOULTON:

H.R. 5733. A bill to amend the Foreign Agents Registration Act of 1938, as amended to waive the application of the Act to agents representing foreign enterprises which are not under the control or direction of foreign governments or foreign political parties, to exclude agents who represent foreign governments which engage in a pattern of gross violations of human rights from the exemption provided under the Act for agents engaged in scholastic and certain other pursuits, and for other purposes; to the Committee on the Judiciary.

By Ms. OMAR:

H.R. 5734. A bill to repeal the Alien Enemies Act, and for other purposes; to the Committee on the Judiciary.

By Mr. RASKIN (for himself and Mrs. ROBY):

H.R. 5735. A bill to amend title 5, United States Code, to allow certain senior employees in the judicial branch of Government to carry over up to 90 days of annual leave each year, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROSE of New York:

H.R. 5736. A bill to direct the Under Secretary for Intelligence and Analysis of the Department of Homeland Security to develop and disseminate a threat assessment regarding threats to the United States associated with foreign violent white supremacist extremist organizations, and for other purposes; to the Committee on Homeland Security.

By Mr. SMITH of Washington (for himself, Mr. LOWENTHAL, Mr. HECK, Mr. BLUMENAUER, Mr. CARTWRIGHT, Mr. SCHIFF, Ms. JAYAPAL, Mr. TED LIEU of California, Ms. BROWNLEY of California, Mr. KILMER, and Ms. NORTON):

H.R. 5737. A bill to expand the authorization of voluntary Federal grazing permit retirement, provide increased flexibility for Federal grazing permittees, promote the equitable resolution or avoidance of conflicts on Federal lands managed by the Department of Agriculture or the Department of the Interior, and for other purposes; to the Committee on Natural Resources.

By Ms. SPEIER (for herself, Mr. BACON, Ms. NORTON, Mr. CISNEROS, Mr. HASTINGS, Ms. CASTOR of Florida, Mr. CUELLAR, and Mr. GRIJALVA):

H.R. 5738. A bill to direct the Secretary of Defense to implement a safe-to-report policy applicable across the Armed Forces; to the Committee on Armed Services.

By Ms. VELAZQUEZ (for herself, Mr. KATKO, Mr. SERRANO, Mr. SUOZZI, Mrs. RADEWAGEN, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. PASCRELL, Mr. KING of New York, Mr. QUIGLEY, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Ms. JAYAPAL):

H.R. 5739. A bill to amend title 38, United States Code, to establish a presumption of service-connection of disabilities relating to blast exposures with respect to disability compensation payments by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. WILSON of Florida:

H.R. 5740. A bill to combat child human trafficking, and for other purposes; to the Committee on the Judiciary, and in addition

to the Committees on Education and Labor, Energy and Commerce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SÁNCHEZ (for herself, Mrs. DINGELL, Ms. MOORE, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. PRICE of North Carolina, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. LANGEVIN, Ms. WILD, Ms. WEXTON, and Mrs. DAVIS of California):

H.J. Res. 84. A joint resolution expressing support for designation of the week of February 3, 2020, through February 7, 2020, as “National School Counseling Week”; to the Committee on Education and Labor.

By Mr. BUDD (for himself, Mr. MEADOWS, Mr. ROUZER, Mr. MURPHY of North Carolina, Mr. BISHOP of North Carolina, and Mr. HUDSON):

H. Res. 818. A resolution expressing support for a balanced budget; to the Committee on Ways and Means.

By Mr. CURTIS:

H. Res. 819. A resolution expressing the sense of the House of Representatives that the Authorization for Use of Military Force and the Authorization for Use of Military Force Against Iraq Resolution of 2002 do not provide legal justification for war with Iran; to the Committee on Foreign Affairs.

By Mr. CASTRO of Texas (for himself, Mr. ESPAILLAT, Ms. GARCIA of Texas, Mr. CASE, Mr. GRIJALVA, Ms. VELÁZQUEZ, Ms. JACKSON LEE, Mr. MCGOVERN, Ms. LOFGREN, Mr. NADLER, Ms. SÁNCHEZ, Ms. MUCARSEL-POWELL, Mrs. NAPOLITANO, Mrs. WATSON COLEMAN, Mr. GALLEGO, Mr. CORREA, Mr. GARCÍA of Illinois, Ms. NORTON, Mr. GONZALEZ of Texas, Mr. SOTO, Mr. KHANNA, Ms. ESCOBAR, Mr. RASKIN, Mr. TAKANO, Ms. SCHAKOWSKY, Mr. CARSON of Indiana, Mr. CÁRDENAS, Ms. BARRAGÁN, Mr. CISNEROS, Mr. VELA, Mr. BLUMENAUER, and Ms. CASTOR of Florida):

H. Res. 820. A resolution expressing support for designation of February 2020 as National Citizenship Month; to the Committee on the Judiciary.

By Mr. CICILLINE:

H. Res. 821. A resolution amending the Rules of the House of Representatives to establish a Permanent Select Committee on Aging; to the Committee on Rules.

By Mr. COSTA (for himself, Mr. SOTO, Mr. CORREA, Mr. VARGAS, Mr. MCNERNEY, Mr. COX of California, Mr. GALLEGO, Mr. RUIZ, Ms. LEE of California, and Mr. CÁRDENAS):

H. Res. 822. A resolution urging Tom Flores be inducted into the Pro Football Hall of Fame; to the Committee on Oversight and Reform.

By Mr. DEUTCH (for himself, Mr. WILSON of South Carolina, Mr. ENGEL, Mr. MCCAUL, Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, Mr. SCHNEIDER, Mr. CHABOT, Mr. MEEKS, and Mrs. WAGNER):

H. Res. 823. A resolution condemning the Government of Iran’s state-sponsored persecution of its Baha’i minority and its continued violation of the International Covenants on Human Rights; to the Committee on Foreign Affairs.

By Mr. O’HALLERAN (for himself, Mr. COLE, Mr. YOUNG, Mr. KILMER, Mr. ARMSTRONG, Mr. LUJÁN, Ms. HAALAND, Mr. GALLEGO, Mr. PETERSON, and Mr. JOHNSON of South Dakota):

H. Res. 824. A resolution expressing support for designation of the week beginning February 2, 2020, as “National Tribal Colleges

and Universities Week”; to the Committee on Oversight and Reform.

By Mr. SHERMAN (for himself, Mr. BANKS, Mr. FOSTER, Mr. FLEISCHMANN, Mr. LUJÁN, Mr. ROONEY of Florida, Mr. BERA, Mr. NEWHOUSE, Mr. VISCLOSKEY, Mr. YOHO, and Ms. SPANBERGER):

H. Res. 825. A resolution celebrating the 50th anniversary of the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), recognizing the importance of the NPT’s continued contributions to United States and international security, and commemorating United States leadership in strengthening the nuclear non-proliferation regime since the dawn of the nuclear era; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CRIST:

H.R. 5715.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. MASSIE:

H.R. 5716.

Congress has the power to enact this legislation pursuant to the following:

The Second Amendment to the United States Constitution, which recognizes the right to bear arms.

By Mr. JOHNSON of Georgia:

H.R. 5717.

Congress has the power to enact this legislation pursuant to the following:

Article One, Section Eight

By Mr. BUTTERFIELD:

H.R. 5718.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. ARRINGTON:

H.R. 5719.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8.

By Mr. CLAY:

H.R. 5720.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mrs. BUSTOS:

H.R. 5721.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. CARTWRIGHT:

H.R. 5722.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution

By Ms. DELAURO:

H.R. 5723.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9, Clause 7 and Article I, Section 8, Clause 1

By Mr. EMMER:

H.R. 5724.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. GALLAGHER:

H.R. 5725.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. GOTTHEIMER:

H.R. 5726.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. RUSH:

H.R. 5727.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. JOHNSON of South Dakota:

H.R. 5728.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. LARSEN of Washington:

H.R. 5729.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 “all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By Mr. LARSEN of Washington:

H.R. 5730.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 “all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

By Mr. MALINOWSKI:

H.R. 5731.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, Clause 18 of the Constitution.

By Mr. MAST:

H.R. 5732.

Congress has the power to enact this legislation pursuant to the following:

The Necessary and Proper Clause in Article I, Section 8, Clause 18 of the United States Constitution.

Article 1, Section 8, Clause 14 of the United States Constitution “To make Rules for the Government and Regulation of the land and naval Forces”

By Mr. MOULTON:

H.R. 5733.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. OMAR:

H.R. 5734.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 To make all laws that shall be necessary and proper for carrying into execution the foregoing powers, and all powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. RASKIN:

H.R. 5735.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. ROSE of New York:

H.R. 5736.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof.”

By Mr. SMITH of Washington:

H.R. 5737.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section 3. “The Congress shall have Power to dispose of and make all ndful Rules and Regulations respecting teh Territory or other Property belonging to the United States . . .”

By Ms. SPEIER:

H.R. 5738.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Ms. VELÁZQUEZ:

H.R. 5739.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to . . . provide for the . . . general Welfare of the United States; . . .

By Ms. WILSON of Florida:

H.R. 5740.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. SÁNCHEZ:

H.J. Res. 84.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 141: Ms. BLUNT ROCHESTER.  
H.R. 307: Mr. DELGADO.  
H.R. 584: Mrs. FLETCHER, Ms. SHALALA, Mr. CLAY, Ms. SCANLON, Mr. LIPINSKI, Mr. NEGUSE, and Ms. ESCOBAR.  
H.R. 587: Mr. PALAZZO.  
H.R. 779: Mrs. RODGERS of Washington, Mr. EMMER, Mr. FLEISCHMANN, Mr. SIMPSON, Mr. PERRY, and Mr. UPTON.  
H.R. 784: Mr. PETERSON.  
H.R. 832: Mr. HARRIS.  
H.R. 906: Mr. HECK, Mr. AUSTIN SCOTT of Georgia, and Ms. STEFANIK.  
H.R. 969: Mr. WILLIAMS.  
H.R. 980: Mr. HECK.  
H.R. 1043: Mrs. HARTZLER.  
H.R. 1049: Ms. PRESSLEY, Mr. HICE of Georgia, Mr. CARSON of Indiana, Mr. DELGADO, Ms. ADAMS, Miss RICE of New York, Ms. WEXTON, and Mr. DEUTCH.  
H.R. 1151: Ms. GABBARD and Mr. BLUMENAUER.  
H.R. 1236: Mr. DELGADO.  
H.R. 1266: Ms. BROWNLEY of California.  
H.R. 1374: Mr. KELLER.  
H.R. 1379: Ms. JACKSON LEE, Mr. GARAMENDI, and Mr. TIMMONS.  
H.R. 1440: Mr. DELGADO.  
H.R. 1521: Mrs. TRAHAN, Mr. QUIGLEY, Mr. KENNEDY, Mr. KEATING, and Mr. GARCÍA of Illinois.  
H.R. 1587: Mr. HORSFORD.  
H.R. 1611: Mrs. BROOKS of Indiana.  
H.R. 1643: Mr. MICHAEL F. DOYLE of Pennsylvania.  
H.R. 1693: Mr. NEGUSE.

H.R. 1695: Mr. RASKIN.  
H.R. 1711: Mrs. BUSTOS and Mrs. BEATTY.  
H.R. 1749: Mr. GOODEN.  
H.R. 1766: Mr. CARTWRIGHT, Mr. DeFAZIO, Mr. CASTRO of Texas, Mr. PERLMUTTER, and Ms. WATERS.  
H.R. 1869: Mrs. MILLER.  
H.R. 1884: Mr. GARCÍA of Illinois.  
H.R. 1897: Ms. PORTER.  
H.R. 1903: Mr. RYAN.  
H.R. 1953: Mr. HECK.  
H.R. 1975: Mr. MCKINLEY.  
H.R. 1978: Mr. KILMER.  
H.R. 1987: Mr. STAUBER and Mr. GOTTHEIMER.  
H.R. 2117: Mr. NADLER.  
H.R. 2166: Mr. MCGOVERN and Ms. JACKSON LEE.  
H.R. 2177: Mr. KEVIN HERN of Oklahoma.  
H.R. 2283: Mr. WELCH and Mr. SMITH of Missouri.  
H.R. 2339: Miss RICE of New York and Mr. NADLER.  
H.R. 2350: Mr. HECK.  
H.R. 2453: Ms. KUSTER of New Hampshire.  
H.R. 2456: Mr. SOTO and Ms. SLOTKIN.  
H.R. 2457: Mr. HECK.  
H.R. 2491: Ms. JUDY CHU of California.  
H.R. 2501: Mrs. BROOKS of Indiana.  
H.R. 2593: Mrs. MILLER.  
H.R. 2653: Mr. CARTWRIGHT.  
H.R. 2694: Mrs. FLETCHER, Ms. STEFANIK, Ms. BLUNT ROCHESTER, and Mr. GOTTHEIMER.  
H.R. 2742: Mr. STEWART.  
H.R. 2770: Mr. KIM.  
H.R. 2850: Mr. MALINOWSKI.  
H.R. 2912: Mr. BALDERSON, Ms. SEWELL of Alabama, and Mr. CICILLINE.  
H.R. 2931: Mr. MALINOWSKI.  
H.R. 2953: Mrs. BROOKS of Indiana.  
H.R. 2986: Mr. MEUSER.  
H.R. 3077: Mr. GIANFORTE.  
H.R. 3114: Mr. COOPER, Mr. DOGGETT, Ms. PRESSLEY, Mr. PRICE of North Carolina, and Mr. TRONE.  
H.R. 3133: Mr. QUIGLEY and Mr. MICHAEL F. DOYLE of Pennsylvania.  
H.R. 3138: Mr. HECK.  
H.R. 3214: Ms. BONAMICI.  
H.R. 3252: Mr. QUIGLEY, Mr. HASTINGS, Mrs. NAPOLITANO, Ms. PRESSLEY, and Mr. YARMUTH.  
H.R. 3254: Ms. SEWELL of Alabama.  
H.R. 3307: Mr. BRENDAN F. BOYLE of Pennsylvania.  
H.R. 3350: Mr. DELGADO.  
H.R. 3451: Ms. PORTER.  
H.R. 3489: Ms. UNDERWOOD.  
H.R. 3570: Mr. ENGEL.  
H.R. 3576: Ms. OMAR.  
H.R. 3582: Mr. MALINOWSKI.  
H.R. 3591: Ms. UNDERWOOD.  
H.R. 3735: Mrs. AXNE.  
H.R. 3757: Mrs. AXNE.  
H.R. 3815: Mr. MICHAEL F. DOYLE of Pennsylvania.  
H.R. 3923: Mrs. NAPOLITANO.  
H.R. 4128: Mr. NEGUSE.  
H.R. 4137: Ms. GABBARD.  
H.R. 4138: Mr. MCADAMS and Mr. JOYCE of Pennsylvania.  
H.R. 4145: Mr. PAYNE.  
H.R. 4148: Ms. BLUNT ROCHESTER and Ms. JUDY CHU of California.  
H.R. 4165: Mr. BEYER.  
H.R. 4189: Mr. SOTO, Mrs. AXNE, and Mr. CISNEROS.  
H.R. 4211: Mr. LYNCH.  
H.R. 4248: Mrs. AXNE.  
H.R. 4305: Mr. O'HALLERAN, Mr. SUOZZI, and Mr. CASTEN of Illinois.  
H.R. 4350: Mrs. RODGERS of Washington.  
H.R. 4508: Mr. WALTZ.  
H.R. 4540: Mr. PAPPAS, Mr. SOTO, Mr. VISCLOSKEY, Mr. DEUTCH, Mr. CRIST, and Ms. JAYAPAL.  
H.R. 4542: Ms. WASSERMAN SCHULTZ.  
H.R. 4574: Mrs. NAPOLITANO, Mr. PETERSON, and Mr. COHEN.

H.R. 4575: Mr. KILMER and Mrs. AXNE.  
H.R. 4674: Mr. CUELLAR and Mrs. MCBATH.  
H.R. 4681: Ms. GRANGER.  
H.R. 4697: Ms. LOFGREN, Mr. THOMPSON of California, Mrs. NAPOLITANO, Mr. SHERMAN, Mr. PASCRELL, Ms. BROWNLEY of California, Mr. SIRES, Mr. CÁRDENAS, Mr. ENGEL, and Mr. MICHAEL F. DOYLE of Pennsylvania.  
H.R. 4707: Mr. FOSTER.  
H.R. 4807: Mr. RUTHERFORD.  
H.R. 4836: Ms. DELBENE and Mr. PAYNE.  
H.R. 4867: Mr. JOYCE of Ohio.  
H.R. 4928: Mr. LOWENTHAL.  
H.R. 4930: Mr. PAPPAS.  
H.R. 4963: Mr. WALBERG.  
H.R. 4996: Mr. MCEACHIN.  
H.R. 5002: Mr. HECK, Ms. GABBARD, Mr. KRISHNAMOORTHY, Mr. MALINOWSKI, Mr. MCGOVERN, Mr. ARRINGTON, Mr. BURGESS, Mr. CLOUD, Mr. CONAWAY, Mr. FLORES, Mr. HURD of Texas, and Mr. MARCHANT.  
H.R. 5036: Mr. YARMUTH.  
H.R. 5044: Mr. HECK.  
H.R. 5046: Mr. FLORES.  
H.R. 5048: Mr. KATKO.  
H.R. 5118: Mrs. AXNE.  
H.R. 5141: Mrs. DAVIS of California, Mrs. TRAHAN, Mr. ROUDA, Mr. COHEN, Mr. DELGADO, and Mr. HASTINGS.  
H.R. 5170: Mrs. AXNE.  
H.R. 5175: Mr. HAGEDORN.  
H.R. 5191: Mr. GARCÍA of Illinois.  
H.R. 5248: Mr. HECK.  
H.R. 5297: Ms. HAALAND and Ms. MCCOLLUM.  
H.R. 5299: Ms. WEXTON and Mr. NEGUSE.  
H.R. 5434: Mr. COOPER, Mr. GROTHMAN, Mr. LATTA, and Mr. HUIZENGA.  
H.R. 5517: Ms. WILSON of Florida, Ms. ESHOO, Mr. KILMER, Mr. COX of California, Mr. JOHNSON of Georgia, Mr. KILDEE, Ms. NORTON, Mr. COHEN, and Ms. BLUNT ROCHESTER.  
H.R. 5541: Ms. BLUNT ROCHESTER.  
H.R. 5545: Ms. BLUNT ROCHESTER.  
H.R. 5546: Mr. NEGUSE and Mr. ARMSTRONG.  
H.R. 5572: Ms. UNDERWOOD.  
H.R. 5580: Mrs. LESKO.  
H.R. 5581: Mr. CONNOLLY, Mrs. NAPOLITANO, Mr. GRIJALVA, and Mr. HASTINGS.  
H.R. 5589: Mr. BLUMENAUER.  
H.R. 5598: Mr. GARCÍA of Illinois, Ms. PINGREE, Mrs. NAPOLITANO, Ms. FINKENAUER, Mr. POCAN, and Mr. COHEN.  
H.R. 5601: Mrs. LESKO.  
H.R. 5610: Mr. HECK.  
H.R. 5630: Ms. MOORE.  
H.R. 5690: Mr. DESAULNIER and Ms. HAALAND.  
H.R. 5697: Mr. KILMER and Mr. THOMPSON of California.  
H.J. Res. 48: Mrs. NAPOLITANO.  
H. Res. 50: Mr. WATKINS, Mr. CONAWAY, and Mr. MAST.  
H. Res. 395: Mr. WEBER of Texas and Mr. SIRES.  
H. Res. 579: Mrs. AXNE.  
H. Res. 672: Ms. CLARKE of New York.  
H. Res. 720: Mrs. AXNE.  
H. Res. 775: Mr. CARBAJAL, Mr. CORREA, Mr. THOMPSON of Pennsylvania, Mr. CRAWFORD, Mr. SIMPSON, Mr. NEWHOUSE, Ms. BROWNLEY of California, Ms. ESHOO, Mr. SIRES, Mr. HORSFORD, and Ms. ROYBAL-ALLARD.  
H. Res. 783: Ms. STEFANIK.  
H. Res. 803: Mr. STEUBE and Mr. GAETZ.  
H. Res. 813: Mr. HECK.  
H. Res. 815: Mr. YARMUTH.

#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 2382: Mr. JOHNSON of Louisiana.

#### PETITIONS, ETC.

Under clause 3 of rule XII,

83. The SPEAKER presented a petition of Mr. Gregory Watson, a citizen of Austin, TX, relative to respectfully requesting that Congress offer for ratification by special convention conducted within the individual states, pursuant to Article V, an amendment to the United States Constitution which would dis-

qualify any member of the US House of Representatives, who is, at the time a declared candidate for the office of President of the US, from casting a vote upon the impeachment of an incumbent President and which would likewise disqualify any member of the US Senate, who is, at the time, a declared

candidate for the office of President, from casting a vote in a trial taking place in the US Senate relative to the removal from office of an incumbent President; which was referred to the Committee on the Judiciary.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, SECOND SESSION

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No. 20

## Senate

The Senate met at 1:05 p.m. and was called to order by the Chief Justice of the United States.

### TRIAL OF DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment.

The Chaplain will lead us in prayer.

#### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, send Your Holy Spirit into this Chamber. Permit our Senators to feel Your presence during this impeachment trial. Illuminate their minds with the light of Your wisdom, exposing truth and resolving uncertainties. May they understand that You created them with cognitive capabilities and moral discernment to be used for Your glory. Grant that they will comprehend what really matters, separating the relevant from the irrelevant. Lord, keep them from fear, as they believe that Your truth will triumph through them. Eliminate discordant static with the music of Your wisdom.

We pray in Your great Name. Amen.

#### PLEDGE OF ALLEGIANCE

The Chief Justice led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### THE JOURNAL

The CHIEF JUSTICE. The Senators will please be seated.

If there is no objection, the Journal of proceedings of the trial is approved to date.

The Deputy Sergeant at Arms will make the proclamation.

The Deputy Sergeant at Arms, Jennifer Hemingway, made the proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against Donald John Trump, President of the United States.

The CHIEF JUSTICE. The majority leader is recognized.

#### ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. Chief Justice, the Senate will conduct another question and answer period today. We were able to get through nearly 100 questions yesterday. Senators posed constructive questions, and the parties were succinct and responsive. I would like to compliment all who participated yesterday.

We will again break every 2 to 3 hours and look to take a break for dinner around 6:30.

We have been respectful of the Chief Justice's unique position in reading our questions. I want to be able to continue to assure him that that level of consideration for him will continue.

The CHIEF JUSTICE. Thank you.

Mrs. MURRAY. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Washington.

Mrs. MURRAY. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

Senator MURRAY asks the House managers:

Yesterday, when asked about why the House did not amend or reissue subpoenas after it passed its resolution authorizing its impeachment inquiry, the House Managers touched upon the House having the sole Power of Impeachment as specified by Article I of the Constitution. Could you further elaborate as to why that authority controls despite any arguments brought forth by members of the defense team contesting the validity of those subpoenas?

Ms. Manager LOFGREN. Mr. Chief Justice and Senators, that is a good question.

The answer is that these were validly issued subpoenas under the House

rules. The White House argument to the contrary is wrong, and it would have profound negative implications for how Congress and our democracy function.

On January 9, 2019, the House adopted its rules, like we do every Congress, and these rules gave the committee the power to issue subpoenas. They are not ambiguous rules. Here is the relevant portion of rule XI on slide 55: The House's standing rules give each committee subpoena power "for the purpose of carrying out any of its functions and duties" as it considers necessary. This investigation began on September 9, before the Speaker's announcement on September 24 that it would become part of the impeachment inquiry umbrella.

The President doesn't dispute that the subpoenas issued by these committees were fully within their respective jurisdiction. The argument is that somehow, by declaring that this investigation also falls under an inquiry to consider Articles of Impeachment, which gives Congress actually greater authority, somehow it nullifies the traditional oversight authority. And this just doesn't make any sense.

The President counters that we have to take a full vote on impeachment first because that is what has been done in the past. In the Nixon inquiry, however, the Judiciary Committee needed a House resolution to delegate subpoena power, and that is different than the Committee's standing rules today.

The President actually compels the opposite conclusion. Several Federal judges have been investigated and impeached and convicted in the Senate without the House having ever taken an official vote to authorize the inquiry, and a Federal court recently confirmed there was no need for a formal vote of the full House to commence impeachment proceedings.

Even assuming a House vote was necessary, there was a vote. The text of H.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Res. 660 declared that the six investigative committees of the House were directed to continue their ongoing investigations as part of the existing House of Representatives inquiry into whether there was sufficient grounds for the House of Representatives to exercise its constitutional power to impeach. And the committee report, which accompanies the resolution, specifically described the subpoenas that had been issued by the investigating committees and said “all subpoenas to the executive branch remain in full force.”

So why didn't the House committee just reissue these subpoenas after the resolution? The short answer is they didn't need to. The subpoenas were already fully authorized.

In any event, even after the resolution passed, the committees issued subpoenas to Mick Mulvaney, Robert Blair, and four other witnesses, and the President continued to block those subpoenas. The argument about a full House vote really is just an excuse about President Trump's obstruction. The President refused to comply with the House subpoenas before the House vote and after the House vote. The only logical explanation is the one that President Trump gave us all along: He was determined to fight all the subpoenas because, in President Trump's view, according to what he said, he can do what he wants.

That is not what the constitutional Republic entrusted to us by the Founders had in mind. This argument doesn't just apply to impeachment. It would apply to ordinary oversight investigations. And it doesn't just apply to the House. It would also apply to the Senate.

By sanctioning the President's blanket obstruction, the Senate would be curtailing its own subpoena power in the future, as well as the House's, and the oversight obligation that we have, as we now know it, would be permanently altered.

I yield back.

The CHIEF JUSTICE. Thank you, Ms. Manager.

Mr. PAUL. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Kentucky.

Mr. PAUL. I have a question to present to the desk for the House Manager SCHIFF and for the President's counsel.

The CHIEF JUSTICE. Thank you.

The Presiding Officer declines to read the question as submitted.

The CHIEF JUSTICE. The Senator from Wisconsin.

Ms. BALDWIN. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator BALDWIN is addressed to the House managers:

Given that the White House Counsel couldn't answer Senator ROMNEY's question that asked for the exact date the President first ordered the hold on security assistance to Ukraine, what witness or witnesses could answer Senator ROMNEY's question?

Mr. Manager CROW. Thank you, Mr. Chief Justice. Thank you, Senator, for the question.

You are right. They were not able to directly answer that question, and we believe that there is a tremendous amount of material out there in the form of emails, text messages, conversation, and witness testimony that can shed additional light on that, including an email from last summer between Mr. Bolton and Mr. Blair, where we know from witness testimony this issue was discussed.

What we do know is from multiple witnesses. Ukrainian officials knew that President Trump had placed a hold on security assistance soon after it was ordered in July of 2019. So we know that not only did U.S. officials know about it and OMB communicated about it, Ukrainians knew about it as well.

We know from former Deputy Foreign Minister of Ukraine, Olena Zerkal—she stated publicly, in fact, that the Ukrainian officials knew about it and had found out about it in July. We also know from the testimony of Laura Cooper that her staff received two emails from the State Department on July 25 revealing that the Ukrainian Embassy was “asking about security assistance” and that “the Hill knows about the FMS situation to an extent and so does the Ukrainian embassy.” That was on July 25, the same day as President Trump's call with President Zelensky.

What we also know is that career diplomat, Catherine Croft, stated that she was “very surprised at the effectiveness of my Ukrainian counterparts' diplomatic tradecraft, as in to say they found out very early on or much earlier than I expected them to.”

We also know that LTC Alexander Vindman testified that by mid-August he was getting questions from Ukrainians about the status of security assistance. So there is a lot of evidence surrounding it.

The administration continues to obstruct wholly our efforts to get the emails and correspondence that we have asked for. That obviously can be remedied by this body with the appropriate subpoenas; namely, a subpoena to Ambassador Bolton to testify and a subpoena to the State Department—the Department of State, the Department of Defense, and others to actually provide that material.

The last thing I would like to say is, last evening, counsel for the President was asked the question about why did the hold for Ukraine differ from holds in the Northern Triangle and other holds like Afghanistan. He provided an explanation that I am still trying to wrap my brain around because he seems to be the only person in the administration that actually has an explanation. As far as I could tell, the explanation was somewhere along the lines of one was public, trying to put public pressure on the countries in question, and one was not. It was a private conversation, a private effort to put pressure.

If that were true, then, of course, there would be plenty of evidence,

plenty of emails, text messages, and other correspondence within the entire interagency process that we know is robust that would illustrate that to be the case, but they have failed to provide any evidence to corroborate that.

Let me finish with this. I happen to know that a lot of people in this Chamber, a lot of people in the Chamber on the other side of the Capitol, including me, have often described much consternation about redtape and bureaucracy and layers of government that run too slow. And I sometimes share that concern, right, that sometimes it takes a long time. There are memos for everything, emails for everything. There are paper trails for everything in this town. I think that is true with respect to this issue, and it is time that we actually see that information so we can get to the bottom of what actually happened. This body could get that information.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators SASSE, MCSALLY, CRAPO, THUNE, YOUNG, ERNST, and BRAUN.

The CHIEF JUSTICE. The question from Senator TOOMEY and others is for counsel for the President:

Given that the election of the president is one of the most significant political acts in which we as citizens engage in our democratic system, how much weight should the Senate give to the fact that removing the president from office and disqualifying him from ever holding future federal office would undo that democratic decision and kick the President off the ballot in this year's election?

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate.

One of the concerns that we have raised throughout this process over the last several months, going back to the time when the House was dealing with this in their various committees, is we are in an election year. There are some in this room that are days away from the Iowa caucuses taking place. So we are discussing the possible impeachment and removal of the President of the United States not only during election season, in the heart of the election season. And I think that this does a disservice to the American people.

Again, we think the basis upon which this has moved forward is irregular, to say the least. But I do think it complicates the matter for the American people that we are literally at the dawn of a new season of elections. I mean, we are at that season now, and yet we are talking about impeaching a President.

And I want to tie this into the urgency that was so prevalent in December with my colleagues, the managers. It was so urgent to move this forward that they had to do it by mid-December, before Christmas, because national security was at stake, and then they waited 33 days to bring it here. And now they are asking you to do all the

investigation, although they say they proved their case but still need more to prove it.

Whereas, we believe—and I want to be clear here—that their entire process was corrupt from the beginning, and they are just putting it on this body. But to do it while the American people are selecting candidates for nomination to be the head of their party, to run as President of the United States—some of you in this very room—and to talk about the removal of a President of the United States, I think that is all part and parcel of the same pattern and practice of irregularities that have taken place with this impeachment proceeding since the beginning. The Speaker allowed the articles to linger. It was such a nationally urgent matter that they could linger for a month.

So we think that this points to the exact problem of what is taking place here and that is, as my colleague Mr. Cipollone said, this is really taking the vote away from the American people.

Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Montana.

Mr. TESTER. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

Senator TESTER asks the House managers:

Yesterday Mr. Dershowitz stated, “If a President does something which he believes will help him get elected in the public interest that cannot be the kind of quid pro quo that results in impeachment.” Do you believe there is any limit to the type or scope of quid pro quo a sitting President could engage in with a foreign entity, as long as the intent of the sitting President is to get re-elected in what he or she believes is in the public’s best interest?

Mr. Manager SCHIFF. Mr. Chief Justice, Senator.

There is no limiting principle to the argument that we heard last night from the President’s team; that is, if there is a quid pro quo that the President believes will help him get re-elected and he believes his reelection is in the national interest, then it doesn’t matter how corrupt that quid pro quo is. It is astonishing that on the floor of this body someone would make that argument.

Now, it didn’t begin that way, in the beginning of the President’s defense, but what we have seen over the last couple days is a descent into constitutional madness because that way madness lies. If we are to accept the premise that a President, essentially, can do whatever he wants, engage in whatever quid pro quo he wants—I will give you this if you will give me that to help me get elected. I will give you military dollars if you will give me help in my reelection, if you will give me illicit foreign interference in our election.

Now, the only reason you made that argument is because you know your client is guilty and dead to rights. That is an argument made of desperation.

Now, what is so striking to me is almost half a century ago we had a President who said: “Well, when the President does it, that means it is not illegal.” That, of course, was Richard Nixon. Watergate is now 40 to 50 years behind us. Have we learned nothing in the last half century? Have we learned nothing at all? It seems like we are back to where we were: The President says it is not illegal or Donald Trump’s version under article II, “I can do whatever I want,” or Professor Dershowitz’ point, if the President believes it helps his reelection, it is, therefore, in the national interest; he can do whatever he wants.

In fact, much as we thought that we progressed post-Watergate: We enacted Watergate reforms; and we tried to insulate the Justice Department from interference by the Presidency; we are trying to put an end to the political abuses of that Department—as much as we thought we enacted campaign finance reforms, we are right back to where we were a half century ago. And I would argue, we may be in a worse place because this time—this time that argument may succeed.

That argument—if the President says it, it can’t be illegal—failed, and Richard Nixon was forced to resign. But that argument may succeed here now. That means we are not back to where we were; we are worse off than where we are. That is the normalization of lawlessness.

I would hope that every American would recognize that it is wrong to seek foreign help in an American election; that Americans should decide American elections. I would hope—and I believe that every American understands that, and every American understands that is true for Democratic Presidents and Republican ones. I would hope that we would understand it. I would hope that this trial would be one conducive of the truth.

The Senator asked what witnesses could shed light on when the President ordered the hold and why. Well, we know Mick Mulvaney would. That instruction came from OMB. You remember the testimony of Ambassador Taylor, the shock that went through the National Security Council and the shock he experienced in that video conference when it was first announced, and the instruction was, this comes through the President’s Chief of Staff, OMB, but it is a direct order from the President.

Well, Mick Mulvaney knows when that order went into place and he knows why that order went into place and he made that statement publicly, which he now wishes to recant. I am sure he got an earful from the President after he did, but, apparently, it doesn’t matter. None of that matters because if the President believes it is in his interest, it is OK.

Now, there was an argument also, what if it was a credible reason? Of course, there is no evidence that this was a credible reason to investigate the

President’s political rival, but let’s say it was a credible reason; does that make it right?

What President is not going to think he has a credible reason to investigate his opponent? What President is going to think he doesn’t have a credible reason or wouldn’t be able to articulate one or come up with some fig leaf?

They compounded the dangerous argument that they made that no quid pro quo is too corrupt if you think it will help your reelection. They compounded it by saying, if what you want is to target your rival, it is even more legitimate. That way, madness lies.

The CHIEF JUSTICE. The Senator from North Dakota.

Mr. CRAMER. I send a question to the desk on behalf of myself and Senator YOUNG.

The CHIEF JUSTICE. Thank you.

The question from Senators CRAMER and YOUNG is for the counsel for the President:

Manager SCHIFF regularly states that if the President is innocent he would agree to all of the witnesses and documents that the Managers want. Is the President the first innocent defendant not to waive his rights?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question because the answer is, obviously, no. The President is not the first innocent defendant who decided not to waive his rights, and I think it is striking and shocking that it is one of the arguments that has been repeatedly deployed by the House managers throughout these proceedings.

You heard Manager NADLER say only the guilty hide evidence, only the guilty don’t respond to subpoenas, and Manager SCHIFF say that this is not the way innocent people act. Well, of course, that is contrary to the very spirit of our American justice system, where people have rights, and asserting those rights cannot be interpreted as an indication of guilt. That is expressly forbidden by the laws and by the Constitution.

The Supreme Court explained in *Bordenkircher v. Hayes*—a case that is cited in our trial memorandum—that the very idea of punishing someone, which is what the House managers are attempting to do here with their obstruction of Congress charge—they said that if the President insists on the constitutional prerogatives of his office; if the President insists that, like virtually every President—at least since Nixon and some going further back than that—he is going to assert the immunity of his senior advisers to compel congressional testimony; if he is going to assert those rights grounded in the separation of powers and essential for protecting constitutionally based executive branch confidentiality interests, we are going to call that obstruction of Congress and impeach him.

It is this fundamental theme running throughout both their obstruction charge and their arguments generally here that if the President stands on his constitutional rights—if he tries to

protect the institutional prerogatives of his office, which he is duty-bound to do for future occupants of that office—that it is somehow an indication of guilt and shows that he ought to be impeached.

That is fundamentally antithetical to the American system of justice and to our principles of due process, to our principles of acknowledging that rights can be defended, that rights exist to be defended, and that asserting those rights cannot be treated either as something punishable or as evidence of guilt.

There would be a long line of past Presidents—as Professor Dershowitz pointed out, there are a lot of Presidents who have been accused of abuse of power. There would also be a long line of Presidents who could have been impeached for “obstruction of Congress” if every time a President insisted upon the prerogatives of the office of the Presidency and insisted on defending the separation of powers, it could be treated as something impeachable and as evidence of guilt.

President Obama himself refused to turn over a lot of documents to the House in the Fast and Furious investigation, and his Attorney General was held in contempt, but no one thought that it was an impeachable offense.

So the concept of saying that when the President asserts the constitutionally grounded prerogatives of his office, that it is evidence of guilt is a completely bogus assertion. It is contrary to all of the principles of our American justice system and to the fundamental principles of fairness, and it ought to be rejected by this body.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Alabama.

Mr. JONES. Thank you, Mr. Chief Justice. I send a question to the desk.

The CHIEF JUSTICE. Thank you.

Senator JONES' question is for the House managers:

Aside from the House's Constitutional impeachment authority, please identify specifically which provision or provisions, if any, in the House rules or a House Resolution authorized the subpoenas issued by the House Committees prior to the passage of House Resolution 660.

In addition, please list the subpoenas that were issued after House Resolution 660.

Mr. Manager SCHIFF. Senator, we will compile the list. We don't have it accessible at the moment. Oh, we do have it.

Specifically, the subpoenas that went out after the passage of the House resolution were the subpoena to John Eisenberg and the subpoenas to Brian McCormack, Robert Blair, Michael Ellis, Preston Wells Griffith, and Mick Mulvaney.

Let me underscore something that my colleague Manager LOFGREN had to say, and let me break this down, if I can, in very practical terms.

What is the practical import of what counsel for the President would argue? It is this: Let's say that a Democrat is

elected in November, and let's say that any one of you who chairs a committee in the Senate determines that you think that the next President is engaged in something questionable, maybe even in some wrongdoing, and you begin an investigation. I would imagine that in your Senate rules, like in our House rules—and it is House rule X, Senator, that has the specific language authorizing the issuance of subpoenas as a part of our normal oversight responsibility. That power didn't exist at the time of Watergate, so they had to have a separate resolution. But that House rule, passed each session, empowers us to issue subpoenas, as committee chairs, as part of our oversight jurisdiction.

So there you are with a Democratic President. You are a chair, and you start to do oversight. You issue subpoenas. You start to learn more, and what you learn becomes more and more concerning, and you issue more subpoenas.

The administration's effort to cover up its misconduct says: We are not going to comply with any of your subpoenas. We are going to fight all subpoenas.

And they come up with one bad-faith excuse after another as to why they don't have to comply.

As you investigate further and you are able to overcome the wall of obstruction, then you begin an impeachment inquiry, and that leads to the passage of yet another resolution.

They would argue to you that all of the work you did before you determined that it merited potential impeachment must be thrown out, that they were perfectly empowered to obstruct you in your oversight responsibility, that you must begin with your conclusion and you must begin with the conclusion that you were prepared to impeach the President before you issued a single subpoena; otherwise, they can say whatever you did before you got to that place should be thrown out.

Now, we did not have the Justice Department do the initial investigation here. Why? Because Bill Barr turned it down. The same Attorney General that mentioned that July 25 call said there was nothing to see here. So there was no DOJ investigation. There was no special counsel investigation. It was not as if someone like Ken Starr handed us a package and said: Here is the evidence. Now you can take up an impeachment resolution because we have done the investigative work. No. We had to do that work ourselves.

They would have you believe that any subpoena you issue as a part of your oversight responsibility that, down the road, reveals evidence that leads you to embark on an impeachment inquiry must be disregarded. That cannot and is not the law. It would render the oversight function meaningless.

Court after court has looked at the Congress's power to issue subpoenas,

and they have all reached the same conclusions. That is, if you have the power to legislate, you have the power to oversee. Here, we have a violation of the Impoundment Control Act. That is, Congress passes military spending. The President doesn't spend it, and he gives no reason. He keeps it a secret. We are investigating that. That can't be more squarely within the oversight power of Congress—to find out why aid we appropriated was not going out the door.

They would say: You can't look into that unless you are prepared to impeach the President and announce it firsthand. That is the import of that argument. It would cripple your oversight capacity, and without your oversight capacity, your legislative capacity is crippled. That is the real-world import of this legal window dressing. They would strip you of your ability to do meaningful oversight.

Particularly here, where we are talking about the misconduct of an impeachable kind and character, it would mean that a President could obstruct his own investigation.

If you need any evidence of his bad faith, which is abundant—of the shifting and springing rationalizations and explanations—when we had Corey Lewandowski in the Intelligence Committee, they said, under instructions of the White House, he wouldn't answer questions because they might claim executive privilege. Now, this was someone who had never worked for the executive, but they made the claim he might use executive privilege.

The CHIEF JUSTICE. Time is expired.

Mr. Manager SCHIFF. Thank you.

The CHIEF JUSTICE. The Senator from Texas.

Mr. CRUZ. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators HAWLEY and GRAHAM.

The CHIEF JUSTICE. Thank you.

The question from Senator CRUZ, along with Senators HAWLEY and GRAHAM, is for both sides—the counsel for the President and the House managers:

Yesterday, Manager DEMINGS refused to answer whether Joe Biden sought any legal advice concerning his conflict of interest on Burisma, the corrupt Ukrainian company that was paying his son Hunter \$1 million per year.

USA Today reported that, when asked about it, Vice President Biden said, “He hadn't spoken to his son Hunter Biden about his overseas business.”

That account was contradicted by Hunter Biden, who told the New Yorker that he told his father about Burisma, and “Dad said, ‘I hope you know what you're doing,’ and I said, ‘I do.’”

Why do Joe and Hunter Bidens' stories conflict? Did the House ask either one that question?

The White House Counsel goes first.

Ms. Counsel BONDI. Chief Justice, Senators, you heard our answer regarding that yesterday, but it is very interesting that he said he never spoke to his son about overseas dealings and that his son said different things.

Joe Biden was the point man for Ukraine. The Ukrainians were investigating at that time a corrupt company, Burisma, and Zlochevsky, its owner—an oligarch—who, by all media accounts, as we have discussed, was extremely corrupt.

Hunter Biden was paid \$83,000 a month—a month—to sit on that board with having no experience in energy, no experience in the Ukraine, and didn't speak the language. We clearly know that he had a very fancy job description, and he did none of those things. He attended one or two board meetings—one in Monaco. Then he went on a fishing trip with Joe Biden's family in Norway.

The entire time, Joe Biden knows that this oligarch is corrupt. Everyone knows that. There are news reports everywhere. No one will dispute that. In fact, it raised eyebrows worldwide. Yet the Vice President, by his account, never once asked his son to leave the board. We wouldn't be sitting here if he did. He never asked his son to leave the board. Instead, he started investigating the prosecutor who was going after Burisma and this corrupt oligarch, who they say was corrupt even by oligarch standards, who had fled the country—fled the country—and was living in Monaco.

He does not ask him to leave the board. He does the opposite.

In 2015, what does he do? We know by reports he has close contact with President Poroshenko. He travels to Ukraine twice. He links it to the—he links their aid to the firing.

Same thing in 2016 at a White House meeting—links the aid to the firing of the prosecutor; calls him four times in the 8 days up—leading to the prosecutor—the prosecutor investigating Hunter Biden. Yet he never says that. All cases closed.

Days before Biden leaves office, he jokes to Poroshenko that he may have to call him every couple weeks to check in. Hunter Biden stays on that board for 3 years—3 years.

Then we hear the video of Joe Biden bragging about firing the prosecutor, linking it to aid. Then we have a 6-minute phone call.

Ms. ROSEN. Mr. Chief Justice.

The CHIEF JUSTICE. I am sorry. The House managers have 2½ minutes.

Mrs. Manager DEMINGS. Mr. Chief Justice and to our Senators, Senators, thank you so much for that question. I know you have asked about a conversation between a father and his son, and what I can tell you, probably like just about everybody in this Chamber, there are probably some conversations that I can't repeat to you about my conversations with my son. So I don't know the answer to your question, Senator, what that exact conversation was.

But what I can tell you is this: If we are serious about why we are here—and I have no reason to doubt that we are—we are serious about seeking the truth because the truth matters, not just for

those who have paid the price in our history to form a more perfect union and protect our democracy, but it is important for our future. And in this case, if we are serious about that, then I can tell you this: that we are serious, then, about hearing from fact witnesses.

Looking at the Bidens, no matter how many times we call their name, we have no evidence to point to the fact that either Biden has anything at all to tell us about the President shaking down a foreign power to help him cheat in the next election—the President's election trying to steal each individual in this country's vote.

I don't believe either Biden has any information about that, but let me tell you who I think does. Maybe we should call Ambassador Bolton. If we are serious about the truth, maybe we should call him because we have a good idea about what he might say. Or what about Mr. Mulvaney, who had day-to-day contact with the principal in our investigation—the President of the United States.

That is not good enough? Well, what about—the question was asked about when did we know—or when did the President first put the hold on. Well, we do have reports that say on June 19 of 2019, Mr. Blair personally instructed the Director of OMB to hold up security assistance from Ukraine—over a month before the infamous July 25 call.

The CHIEF JUSTICE. Thank you, Mrs. Manager DEMINGS.

Mrs. Manager DEMINGS. Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Nevada.

Ms. ROSEN. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator ROSEN is addressed to the House managers:

Over the course of your arguments, you have tried to make a case that the President put his personal interests over those of the Nation, risking our national security in the process. What precedent do you believe the President's actions set for future Presidents?

Mr. Manager CROW. Mr. Chief Justice, Senator, thank you for that question. It is one that I have wanted to answer for some time now.

You have heard me speak before about some of my personal experience in service to the country, and one thing that experience has taught me is that we are strong not just because of the service and the sacrifice of our men and women in uniform, which is extreme and pure in all of its sense and something that I think everybody in this Chamber actually appreciates and respects, but we are also strong because we have friends. We are strong because America doesn't go it alone.

You know, when I was in Iraq and Afghanistan, I worked frequently with Afghan Army partners, Iraqi Army partners and others, not because it was important but because it was essential. We couldn't accomplish the mission without it. But if those partners feel

like our policies—what we say publicly—don't matter; if they feel like we are not a reliable and predictable partner; if they feel like the American handshake isn't worth anything, then they will not stand by us. They will not stand by us.

For over 70 years, since the end of World War II, the partnerships, the alliances that we have built, that we have strived to create, that have ushered in an unprecedented period of peace and prosperity throughout the world, will start to fray because the American handshake will not matter. Ukraine has started to learn that.

Our 68,000 troops throughout Europe deserve better because every day, they get up and they do their job—the job we have asked them to do—and they rely on our consistency, our predictability. They rely on the interest being in the national interest, not the whims and the personal interest of the President, whether that be President Trump or any other President.

It will continue to call into question our broader alliances, and it will send a message that the American handshake doesn't matter.

We have a slide that shows the evolution of some of the different arguments that we have seen on the other side that I think is important to see.

(Text of Videotape presentation:)

President TRUMP. Russia, if you are listening, I hope you are able to find the 30,000 emails that are missing. I think you will probably be rewarded mightily by our press. Let's see if that happens.

Mr. STEPHANOPOULOS. The campaign this time around, if foreigners, if Russia and China, if someone else offers information on an opponent, should they accept it or should they call the FBI?

President TRUMP. I think maybe they do both. I think you might want to listen. There is nothing wrong with listening. If somebody called from a country—Norway: We have information on your opponent—I think I would want to hear it.

Mr. STEPHANOPOULOS. You want that kind of interference in our elections?

President TRUMP. It's not an interference. They have information. I think I would take it.

Unidentified SPEAKER. Let's move to the third excerpt there related to Vice President Biden, and it says, "The other thing, there's a lot of talk about Biden's son—" this is President Trump speaking—"that Biden stopped the prosecution and a lot of people want to find out about that so that whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it . . . It sounds horrible to me."

President TRUMP. Well, I would think that if they were honest about it, they'd start a major investigation into the Bidens. It's a very simple answer.

President TRUMP. If we feel there is corruption, like I feel there was in the 2016 campaign, there was tremendous corruption against me—if we feel there's corruption, we have a right to go to a foreign country.

President TRUMP. And by the way, likewise, China should start an investigation into the Bidens because what happened in China is just about as bad as what happened with—Ukraine.

Mr. Manager CROW. The American people deserve to know what happened.

The American people deserve to know when they go to bed tonight that there is a President that has their interests in mind, that will put the national security of the country above his own political self-interest. The American people deserve answers. And, yes, it is still a good time to call Ambassador Bolton to testify.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Ohio.

Mr. PORTMAN. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senators TOOMEY, CORNYN, CRAPO, ERNST, and MORAN.

The CHIEF JUSTICE. Thank you.

The question from Senator PORTMAN and the other Senators is for the counsel for the President:

I have been surprised to hear the House managers repeatedly invoke constitutional law Professor Jonathan Turley to support their position, including playing a part of a video of him. Isn't it true that Professor Turley opposed this impeachment in the House and has also said that abuse of power is exceedingly difficult to prove alone without an accompanying criminal allegation, abuse of power has never been the sole basis for a presidential impeachment and was not proven in this case?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

And that is exactly correct. Professor Turley was very critical of the entire process in the House and of the charges that the House—House Democrats were considering here, both the abuse of power charge and the obstruction charge. He explained that this was a rushed process; they did not adequately pursue an investigation; that, as the Senators point out in the question, abuse of power is an exceedingly difficult theory to use to impeach a President, and it has never been used without alleging violations of the law. I think that in the discussions we have had over the past week and a half, we have pointed that out multiple times.

Every Presidential impeachment in our history, including even the Nixon impeachment proceedings, which didn't actually lead to impeachment, have used charges that include specific violations of the law and the criminal law.

Andrew Johnson was charged mostly in counts that involved violation of the Tenure of Office Act, which Congress had specifically made punishable by fine and imprisonment and even wrote into the statute that violation would constitute either a high crime or a high misdemeanor—one of those terms—to make it clear that it was going to be used to trigger an impeachment.

In the proceedings in the Nixon impeachment inquiry, each of the Articles of Impeachment there—except for the obstruction of Congress charge is sort of treated separately on the obstruction theory—included specific violations of law. There were specific violations alleged in the second Article of Impeachment, which is often sort of referred to loosely as the abuse of power

article. It wasn't actually entitled "abuse of power." It didn't charge abuse of power. The specifications there were violations of the law—violating the constitutional rights of the citizens, violating the laws governing executive branch agencies, unlawful electronic surveillance, using the CIA and others. Specific violations of law.

Clearly, in the Clinton impeachment, President Clinton was impeached for perjury and obstruction of justice. Those are crimes.

While Professor Turley does not take the view that a crime is necessarily required, he pointed out here that there was not nearly a sufficient basis and not nearly a sufficient record compiled in the House of Representatives to justify an abuse of power charge.

He also was very critical of the obstruction of Congress theory, and he pointed out that it would be an abuse of power by Congress under these circumstances where Congress has simply demanded information, gotten a refusal from the executive branch based on constitutionally based prerogatives of the executive or refusal to provide that information, then to simply go straight to impeachment without going through the accommodations process, without considering contempt, without going to the courts. That is Professor Turley's view on how incrementally the House of Representatives would have to proceed if they were going to try to reach ultimately some theory of obstruction of Congress.

So to cite Professor Turley, it is true, in his academic writing and in his testimony, he did not adopt the view that you must have a crime and only a crime as the charge for an Article of Impeachment. He still thought that neither of the Articles of Impeachment here could be justified or sufficient or could be used to impeach the President—both the abuse of power article and the obstruction article. So taking snippets out of what he said really does an injustice to the totality of his testimony, because the totality of his testimony was entirely against what the House ended up doing.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Ohio.

Mr. BROWN. Mr. Chief Justice, on behalf of Senator WYDEN and myself, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

Senators BROWN and WYDEN ask the following question to the House managers:

During yesterday's proceedings, the President's counsel failed to give an adequate response to a question related to whether acceptance of information provided by a foreign country to a political campaign or candidate would constitute a violation of the law and whether offers of such information should be reported to the FBI. FBI Director Christopher Wray, who was appointed by President Trump, has said "if any public official or member of any campaign is contacted by any nation-state about influencing

or interfering with our election, then that [is] something that the FBI would want to know about," and "we'd like to make sure people tell us information promptly so that we can take appropriate steps to protect the American people." If President Trump remains in office, what signal does that send to other countries intent on interfering in our elections in the future, and what might we expect from those countries and the President?

Mr. Counsel JEFFRIES. Mr. Chief Justice, distinguished Members of the Senate, thank you for that question.

I will take the last part first. It would send a terrible message to autocrats and dictators and enemies of democracy and the free world for the President and his team to essentially put out there for all to consume that it is acceptable in the United States to solicit foreign interference in our free and fair elections or accept political dirt simply to try to cheat in the next election.

I was certainly shocked by the comments from the President's Deputy White House Counsel yesterday, right here on the floor, when he said: "I think that the idea that any information that happens to come from overseas is necessarily campaign interference is a mistake."

No. It is wrong. It is wrong in the United States of America.

He also added "Information that is credible, that potentially shows wrongdoing by someone that happens to be running for office, if it's credible information, is relevant information for the voters to know . . . to be able to decide on who is the best candidate. . . ."

This is not a banana republic. It is the democratic Republic of the United States of America. It is wrong.

The single most important lesson that we learned from 2016 was that nobody should seek or welcome foreign interference in our elections. But now we have this President and his counsel essentially saying it is OK.

It is not OK. It strikes at the very heart of what the Framers of the Constitution were concerned about—abuse of power, betrayal by the President of his oath of office, corrupting the integrity of our democracy and our free and fair elections by entangling oneself with foreign powers. That is at the heart of what the Framers of the Constitution were concerned about.

Don't just trust me. We have several folks who have made this observation. The FBI Director—the Trump FBI Director—said that the FBI would want to know about any attempt at foreign election interference.

The Chair of the Federal Elections Commission also issued a statement reiterating the view of U.S. law enforcement. She said in part:

Let me make something 100 percent clear to the American public and anyone running for [public] office: It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election.

This is not a novel concept. Election intervention from foreign governments

has been considered unacceptable since the beginning of our Nation. It is wrong, it is corrupt, it is lawless, it is an abuse of power, it is impeachable, and it should lead to the removal of President Donald John Trump.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Missouri.

Mr. HAWLEY. I send a question to the desk on behalf of myself and on behalf of Senator LEE.

The CHIEF JUSTICE. Thank you.

The question from Senators HAWLEY and LEE is for counsel to the President:

The U.S. Federal Courts have held, most prominently in the Blagojevich case, that it is not unlawful for a public official to condition his official acts on official acts performed by another public officer. Is there any application to the allegations against President Trump?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

I think an important threshold point to make here is that we are not even in the realm of exchanging official acts, because there has been no proof of a quid pro quo here. We are not in the realm of a situation where there is one official act being traded for another.

I think that we have gone through the evidence that makes it quite clear that both, with respect to a meeting with the President—a bilateral meeting—and with respect to the temporary pause of security assistance, the evidence just doesn't stack up to show that President Trump linked either of those. Both took place—the meeting and the release of the aid—without Ukrainians doing anything, announcing or beginning any investigations. There is nothing in the transcript linking them to a quid pro quo. The Ukrainians didn't even know that there had been a temporary pause on the aid, and I could go on with a list of points on that.

I think if there were any application hypothetically, it would come in the realm of the fact that in foreign policy there are situations where there can be situations where one government wants some action from another and wants that action from another in a way that would condition other policies of one country.

You can say: We would like you—and this happens. For example, with the Northern Triangle countries: We want you to do more to stop the flow of illegal immigration. We are going to be conditioning some of our policies toward you, unless and until you do a better job stopping the flow of illegal immigration. It is a real problem on our southern border.

That happens all the time, and when there is something legitimate to look into, there could be a situation where the United States would say: You've got to do better on corruption. You've got to do better on these specific areas of corruption, or we are not going to be able to keep the same relationship with you.

One example like that, I believe it was pointed out that aid was held up to Afghanistan. President Trump held up aid to Afghanistan specifically because of concerns about corruption. In situations like that, there would be nothing wrong whatsoever with conditioning one policy approach on a foreign country modifying their policy to be more in line, to attune more directly to U.S. foreign interests. That is what foreign policy is all about. That could arise in situations of even calling for investigations.

I think it is interesting to point out that in May of 2018, three Democratic Senators sent a letter to the then-prosecutor in Ukraine suggesting that we have heard some things that you might not be cooperating with the Mueller investigation. And there was sort of an implicit indication behind the letter that there is not going to be as much support for Ukraine. This is something that is important. You have got to be helping with that investigation.

There is nothing wrong with encouraging the prosecutor general to assist with something important to the United States. That is part of foreign policy. It happens all the time. So to the extent that the Blagojevich case is relevant, it is in the general concept that there were some linkage between “we want your country to pursue these policies; it is going to affect our policies towards you,” that is entirely legitimate. That is not something that is a violation of any law or is improper. Again, coming back to the point here, there is no proof of that linkage. There no proof of what we have come to call “quid pro quo” in this case.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Washington.

Ms. CANTWELL. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

Senator CANTWELL's question is for the House managers:

In his opening remarks, Chairman SCHIFF said the Ukraine scheme was expansive and involved many people. Is there any evidence that Acting White House Chief of Staff Mick Mulvaney, Secretary of State Pompeo, Attorney General Barr or anyone on the outside were involved in this scheme to withhold military aid or obstruction of Congress?

Mrs. Manager DEMINGS. Mr. Chief Justice and Senator, thank you so much for that question.

If we remember Ambassador Sondland's testimony, where he said, “everyone was in the loop,” we don't just have to take his word for it. During his hearing, Mr. Sondland discussed a July 19 email he sent to the President's top aides, including Secretary Mike Pompeo, Acting Chief of Staff Mick Mulvaney, Mr. Mulvaney's senior adviser, Robert Blair, Secretary Rick Perry, and Brian McCormick, Secretary Perry's Chief of Staff.

We should at least start with, if we are serious about getting to the truth, issuing a subpoena for State Department emails. If you pay attention to

the slide, in the email, Sondland stated:

I talked to Zelensky just now.

He is prepared to receive POTUS's call. Will assure him that he intends to run a fully transparent investigation and will “turn over every stone”. He would greatly appreciate a call prior to Sunday so that he can put out some media about a “friendly and productive call” (no details). . . .

Mr. Mulvaney, in the email, acknowledges receipt and responds shortly: I asked the NSC to set up the call for tomorrow—6 days before President Trump's now infamous July 25th call in which he told President Zelensky to conduct investigations into the Bidens and the 2016 election. Mr. Sondland sent an email to the President's top aides updating them on the status of the scheme.

Again, “everyone was in the loop.” On August 11, Ambassador Sondland emailed Mr. Brechbuhl to ask him to brief Secretary Pompeo on the statement he was negotiating with President Zelensky with the aim of “making the boss happy”—the boss being the President—enough to authorize the investigation.

Ambassador Sondland wrote to Mr. Brechbuhl:

Kurt and I negotiated a statement from Z—

Mr. Zelensky.

to be delivered for our review in a day or two. The content will hopefully make the boss happy enough to authorize an invitation.

And he is talking about the invitation for a White House Oval Office meeting, which we know was much more critical and important than a sideline meeting at the U.N.

Yet, further evidence that “everyone was in the loop,” Attorney General Barr reportedly responded at some point—there was a New York Times article that was done, and Attorney General Barr responded to that article by stating that he was aware of DOJ investigations into some countries, and that he was concerned President Trump was giving world leaders the impression he had undue influence over what would ordinarily be independent investigations. He cited conversations the President had with leaders of Turkey and China, further demonstrating that there was concern about the President abusing the power of his office for personal, political reasons. Again, it proves that everybody was in the loop, and we should want to subpoena and review those emails involving the State Department and others.

The CHIEF JUSTICE. Thank you, Mrs. Manager.

Mr. THUNE. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from South Dakota.

Mr. THUNE. I send a question to the desk on behalf of myself and Senators MORAN, DAINES, ERNST, SCOTT of Florida, and CRAPO.

The CHIEF JUSTICE. Thank you. Senator THUNE and the other Senators ask the counsel for the President:

On March 6, 2019, Speaker NANCY PELOSI 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.” Alexander Hamilton also warned in *Federalist* 65 against the “persecution of an intemperate or designing majority in the House of Representatives” with respect to impeachment. In evaluating the case against the President, should the Senate take into account the partisan nature of the impeachment proceedings in the House?

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice and Members of the Senate.

Absolutely you should take that into account. That is dispositive. That should end it. Based on the statements that we heard the last time from our friends on the Democratic side, that is a reason why you shouldn’t have an impeachment. Speaker PELOSI was right when she said that. Unfortunately, she didn’t follow her own advice.

We have never been in a situation where we have the impeachment of a President in an election year with the goal of removing the President from the ballot. As I have said before, that is the most massive election interference we have ever witnessed. It is domestic election interference; it is political election interference; and it is wrong.

They don’t talk about the horrible consequences to our country of doing that, but they would be terrible. They would tear us apart for generations, and the American people wouldn’t accept it.

Let me address, in that context, the importance of the vote for their inquiry, which also had bipartisan opposition. Now they said: Well, we were fine when Speaker PELOSI announced it. We didn’t need a vote. The subpoenas were authorized.

Then why did they have a vote? They had a vote because they understood they had a big problem that they needed to fix. But what is more important about the vote than the procedural issue? The important thing about the vote is that if you are going to start an impeachment investigation, particularly in an election year, there needs to be political accountability to the American people. You can’t just go have a press conference. If you are going to say that the votes of the American people need to be disallowed and that all of the ballots need to be torn up, then at the very least you need to be accountable to your home district for that decision, and now they are—and now they are.

If the American people decide—if they are allowed to vote—if the American people decide that they don’t like what has happened here; that they don’t like the constitutional violations that have happened; that they don’t like the attack on a successful President for purely partisan political purposes, then they can do something about it, and they can throw them out. That is why a vote is important.

We should never even consider removing the name of a President from a

ballot on a purely partisan basis in an election year. Important? I will say it is important. For that reason alone and for the interest of uniting our country, it must be rejected.

Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. Thank you, counsel.

Mr. REED. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Rhode Island.

Mr. REED. Mr. Chief Justice, I send a question to the desk on behalf of Senators DUCKWORTH and HARRIS and myself for the House managers and for the President’s counsel.

The CHIEF JUSTICE. Thank you. The question from Senator REED and the other Senators is for both parties, beginning with the House managers:

It has been reported that President Trump has not paid Rudy Giuliani, his personal attorney, for his services. Can you explain who has paid for Rudy Giuliani’s legal fees, international travel, and other expenses in his capacity as President Trump’s attorney and representative?

Mr. Manager SCHIFF. A short answer to the question is, I don’t know who is paying Rudy Giuliani’s fees, and if he is not being paid by the President to conduct this domestic political errand for which he has devoted so much time, if other clients are paying and subsidizing his work in that respect, it raises profound questions—questions that we can’t answer at this point.

There are some answers that we do know. As he has acknowledged, he is not there to inform policy. So when counsel for the President says this is a policy dispute and you can’t impeach a President over policy, what Rudy Giuliani was engaged in, by his own admission, has nothing to do with policy—has nothing to do with policy.

And let me mention one other thing about this scheme that Giuliani was orchestrating and the consequence of the argument that they would make that quid pro quos are just fine. Let’s say Rudy Giuliani does another errand for the President—this time an errand in China—and he says to the Chinese: We will give you a favorable deal with respect to Chinese farmers as opposed to American farmers. We will betray the American farmer in the trade deal, but here is what we want. The quid pro quo is we want you to do an investigation of the Bidens. You know the one, the one the President has been calling for. They would say that is OK. They would say that is a quid pro quo to help his reelection. He can betray the American farmer; that is OK. That is their argument. Where does that argument lead us? That is exactly the kind of domestic, corrupt, political errand that Rudy Giuliani was doing gratis, without payment—at least not payment, apparently, from the President.

So who is paying the freight for it? I don’t know who is directly paying the freight for it, but I can tell you the whole country is paying the freight for it because there are leaders around the world who are watching this, and they

are saying the American Presidency is open for business. This President wants our help, and if we help him, he will be grateful.

He will be grateful. Is that the kind of message we want to send to the rest of the world? That is the result of normalizing lawlessness of the kind that Rudy Giuliani was engaged in.

One other thing, if I have—my time is not expired.

The CHIEF JUSTICE. I am sorry; your time is expired. Counsel.

Mr. Counsel SEKULOW. Mr. Chief Justice and Members of the Senate, it is hard for me to believe the words that just came out of the manager’s mouth: “open for business.” I will tell you who was open for business. You know who was open for business? The Vice President of the United States was charged by the then-President of the United States with developing policies to avoid and assist in removing corruption from Ukraine, and his son was on the board of a company that was under investigation for Ukraine, and you are concerned about what Rudy Giuliani, the President’s lawyer, was doing when he was over trying to determine what was going on in Ukraine?

And by the way, it is a little bit interesting to me—and my colleague, the Deputy White House Counsel referred to this. It is a little bit ironic to me that you are going to be questioning conversations with foreign governments about investigations when three of you—three Members of the Senate—Senator MENENDEZ, Senator LEAHY, and Senator DURBIN sent a letter that read something—quickly—like this. They wrote the letter to the prosecutor general of Ukraine. They said they are advocates—talking about the Congressmen—they are “strong advocates for a robust and close relationship with Ukraine [and] we believe that our cooperation . . . extend to such legal matters, regardless of politics.” And their concern was ongoing investigations and whether the Mueller team was getting appropriate—appropriate—responses from Ukraine regarding investigations of what? The President of the United States. And you are asking about whether foreign investigations are appropriate? I think it answers itself.

Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. Thank you, counsel.

Mr. LANKFORD. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Oklahoma.

Mr. LANKFORD. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senator ERNST, and Senator CRAPO.

The CHIEF JUSTICE. Thank you. The question from Senator LANKFORD and the other Senators is for the counsel for the President:

House managers have described any delay in military aid and State Department funds to Ukraine in 2019 as a cause to believe there was a secret scheme or quid pro quo by the President. In 2019, 86% of the DOD funds were

obligated to Ukraine in September, but in 2018, 67% of the funds were obligated in September and in 2017, 73% of the funds were obligated in September. In the State Department, the funds were obligated September 30 in 2019, but they were obligated September 28 in 2018. Each year, the vast majority of the funds were obligated in the final month or days of the fiscal year. Was there a national security risk to Ukraine or the United States from the funds going out at the end of September in the 2 previous years? Did it weaken our relationship with Ukraine because the vast majority of our aid was released in September each of the last 3 years?

Mr. Counsel PHILBIN. Mr. Chief Justice and Senators, thank you for that question. And the short, straightforward answer is there was no jeopardy to the national security interest of the United States from the timing of the release of this money. As the question indicated, the vast bulk of the funds in each of the prior 2 fiscal years were also obligated in September. So the fact that the funds were released here on September 11 and obligated by the end of the fiscal year was consistent with the timing in past years.

There was—and it is also the case that at the end of every fiscal year, there is some funding in this Ukrainian military assistance that doesn't actually make it out the door. It isn't obligated by the end of the fiscal year. We heard the House managers point to the fact that Congress had to put something in the continuing resolution, a special provision, to get \$35 million of the aid extended so it can be used in the next fiscal year. My understanding is that every fiscal year there is some amount of money. It is not always that same amount, but there is some amount of money that that has to be done for every year because it doesn't get out the door by the end of the year.

Now, it is not just from the raw data that we can see that the funds went out roughly the same timing toward the end of the year that, therefore, it doesn't suggest any great risk to Ukraine or risk to the national security of the United States. We know that from testimony as well.

Ambassador Volker testified that the brief pause on the aid was not significant, and the Under Secretary of State for Political Affairs, David Hale, explained that this is future assistance, and I mentioned this the other day. It is not like this money is being spent month by month to supply current needs in Ukraine. It is 5-year money. Once it is obligated, it can go to U.S. firms for providing materiel to the Ukrainians, and it doesn't get spent down finally and materiel shipped to Ukraine for a long time. So a delay of 48 or 55 days—depending on how you count it—and the money being released before the end of the fiscal year ends up having no real effect. It is not current money. It is supplying immediate needs.

Despite what we have heard about the idea that on the frontlines in the Donbas, Ukrainian soldiers are being put at risk, that is just not accurate.

And we know that also from Oleg Shevchuk, the Ukrainian Deputy Minister of Defense, who gave an interview to the New York Times and explained that the hold came and went so quickly that he didn't even notice any change.

And, remember, the Ukrainians didn't even know. President Zelensky and his advisers—Yermak and others—have made it abundantly clear. There was another interview just the other day with Danylyuk, who—I might get his title wrong. I think he was the Foreign Minister at the time. But there was an interview just the other day that was published. And he explained, again, that they didn't know the aid had been held up until the POLITICO article on August 28. And then he said there was a panic in Kyiv because they were just trying to figure out what to do. Well, within 2 weeks, it had been released.

And so we have also heard the idea that, well, it was just the fact of the delay that gave the Russians a signal, and it gave the Ukrainians a signal, and that was what the damage to the national security was. But the whole point is, leaders of the Government in Ukraine didn't know. It wasn't made public. So they weren't being given a signal by that, and the Russians weren't being given a signal by that. So that theory for damage to the national security also doesn't work.

There was a pause temporarily so that there could be some assessment to address concerns the President had raised. The money was released by the end of the fiscal year. There was no damage to the national security either in terms of materiel not being available to the Ukrainians or in terms of any signal sent to any foreign power. The money got out the door roughly the same time as in prior years. A little bit more left over at the end that had to be fixed, but there is some left over at the end every year that has to be fixed with a rider on the next appropriations bill or continuing resolution. So no damage whatsoever to the national security of the United States.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Hawaii.

Ms. HIRONO. "Aloha." I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator HIRONO for the House managers reads as follows:

In contrast to arguments by the President's counsel, acting White House Chief of Staff Mick Mulvaney stated that President Trump held up aid to Ukraine to get his politically-motivated investigations. He claimed: "We do that all the time with foreign policy" and "Get over it." What was different about President Trump's withholding of aid to Ukraine from prior aid freezes? Are you aware of any other Presidents who have withheld foreign aid as a bribe to extract personal benefits?

Mr. Manager SCHIFF. Thank you, Senator.

I will respond to the question, but let me begin with something in the category of: You can't make this stuff up.

Today, while we have been debating whether a President can be impeached for essentially bogus claims of privilege for attempting to use the courts to cover up misconduct, the Justice Department, in resisting House subpoenas, is in court today and was asked: Well, if the Congress can't come to the court to enforce subpoenas because, as we know, they are in here arguing, Congress must go to court to enforce its subpoenas, but they are in the court saying: Congress, thou shall not do that, so the judge says: If the Congress can't enforce its subpoenas in court, then what remedy is there? And the Justice Department lawyers' response is impeachment—impeachment. You can't make this up. I mean, what more evidence do we need of the bad faith of this effort to cover up?

I said the other day they are in this court making this argument; they are down the street making the other argument. I didn't think they would make it on the same day, but that is exactly what is going on.

Now, in response to the question about how is this aid different, this hold different from other holds, it is certainly appropriate to ask that question.

The laws Congress passed authorizing this appropriation did not allow for the hold by this President. And as the GAO—the Government Accountability Office—found, it violated the law to hold the aid the way it did.

Once the Department of Defense, in consultation with the Department of State, certified that Ukraine had met the anti-corruption benchmarks required under the law, there was nothing that would allow for a hold. The money had to flow.

And that was intentional. Military assistance to Ukraine is critical to our national security. It has overwhelming bipartisan support.

And recall that in the spring of 2019, the Defense Department certified Ukraine had met all of the anti-corruption benchmarks. The Department of State sent the Senate a letter saying that the benchmarks had been met. It issued a press release saying that the aid was moving forward. It began to spend the funds to help Ukraine, but then the President stepped in. Without legal authority, he secretly had placed a hold on the aid.

Now, the President's counsel, in their presentation, gives specific examples of past holds, as if we cannot distinguish one for a corrupt reason and one that is for a policy reason.

In many of their examples, the law explicitly provided the executive branch the authority to pause, reevaluate, or cancel foreign aid programs as the situation in a recipient country evolved.

For example, with regard to foreign assistance to El Salvador, Honduras, or Guatemala, the law explicitly allows

the Secretary of State to “suspend, in whole or in part” that “assistance” if at any time the Secretary deems “that sufficient progress has not been made by a central government.”

On a host of priorities, from respecting human rights to upholding the law, those are the priorities that you, the Senate, agreed to, and the President was required to implement them; similarly, aid to Afghanistan, the subject of periodic reevaluations by law. And the law explicitly directs the Secretary of State should “suspend assistance for the Government of Afghanistan” should be it assessed that the Afghan Government is “failing to make measurable progress” in meeting certain anti-corruption, human rights, and counterterrorism benchmarks.

The overthrow of the democratically elected Government in Egypt, we have had that brought up as another example. Members of this body, including Senators McCain, LEAHY, and GRAHAM, pressed the Obama administration to suspend military aid. It wasn't hidden from the Senate. It was urged on the administration by the Senate. Senators pressed for that aid to be withheld because the law was clear, in instances of a military coup, aid must be suspended. Senators McCain and GRAHAM wrote an op-ed in the Washington Post:

Not all coups are created equal, but a coup is still a coup. Morsi—

That is the deposed leader of Egypt, was elected by a majority of voters, and U.S. law requires the suspension of foreign assistance.

I could go on and on with examples. No one has suggested you can't condition aid, but I would hope that we would all agree that you can't condition aid for a corrupt purpose, to try to get a foreign power to cheat in your election.

Now, counsel says that if you decide the prosecution has proved that he engaged in this corrupt scheme, if you decide, as impartial jurors, that the Constitution requires his removal from office, that the public will not accept your judgment. I have more confidence in the American people.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. BOOZMAN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Arkansas.

Mr. BOOZMAN. I send a question to the desk on behalf of myself, Senators COTTON, ERNST, YOUNG, HAWLEY, RISCH, FISCHER, and HOEVEN.

The CHIEF JUSTICE. Thank you.

Senator BOOZMAN and the other Senators pose a question to both sides:

In the House Managers' opening statement, they argue that it is necessary to pursue impeachment because “The President's misconduct cannot be decided at the ballot box. For we cannot be assured that the vote would be fairly won.” How would acquitting the President prevent voters from making an informed decision in the 2020 presidential election?

The President's counsel goes first.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice, Members of the Senate.

That is exactly who should decide who should be President, the voters. All power comes from the people in this country. That is why you are here; that is why people are elected in the House; and that is why the President is elected. It is exactly who should decide the question, particularly in a case like this, where it is purely partisan.

Here is the other thing, when we are talking about impeachment as a political weapon, they didn't tell you what they told the court over the holidays when they were waiting to deliver the Impeachment Articles. They went and told the court: They are actually still impeaching over there in the House; did you know that? They are actually still impeaching.

They are coming here, and they are telling you: Please do the work that we didn't do, where we had 2 days in the House Judiciary Committee; we had to rush delivery for Christmas; and then we waited and waited and waited. But now we want you to call witnesses that we never called; that we didn't subpoena. They want to turn you into an investigative body. In the meantime, they are saying: By the way, we are still doing it over there. We are still impeaching. And they want to slow down now. They don't want to speed up. They want to slow it down and take up the election year and continue this political charade. It is all so wrong. It is all so wrong.

Let's leave it to the people of the United States. Let's trust them. They are asking you not to trust them. Maybe they don't trust them. Maybe they won't like the result. We should trust them. That is who should decide who the President of this country should be. It will be a few months from now, and they should decide.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager SCHIFF. Mr. Chief Justice, Senators, I appreciate the question.

President Trump must be removed from office because of his ongoing abuse of power. It threatens the integrity of the next election.

As we saw from the video montage, the President has made no bones about the fact that he is willing to seek foreign intervention to help him cheat in the next election.

Now, counsel for the President says the next election is the remedy. It is not the remedy when the President is trying to seek to cheat in that very election. This is why the Founders did not put a requirement that a President can only be impeached in their first term. Indeed, at that time, of course, there weren't term limits on the Presidency.

If it were the intent of the Framers to say that a President can't be impeached in an election year, they would have said so. Now, they didn't for a reason, because they were concerned about a President who might try to cheat in that very election.

Now, counsel—as I was getting to a moment ago—made the argument: If you make the decision as impartial jurors that the President has violated the Constitution, he has abused his power, he should be convicted and removed from office, that the country will not accept it. I have more confidence in the American people than that. But I will assure you of this: If you make the decision that a fair trial can be conducted without hearing from witnesses, the American people will not accept that judgment because the American people understand what goes into a fair trial, and they understand that a fair trial requires both sides to have the opportunity to present their case.

We would like to present our case. We would like to call our witnesses. We would like to rely on more than our argumentation.

There are few things about this trial that Americans agree on, but one thing they are squarely in agreement on—well, two. They believe a trial should have witness testimony, and they want to hear from John Bolton. That is the overwhelming consensus of the American people, and it is consistent with common sense.

Let's give the country a trial they can be proud of. Let's show that at least the process worked and that we followed the Founders' intent that a trial have witnesses. I don't think anyone can quarrel with the fact, when you look at the history of this body and evidence of impeachment—

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Virginia.

Mr. Kaine. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you. The question from Senator Kaine to the House managers:

If the Senate acquits the President on article II, after he violated both the Impoundment Control Act and the Whistleblower Act to hide the Ukraine scheme from Congress, what is to stop President Trump from complete refusal to cooperate with Congress on any matter?

Mr. Manager SCHIFF. Mr. Chief Justice, in short, the consequence is there is no constraint on this President or any other. This gets to a point—you have heard counsel for the President repeat over and over: Can you be impeached for asserting privileges—and, I would add, no matter how bogus or in bad faith those assertions may be, no matter whether they are in court today arguing the opposite of what they are arguing before you today?

And the answer is, yes, the President can be impeached for using the assertion of baseless claims to cover up his misconduct.

The House did not impeach the President over a single assertion of privilege. We impeached him for a far more fundamental reason: because he issued an order categorically directing the executive branch to defy every single

part of every single subpoena served by the House.

A President who issues orders like this is a President who can place himself above the law and a system of checks and balances. He can do whatever he wants and get away with it by using his powers to orchestrate a massive coverup. The President's lawyers haven't disputed that point. They can't. It is obvious that a President who ignores and can ignore all oversight is a threat to the American people.

Instead, they have argued assertion of a grab bag of legal privileges warranting this categorical defiance. These arguments are unprecedented and wrong.

The first thing to note is the President's arguments conveniently ignore the October 8 letter sent at the President's behest declaring that the President will not "participate" in the impeachment investigation.

I will not participate. This blanket defiance preceded all of the other letters and creative OLC opinions the President relied upon. It made clear that the rationale for blanket defiance was the President's belief that he can declare his own innocence and make it illegitimate to investigate him. This was not about privileges or legal arguments. Those came later, as his lawyers rushed to justify that Congress has no power whatsoever to enforce subpoenas against anyone.

Let's be clear. They may claim that their October 8 letter where they said they will not participate was somehow an offer to accommodate, but what the real condition was, was that the House simply drop the impeachment investigation or place the President in charge of its direction. That wasn't a real offer. That was a poison pill.

Now, what about the remaining arguments? The first point is that none of them justify his order to defy all the subpoenas. He never asserted executive privilege over any documents, and his remaining arguments that absolute immunity or agency counsel not being allowed to attend depositions have nothing to do with documents—nothing. So none of his legal arguments even applies to his direction that every single office and agency defy every single subpoena for documents.

And what about the total obstruction of the witnesses? Here, too, he never invoked executive privilege. Absolute immunity obviously couldn't apply to many of the lower level officials we subpoenaed.

The only remaining legal ground for defiance was the argument it is unconstitutional for Congress to prevent agency counsel from going to depositions—the fallback of fallback of fallbacks—except this rule was originally passed by a Republican Congress and has been used repeatedly by both Republican- and Democratic-led majorities and committees. It can't possibly justify obstruction of witness subpoenas. It is nothing more than a

phony cover for an obstruction that President Trump decided upon at the outset.

These arguments are, thus, incorrect on their own terms and fail to explain this categorical order.

One final irony, even before the argument in court today: At a recent oral argument in the DC Circuit, they made the same claim they made today. Let's pull up slide 56. In litigation, again, to enforce subpoenas, the judge said they can make it grounds for impeachment for obstruction of Congress. And the President's own lawyers said impeachment is certainly one of the tools that Congress has. We agree; it is one of the tools that you have for when a President would use a categorical obstruction of investigation into his own wrongdoing.

It is a tool that should be applied here. There cannot be a better case for impeachment on obstructing a coequal branch of Congress than the one before you where the obstruction is so complete and so categorical.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Florida.

Mr. SCOTT of Florida. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senator BRAUN, and it is to the President's counsel.

The CHIEF JUSTICE. Thank you. The question from Senators SCOTT of Florida and BRAUN for counsel for the President:

If Speaker PELOSI, Chairman SCHIFF, Chairman NADLER, and House Democrats were so confident in the gravity of the President's conduct and the "overwhelming evidence" of an impeachable offense that prompted the inquiry, why were the House Republicans denied the procedural accommodations and substantive rights afforded to the minority party in the Clinton impeachment? Additionally, why were the President's counsel and agency attorneys denied access to cross-examine witnesses during committee testimony and present the testimony of witnesses in defense of the issues under review?

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice, Members of the Senate. I don't know why they would do that. I don't know. They violated every past precedent. They violated all forms of due process.

Now, they say that is a process argument, and it is, but it is more than that. It is more than that. If you feel confident in your facts, then why do you design a process that completely shuts out the President? Why do you cook up the facts in a basement SCIF instead of in the light of day? Why do you do that?

Why don't you allow the minority to call witnesses, as they have had the right to do in all past impeachments? And then they come here and say: By the way, we were fully in charge, so completely in charge that we locked out the President's counsel, denied all rights, denied the minority any witnesses at all. But when we come here, they don't—they still don't get witnesses. They want you not only to do

their job but to make the same mistake, the same violation of due process, that they did. They said: Well, let's just pick the witnesses that we want. The other ones are irrelevant—not relevant.

In listening to Mr. SCHIFF over these months, I have come to a determination about what he means by "irrelevant." He means bad for them, OK. He means witnesses that the President wants to call. So I don't know why they did that.

I will say something else. I will say something else. I have respect for you, and I have respect for the House. And when I first got this job, I went—one of the first things I did is I went to visit Mr. SCHIFF, Chairman SCHIFF. I went to visit Chairman NADLER. I went to visit Chairman Cummings at that time. And I said: We are here to work with you, to cooperate where we can, but in the institutional interest, obviously. We will participate in oversight, but if we have constitutional points to make, we will make them and we will make them directly.

And the administration has participated in oversight. Many, many witnesses have testified in oversight hearings. A large number of documents have been produced in oversight hearings.

And in fact, in the letter that I sent on October 8, I made the same offer. I said: Look, this is not really a valid impeachment proceeding, for all of the reasons that we have stated, but if the committees wish to return to the regular order of oversight requests, we stand ready to engage in that process. But that never happened.

So I respect Congress. The administration respects Congress, but we respect the Constitution. We respect the Constitution, too, and we have an obligation to the executive branch and to the future Presidency—future Presidents—to vindicate the Constitution and vindicate those rights.

Thank you.

The CHIEF JUSTICE. The Senator from Oregon.

Mr. WYDEN. Mr. Chief Justice, I send a question to the desk for the House floor managers.

The CHIEF JUSTICE. Thank you. The question from Senator WYDEN for the House managers:

The Intelligence Community is prohibited from requesting that a foreign entity target an American citizen when the Intelligence Community is itself prohibited from doing so. In 2017, during [Director] Mike Pompeo's confirmation hearing to be the Director of the Central Intelligence Agency, he testified that "it is not lawful to outsource that which we cannot do." So when President Trump asked a foreign country to investigate an American when the U.S. government had not established a legal predicate to do so, how is that not an abuse of power?

Mr. Manager SCHIFF. It is absolutely an abuse of power. And what is more, if you believe that a President can essentially engage in any corrupt activity as long as he believes that it will assist his reelection campaign and

that campaign is in the public interest, then what is to stop a President from tasking his intelligence agencies to do political investigations? What is to stop him from tasking the Justice Department? If it can come up with some credible or incredible claim that his opponent deserves to be investigated, their argument would lead you to the conclusion that he has every right to do that, to use the intelligence agencies or the Justice Department to investigate a rival. And when they become a rival, it is even more justified.

But you are absolutely right. If Secretary Pompeo was correct and you can't use your own intelligence agencies, you sure shouldn't be able to use the Russian ones or the Ukrainian ones.

And here we have the President on that phone call pushing out this Russian propaganda, this Russian intelligence service propaganda—CrowdStrike, the server, as if there was just one server and it was whisked away to Ukraine; the Ukrainians hacked the server and not the Russians. A made-for-you-in-the-Kremlin conspiracy theory that undermines our own intelligence agencies but suits the political interests of the President.

And his legal agent, Rudy Giuliani, is out there peddling this fiction. The President himself is out there promoting this fiction, standing side by side with Vladimir Putin.

But you are absolutely right. It would be a monumental abuse of power, and it is a monumental abuse of power. And if you don't think abuse of power is impeachable, well, don't take my word for it. Don't take, earlier, Professor Dershowitz' word for it or Jonathan Turley's word for it. Let's look to our Attorney General. This is what he said: "Under the Framers' plan, the determination whether the President is making decisions based on improper motives"—something that Professor Dershowitz says we are not allowed to consider—"based on 'improper' motives or whether he is 'faithfully' discharging his responsibilities is left to the People, through the election process, and the Congress, through the Impeachment process. . . . The fact that [the] President is answerable for any abuses of discretion and is ultimately subject to the judgment of Congress through the impeachment process means that the President is not the judge in his own cause."

Their own Attorney General doesn't agree with their theory of the case. But again, we don't have to rely on Bill Barr's opinion or Alan Dershowitz' opinion or my opinion or the consensus of constitutional scholars everywhere; we can rely on our common sense. The conclusion that a President can abuse his power by corruptly entering into a quid pro quo to get a foreign intelligence service or a foreign government or foreign leader to do their political dirty work and help them cheat in the election—our common sense tells us that cannot be compatible with the Office of the Presidency.

If we say it is, if we say it is beyond the reach of the impeachment power, or we engage in this sophistry and we say: Because you put it under the rubric of abuse of power—even though that was the Framers' core offense—and you didn't put it under some other rubric, well, we won't even consider it—if we are going to engage in that kind of legal sophistry, it leaves the country completely unprotected from a President who would abuse his power in this way. That cannot be what the Framers had in mind.

The Constitution is not a suicide pact. It does not require us to surrender our common sense. Our common sense, as well as our morality, tells us what the President did was wrong. When a President sacrifices the national security interests of the country, it is not only wrong, but it is dangerous. When a President says, as we saw just a moment ago, over and over again, he will continue to do it if left in office, it is dangerous. The Framers provided a remedy, and we urge you to use it.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. BRAUN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Indiana.

Mr. BRAUN. I ask to send a question to the desk on my behalf and Senator BARRASSO's for the President's counsel.

The CHIEF JUSTICE. Thank you.

The question from Senators BRAUN and BARRASSO for counsel for the President:

The House Managers have said the country must be saved from this President, and he does not have the best interests of the American people and their families in mind. Do you wish to respond to that claim?

Mr. Counsel HERSCHMANN. Mr. Chief Justice, Members of the Senate, while the House managers are coming before you and accusing the President of doing things, in their words, solely for personal and political gain and claiming that he is not doing things in the best interests of the American people, the American people are telling you just the opposite.

The President's approval ratings, while we are sitting here in the middle of these impeachment proceedings, have hit an alltime high. A recent poll shows that the American people are the happiest they have been with the direction of the country in 15 years. Whether it is the economy, security, military preparedness, safer streets, or safer neighborhoods, they are all way up. We, the American people, are happier. Yet the House managers tell you that the President needs to be removed because he is an immediate threat to our country.

Listen to the words that they just said: We—we, the American people—cannot decide who should be our President because, as they tell us—and these are their words—"we cannot be assured that the vote will be fairly won." Do you really, really believe that? Do you really think so little of the American

people? We don't. We trust the American people to decide who should be our President. Candidly, it is crazy to think otherwise.

What is really going on? What is really going on is that he is a threat to them, and he is an immediate, legitimate threat to them, and he is an immediate, legitimate threat to their candidates because the election is only 8 months away.

Let's talk about some of the things the President has done. We have replaced NAFTA with the historic MCA. We have killed a terrorist—al-Baghdadi and Soleimani. We secured \$738 billion to rebuild the military. There have been more than 7 million jobs created since the election. Illegal border crossings are down 78 percent since May, and 100 miles of the wall have been built. The unemployment rate is the lowest in 50 years. More Americans—nearly 160 million—are employed than ever before. The African-American unemployment, the Hispanic-American unemployment, the Asian-American unemployment has the lowest rate ever recorded. Women's unemployment recently hit the lowest rate in more than 65 years. Every U.S. metropolitan area saw per capita growth in 2018. Real wages have gone up by 8 percent for the low-income workers. Real median household income is now the highest level ever recorded. Forty million fewer people live in households receiving government assistance. We signed the biggest package of tax cuts and reforms in history. Since then, over \$1 trillion has poured back into the United States. Six hundred and fifty thousand single mothers have been lifted out of poverty. We secured the largest ever increase for childcare funding, helping more than 800,000 low-income families access high-quality, affordable care. We passed, as Manager JEFFRIES will recall, bipartisan criminal justice reform. Prescription drugs have received the largest price decrease in over half a century. Drug overdose deaths fell nationwide in 2018 for the first time in nearly 30 years.

The Gallup poll from just 3 days ago says that President Trump's upbeat view of the Nation's economy, military strength, economic opportunity, and overall quality of life will likely resonate with Americans when he delivers the State of the Union Address to Congress next week.

If all that is solely—solely, in their words—for his personal and political gain and not in the best interests of the American people, then I say: God bless him. Keep doing it. Keep doing it. Keep doing it.

Maybe if the House managers stop opposing him and harassing him and harassing everyone associated with him, with the constant letters and the constant investigations, maybe we can even get more done.

Let's try something different now. Join us. Join us. One Nation. One Nation. One people. Enough is enough. Stop all of this.

Thank you.

Mr. BENNET. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Colorado.

Mr. BENNET. Thank you. I send a question to the desk from myself and Senator SCHATZ and Senator MENENDEZ.

The CHIEF JUSTICE. Thank you.

The question from Senators BENNET, MENENDEZ, and SCHATZ is to the House managers:

If the Senate accepts the President's blanket assertion of privilege in the House impeachment inquiry, what are the consequences to the American people? How will the Senate ensure that the current president or a future president will remain transparent and accountable? How will this affect the separation of powers? And, in this context, could you address the President's counsel's claim that the President's advisers are entitled to the same protections as a whistleblower?

Mr. Manager NADLER. Mr. Chief Justice, Members of the Senate, privileges are limited. We have voted to impeach the President for, among other things—article II of the impeachment is total defiance of House subpoenas.

And the President announced it in advance: I will defy all the subpoenas. What does this mean? It means that there is no information to Congress. It means the claim of monarchical, dictatorial power. If Congress has no information, it cannot act. If the President can define—now, he can dispute certain specific claims. You can claim privilege, et cetera. But to defy categorically all subpoenas, to announce in advance you are going to do that and to do it, is to say that Congress has no power at all, that only the executive has power.

That is why article II is impeaching him for abuse of Congress. That is why, for a much lesser degree of offense, Richard Nixon was impeached for abuse of Congress—for the same defiance of any attempt by the Congress to investigate.

What are the consequences? The consequences, if this is to be—if he is to get away with it, is that any subpoena you vote in the future, any information you want in the future from any future President may be denied you, with no excuses, announced in advance—I will defy all the subpoenas. It eviscerates Congress and establishes the executive department as a total dictatorship. That is the consequence.

I want to also talk about—and the motives are clearly dictatorial.

I want to also take a point, since I have the floor, to answer a question—to comment on a question that Senator COLLINS and Senator MURKOWSKI asked yesterday. They asked about the question of mixed motives. How do you define—how do you deal with a deed—with a President who may have a corrupt motive and a fine motive? How do you deal with it?

Professor Dershowitz said: Well, you have to look at the—you have to mix. You have to weigh the balances.

Nonsense. Nonsense. We never, in American law, look at decent motives

if you can prove a corrupt motive. If I am offered a bribe and I accept the bribe for corrupt motive, I will not be heard in defense to say: Oh, I would have voted for the bill anyway; it was a good bill. You don't inquire into other motives. Maybe you had good motives, but once the corrupt motive and the corrupt act was established, there is no comparison.

All of this is just nonsense to point away from the fact that the President has been proven beyond a shadow of a doubt—and the defenders don't even bother, really, to defend; they just come out with distractions—has been proven beyond a reasonable doubt to have abused his power by violating the law to withhold military aid from a foreign country to extort that country into helping his reelection campaign by slandering his opponent. Corrupt—no question. Violation of the law—no question. Factually—no question. They don't even make a real attempt to deny it. Everything is a distraction.

And the one chief distraction is, once you prove a corrupt act, that is it. You never measure the degree of, maybe he had decent motives too. Professor Dershowitz, in talking about that and in talking about the absolute power of the Presidency, was just absent from American law or any kind of Western law.

I yield back.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. PERDUE. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Georgia.

Mr. PERDUE. I send a question to the desk for the President's counsel on behalf of myself, Senator ERNST, and Senator BARRASSO.

The CHIEF JUSTICE. Thank you.

The question from Senators PERDUE, ERNST, and BARRASSO for counsel for the President is as follows:

Please summarize the House of Representatives' three-stage investigation and how the President was denied due process in each stage. Combined with Manager SCHIFF's repeated leaks during the House's investigation, do these due-process violations make this impeachment the fruit of the poisonous tree?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question. The short answer, as I think I have indicated a couple of the times I have been up here, is, yes, this entire proceeding here is now the fruit of the poisonous tree. It is the fruit of a proceeding that was fatally deficient in due process from the start to the beginning. As a result of that, it produced a record that is totally unreliable, can't be relied on here for any conclusion other than acquitting the President.

Let me detail the three phases.

The first error was the House began the proceeding in a totally unconstitutional, unlawful, and illegitimate manner that started with an impeachment inquiry without any vote of the House to authorize that inquiry. I want to spend a second on this because the

House managers have spent a lot of time today trying to go back and argue about why their proceeding was all right, but they are not actually engaging the real issues.

In order for the House to exercise the power of impeachment, there has to be a delegation of that authority to a committee. That is just a fundamental principle that the Constitution gives power to the House itself, not to individual Members of the House, not to the Speaker. Just as here in the Senate you wouldn't think that the majority leader could say—if an impeachment arrived, the majority leader could say: Guess what. We are not going to do a trial with the whole Senate. I, the majority leader, will decide I will have one committee hear the evidence, provide a summary, and then you all can vote.

The majority leader doesn't have the authority on his own to do that. The Speaker doesn't have the authority in the House to give the power of impeachment to any committee to start pursuing an inquiry, and this is the key. There is no rule giving any committee in the House the authority to use the power of impeachment. Rule X speaks of legislative authority, not power of impeachment, and all the subpoenas that were issued came with letters saying on them: Pursuant to the House's impeachment inquiry. They purported to be using a power that hadn't actually been delegated to the committee. That is the first flaw—illegitimate, unlawful proceeding from the start.

Then there are the due process laws. Three stages of the hearings: One, secret hearings in the basement bunker; the President is locked out. No opportunity to cross-examine witnesses, to see the evidence, to present evidence.

And then, they go from that to the public hearings, what was really just a public show trial, because the President is still cut out, totally unprecedented in any Presidential impeachment—that there would be that second phase of public hearings where the President is still cut out, can't present evidence. The minority Members don't have equal subpoena authority.

In the third phase in front of the House Judiciary Committee, they purport to have offered rights, but I have explained that. It was illusory because they had already decided. Before the President was even supposed to respond to what rights he would like to exercise, the Speaker had announced the result that there were going to be Articles of Impeachment. The Judiciary Committee decided they weren't going to hear from any fact witnesses. They had no plans for hearings. It was all a foregone conclusion because they had to get it done by Christmas.

And the third error: Chairman SCHIFF was in charge of all the fact-finding and he had an interest, because of the interactions of his office with the whistleblower that we still don't know about, to shut down questioning about

the motives, the bias, the reasons that the whistleblower—how this all came about.

All three of those errors affected this process from the very beginning. They resulted in a one-sided, slanted fact-finding that was rushed by a person controlling the fact-finding who had a motive to limit what facts would be allowed to get into the proceedings and produced a record that cannot possibly be relied on here. We said many times that the Supreme Court has made clear that cross-examination is the greatest legal engine ever invented for the discovery of truth. And they didn't permit the President the opportunity to cross-examine anyone. And that is an indication that the goal was not a search for the truth. It was a partisan charade intended to justify a preordained result and to get it done by Christmas, and it is not a record that can be relied on here.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Illinois.

Ms. DUCKWORTH. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator DUCKWORTH for the House managers:

If the hold on aid to Ukraine was meant to be kept secret until the President could gather internal U.S. government information on Ukraine corruption and European cost sharing, then is there any documentary evidence of this? For example, is there any evidence that the President was briefed on those issues by the NSC, DOD or State Department during the period of the hold in the summer of 2019, or any evidence that he requested specific information on anti-corruption reform measures in Ukraine? Prior to releasing the aid on September 11, 2019, did the President order any changes to Administration policy to address corruption in Ukraine or burden sharing with our European allies?

Mr. Manager CROW. Mr. Chief Justice. Thank you, Senator, for that question.

Let's just take a moment and address what the process should have looked like, because, as we have already established and as President's counsel has conceded and we have conceded, this does happen. Right? There is a legitimate policy process for review and for determination on hold because there is, indeed, legitimate policy reasons to hold aid. And we have never said that corruption is not one of those or burden-sharing wouldn't be one of those. What we are saying is that there is no evidence that what we are talking about today—that the President was concerned or engaged in that process.

So what would normally happen is Congress would come together as we did. We passed appropriations bills, and we made the determination that funding was appropriate for the aid, which 87 Members of the Senate did this past year. The President would then rely on the advice of government experts from the National Security Council, the De-

partment of Defense, State Department, and the Office of Management and Budget regarding that aid. That is the interagency process that we have talked so much about—the interagency process that we went through earlier last year. And at the conclusion of that interagency process, it was determined that it had met all the conditions for the aid and all the agencies determined that it should go forward. The President would then seek permission from Congress that he intended—normally, if there was a reason, the President would go back and seek permission from Congress—to hold the aid. So let me repeat that. If there were a reason to hold it, the President—and President Trump has done this in the past under legitimate processes, as has President Obama and prior Presidents—would go back to Congress under prescribed processes and make sure that they are not violating the Impoundment Control Act and seek permission to hold it. That did not happen.

Congress would then weigh in on the request by approving or denying the President's request. Unless Congress specifically approves the President's request, the aid must be made available. Of course, none of that happened.

In this instance, a hold was put in place. We don't know exactly when because the President and his agencies have prevented us, and his counsel prevented us, from getting that information. But a hold was put in place. No reason was given. The only one in the United States Government who apparently knows why that hold was put in place is President's counsel, who tried to tell us last night why he thinks the hold was put in place, but nobody else knows.

So yes, the answer is if there was a legitimate policy process put in place, there will be a lot of information about burden-sharing, about corruption, about any of the other concerns to which we have no evidence.

And if burden-sharing—to the last point of the question—was a concern, then the person who should have been asked to discuss those concerns with the EU and our European partners would have been Ambassador Sondland, because he is the United States Ambassador to the European Union. And not once did President Trump go to Ambassador Sondland and say: Discuss these issues with the EU and the Europeans, saying they need to provide more money. Not once did that happen, and it didn't happen because it wasn't the real concern.

All the evidence shows the President withheld taxpayer money, foreign aid to our partner at war to coerce them to start a political investigation to benefit his 2020 election campaign. That is what the evidence shows, and that is why we are still here. And there is one person that can provide additional information on that, and that is Ambassador Bolton. And, yes, it is still a good time to subpoena Ambassador Bolton.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Maine.

Ms. COLLINS. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators CRAPO, BLUNT, and RUBIO.

The CHIEF JUSTICE. Thank you.

The question from Senator COLLINS and the other Senators for both parties:

Are there legitimate circumstances under which a President could request a foreign country to investigate a U.S. citizen, including a political rival, who is not under investigation by the U.S. government? If so, what are they and how do they apply to the present case?

The House goes first.

Mr. Manager SCHIFF. Mr. Chief Justice, Senator.

It would be hard for me to contemplate circumstances where that would be appropriate, where it would be appropriate for the President of the United States to seek a political investigation of an opponent.

One of the, I think, most important post-Watergate reforms was to divorce decisions about specific cases, specific prosecutions from the White House to the Justice Department, to build a wall. One of the many norms that has broken down in this Presidency is that wall has been obliterated, where the President has affirmatively and aggressively sought to investigate his rivals. I cannot conceive of circumstances where that is appropriate.

It may be appropriate for the Justice Department, acting independently and in good faith, to initiate an investigation. There is a process for doing that. We heard testimony about doing that. You can make a request under the mutual legal assistance treaty, MLAT, process when a foreign country has evidence involving a criminal case involving a U.S. person. There is a legitimate way to do that.

That didn't happen here. In fact, when Bill Barr's name was first revealed, when that transcript was brought to light, the Justice Department immediately said: We have nothing to do with this—nothing to do with this. Here, this particular domestic political error was being done by the President's personal lawyer.

I want to just follow up also while I can, Senator, on my colleague's comments in terms of mixed-motives. If you conclude the President acted with mixed-motives—some corrupt and forbidden, some legitimate—you should vote to commit. That principle is deeply rooted in our legal tradition. It is commonplace in civil and criminal law going back centuries.

For example, in describing the standard for corrupt motive for obstruction, the 7th Circuit rejected any requirement that a defendant's only or main purpose was to obstruct the due administration of justice and, instead, the court explained a defendant is guilty if his motives included any corrupt, forbidden goals. That case, United States

v. Cueto, which I cited earlier, is not only relevant here, but that case was argued by Professor Dershowitz and he lost. He made the argument he has made and the President's lawyer have made today. They lost that case and for a good reason. It is contrary to the history of our legal traditions. If someone, and this is—the Founders were concerned, for example, that a President might be charged with bribing managers of the electoral college.

The CHIEF JUSTICE. The President's counsel.

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

I would like to start by pointing out that the question sort of assumes that there is a request for an investigation in a foreign country of a United States person.

I would just like to bring it back, though, here, to the transcript of the July 25 call, where President Trump didn't ask President Zelensky, specifically, for an investigation or investigation into Vice President Biden or his son Hunter. There is a lot of loose talk in sort of shorthand reference to it that way.

What he refers to is the incident in which the prosecutor was fired. The first thing that he says in that whole exchange is talking about the prosecutor being fired—and he says it sounds horrible to him—and the situation with Burisma. And all the President says is: "So if you can look into it. . . . It sounds horrible." It sounds like a bad situation.

That is not calling for an investigation, necessarily, into Vice President Biden or his son, but the situation in which the prosecutor had been fired which affected anti-corruption efforts in the Ukraine.

President Zelensky responded by saying the issue of the investigation of the case is actually the issue of making sure to restore the honesty. So we will take care of that. He is explaining that he understands that it is an issue that has to do with, was an investigation over there, which their prosecutor was handling, derailed in a way that affected their anti-corruption efforts, and was it something worth looking into?

It is the President's making clear that we are not saying that it is off-limits. It sounds bad to the U.S. as well.

Let me get more specifically to the question of, Is there any situation where it might be legitimate to ask for an investigation overseas?

Yes. If there were conduct by a U.S. person overseas that potentially violated the law of that country but didn't violate the law of this country but there were a national interest in having some information about that and understanding what went on, then it would be perfectly legitimate to suggest that this was something worth looking into.

We have an interest in knowing about this, even if it is not something

that would mean a criminal investigation here in the United States. So that could arise in various circumstances where a person had done something overseas, but there was a national interest in knowing what they had done.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Democratic leader is recognized.

Mr. SCHUMER. Mr. Chief Justice, I send a question to the desk for President's counsel and the House managers.

The CHIEF JUSTICE. Thank you.

The Democratic leader's question is this:

Yesterday I asked the President's Counsel about the President's claim of absolute immunity. Specifically, I asked the President's lawyers to name a single document or witness that the President turned over to the House impeachment inquiry in response to their request or subpoena. Mr. Philbin spoke for 5 minutes and talked about the various types of immunities and privileges the President could invoke, but did not answer my question. So I ask once again, can you name a single witness or document that the President turned over to the House impeachment inquiry?

It is directed to both parties, and the President's counsel goes first.

Mr. Counsel PHILBIN. Mr. Chief Justice, Minority Leader SCHUMER, thank you for that question. I apologize if I was not direct at getting to the nub of the question yesterday.

I was intending to explain the rationales that the administration had provided for its actions and to explain, contrary to the question, that there was not simply absolute defiance and not simply a blanket assertion that we won't do anything. That is the way the House managers have tried to characterize it.

So let me be clear. There were document subpoenas issued prior to the adoption of H. Res. 660. The President explained—the administration explained—in various letters that all of those were invalid, and there were no documents produced in response. There were no documents produced in response because all of those subpoenas were invalid. There was no attempt to reissue those subpoenas or to retroactively attempt to authorize them.

There were then subpoenas for witnesses who were senior advisers to the President. The President advised the head of the committees that had issued those that those senior advisers had absolute immunity, and they were not produced for testimony. Those three senior advisers were not produced.

There were then subpoenas for witnesses to others whom the House Democrats insisted would be required to testify without the benefit of agency counsel, and I have explained that principle. The Office of Legal Counsel advised that those subpoenas attempting to require executive branch officials to testify without the benefit of agency counsel were unconstitutional, and so those witnesses were not produced. Still, there were 17 witnesses who testi-

fied, not including the 18th witness, the ICIG, whose testimony is still secret.

So there was quite a bit of testimony, and there have been, subsequently, some documents relevant to this, produced under FOIA. I just want to raise that because it makes clear that, if you follow the law and you follow the rules and you make a document request that is valid, documents get produced. If you don't follow the law, the administration resists. That is why the documents were not produced—because the subpoenas were invalid. We made that very clear.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager SCHIFF. The quick answer, Senator, is that not a single document was turned over and not a single witness was produced. The witnesses who did come came in defiance of the orders of the President.

Counsel has, obviously, made all of these claims that we think are completely spurious, but what they don't answer is, what was the motivation to fight all of these subpoenas?

They argue this interpretation which the courts have rejected—that the courts have looked at it and that somehow these subpoenas were invalid. But why didn't they produce the documents? Why did they insist on this "now discredited by the courts" legal theory? Because they were covering up the President's misconduct.

I want to return briefly to finish the comments I was making earlier about the Senator's question earlier on mixed motives.

There is a good reason mixed motives are no defense. Otherwise, officials who commit misconduct could always claim that, even if they did it and even if it were corrupt, they must be acquitted because they were able to invent some phony motivation and insist it played some minor role in their scheme.

Imagine how that principle would apply to a President charged with bribing members of the electoral college. Multiple Framers cited this specific threat while discussing impeachment at the Constitutional Convention. Could a President defend himself on the ground that he was motivated, in part, by a noble desire to reward members of the electoral college for their public service? Could he defend it on the ground that, even as he handed over the bribes, he wasn't just acting corruptly but was also seeking to advance the public interest by keeping himself in power? According to the President's lawyers, yes, he could.

Indeed, for all of the reasons we provided, there is no doubt that the President's quid pro quo, the solicitation of foreign interference, and his use of official acts to compel that interference were a fundamentally corrupt scheme, by which I mean the motive and intent was to benefit himself—to obtain personal political gain while ignoring and injuring core national interests in our democracy and our security.

We have demonstrated, we believe, that the scheme was entirely corrupt, but if you have any question about that, ask John Bolton. If there is any question about whether the motive was mixed or not mixed, ask John Bolton. He has relevant testimony. You can ask, also, Mick Mulvaney.

You can subpoena the documents and answer the earlier questions as to what the documents say about when the President withheld the aid and whether there was any interagency discussion of reforms in the errata. I mean, the President's counsel literally made the argument that the circumstance that changed was a change in the errata, but there is no evidence to support that idea.

The CHIEF JUSTICE. The manager's time has expired.

The majority leader is recognized.

RECESS

Mr. McCONNELL. Mr. Chief Justice, I ask unanimous consent that the Senate stand in recess until 4 p.m.

There being no objection, at 3:37 p.m., the Senate, sitting as a Court of Impeachment, recessed until 4:03 p.m.; whereupon the Senate reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. The Senator from Idaho.

Mr. CRAPO. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators RISCH, GRAHAM, ERNST, FISCHER, CRUZ, and PERDUE.

The CHIEF JUSTICE. Thank you.

The question from Senator CRAPO and the other Senators for counsel for the President:

How many witnesses have been presented to the Senate at this point in this trial, how many pages of documentary evidence have been put in the record before the Senate in this trial, and how many other clips and transcripts of evidence have been presented to the Senate in this trial?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

I think it is important to recognize that—because the House managers keep talking about the need for witnesses, you can't have a trial without witnesses—you have seen a lot of witnesses. There were 17 witnesses who were deposed and testified—12 in public, 17 who were in closed hearings below.

So far you have seen in these presentations 192 video clips from 13 different witnesses. So testimony was shown here to you. Just as you would in a trial in an ordinary court sometimes play the video of a deposition instead of having the witness take the stand, you have seen video clips from 13 different witnesses.

The House managers dramatically wheeled into the Senate a record—I think it was reported as being 29,000 pages. I think the more official number is 28,578 pages. So you have got over 28,000 pages of documents submitted into the record provisionally in evidence in this trial, subject later to po-

tential objections for hearsay and other evidentiary objections.

You have also heard here the arguments that have been presented, along with presentation of both the documentary and testimonial evidence by video clip and by slides that were put up. You have heard arguments for up to 24 hours from each side. We didn't take all of our time. The House managers argued for over 21 hours, putting on, with their video clips and their excerpts from documents in the record, their case.

So at this point there has been a lot put on here in terms of a trial. You have seen the witnesses in the clips—all the most relevant parts. You have seen the documents put up in excerpts on screens.

And as a result of this, the House managers have consistently said over and over again—before they came here, they said they had an overwhelming case. It was already buttoned down. They didn't need anything else.

They said when they got here that it was proven—every single allegation, every line in each Article of Impeachment. They said: Proven, proven, proven.

We don't think that that is true, but those are their words. That is what they are telling you—that they have had sufficient evidence to make their case. They said “proven,” “sufficient,” “uncontested,” and “overwhelming” at least 68 times in the proceedings on the floor here.

Manager NADLER told us just today that they think they have not only proved it beyond a reasonable doubt but beyond any doubt because of the evidence that they have already put on in front of you.

We don't think that that is true. We think we have demonstrated it is not.

But the point is that the House managers have already put on a substantial amount of testimony from witnesses through their clips of prior deposition and hearing testimony. They have already presented to you a large portion of the most relevant documents from those 28,000. You have heard from the witnesses; you have seen where their testimony conflicts. You can see which is the better, more persuasive version of the facts.

You have been able to see what it is that they have in the record that they say was overwhelming—already ready to go to trial—and this proceeding, therefore, has already had a lot of the earmarks of a trial.

So don't be taken in by the idea that we can't have a trial here, you can't have a valid proceeding unless they bring someone in here to testify live, because it wouldn't be just one person. If we start to go down that route, it is not presenting the case that was prepared in the hearings below; it is opening up discovery for an entirely new case, and there would have to be depositions and witnesses on both sides, and there is no need to do that if they really believe what they are telling you—

that it is already overwhelming. It is already proven.

There is no need to go on to anything else when you have already seen so much and House managers had their chance to prepare their case.

And, again, I would also just make the point to bear in mind what is the set—what precedent would be set if this Chamber has to become the investigatory body for impeachments that were not prepared properly in the House.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Arizona.

Ms. SINEMA. Mr. Chief Justice, I submit a question to the desk for the President's counsel on behalf of myself, Senator MANCHIN, Senator MURKOWSKI, and Senator COLLINS.

The CHIEF JUSTICE. Thank you.

The question from Senator SINEMA and the other Senators for counsel for the President:

The Logan Act prohibits any U.S. citizen without the authority of the United States from communicating with any foreign government with the intent to influence that government's conduct in relation to any controversy with the United States. Will the President assure the American public that private citizens will not be directed to conduct American foreign policy or national security policy, unless they have been specifically and formally designated by the President and the State Department to do so?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

Let me preface—let me answer in several parts.

The first is, I just want to make clear that there was no conduct of foreign policy being carried on here by a private person.

The testimony was clear from Ambassador Volker—and I assume that the reference would be to Mr. Giuliani, the President's private counsel. Ambassador Volker was clear that he understood Mr. Giuliani just to be a source of information for the President and someone who knew about Ukraine and someone who spoke to the President.

And, in fact, it was the testimony that it was the Ukrainians, Andriy Yermak, who asked to be connected to Mr. Giuliani simply because he was someone who could provide information to the President.

And Ambassador Volker testified that it was not his understanding, he did not believe, that Mr. Giuliani was carrying out policy directives of the President but, rather, indicating his views of what he thought would be something useful for the Ukrainians to convince the President of their anti-corruption bona fides. So I just wanted to make that point.

It is, of course, the President's policy always to abide by the laws, and I am not in a position to make pledges for the President here, but the President's policy is always to abide by the laws, and we continue to do so.

I think it is worth pointing out that many Presidents, starting with President Washington, have relied on persons who are their trusted confidants but who are not actually employees of the government to assist in the conduct of foreign diplomacy.

President Washington relied on Gouverneur Morris to carry messages in certain circumstances, I believe, to the French. FDR had his confidants whom he relied on in certain circumstances to be a go-between with foreign powers, and there is a list of others. They were mentioned in some of the testimony during the House proceedings.

So I don't think that there is anything—again, as I said, it was not here, but there would not be anything improper for a President in some circumstances to rely on a personal confidant to be able to convey messages or receive messages back and forth from a foreign government that would relate to the President's conduct in foreign affairs. That is not prohibited but within his authority under the Constitution under article II.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. KENNEDY. Your Honor.

The CHIEF JUSTICE. The Senator from Louisiana.

Mr. KENNEDY. Thank you, Your Honor. On behalf of myself and Senator ERNST, I send a question to the desk for Mr. NADLER and Mr. Philbin.

The CHIEF JUSTICE. The question from Senator KENNEDY and Senator ERNST to both parties, and the House managers will be first:

If the president asks for an investigation of possible corruption by a political rival under circumstances that objectively are in the national interest, should the president be impeached if a majority of the House believes the president is in it for the wrong reason?

Mr. Manager NADLER. The President, of course, is entitled to conduct foreign policy; he is entitled to look into corruption in the United States or elsewhere; he is entitled to use the Department of State or any other Departments in that effort. He is not entitled to target an American citizen specifically, nor did he do so innocently here. It was only after Mr. Biden became an announced candidate for President that he suddenly decided that Ukraine ought to look into the Bidens.

And he made it very clear—he made it very clear—that he wasn't interested in an investigation; he was interested in an announcement of an investigation just so the Bidens could be smeared.

So it is probably never suitable for a President to order an investigation of an American citizen. If he thinks there is general corruption and there is an investigation ongoing, the Justice Department certainly can ask the foreign government to assist in an investigation. But that wasn't done here. The President specifically targeted an individual with an obvious political mo-

tive, and I would simply say that that is so clear that there is no question that it was a political motive against a specific individual.

There are about 1.8 million companies in Ukraine. The estimates were that about half of them were corrupt. The President chose one—the one with Mr. Biden.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

I think the short answer is no; the President should not be impeached. And I think what the focus of the question is getting at is to the situation of mixed motives, which has come up a couple of times here.

If the President, as chief law enforcement officer, head of the executive branch, is in a situation where there is a legitimate investigation being pursued and he indicates that it should be pursued, is it possible that he should be impeached for that if there is some dispute about his motives, whether there is a legitimate basis for that conduct? The answer is no, and the House managers themselves, in the way they framed their case, recognized this.

In the House Judiciary Committee report, they repeatedly say that the standard they are going to have to meet—they are going to have to show that these are sham investigations; these are baseless investigations that they are alleging that the President wanted to initiate; and they had no legitimate—there was not any legitimate basis for pursuing the investigation. I am pretty sure that is page 5 of the House Judiciary report.

They use that standard and they talk about there not being a scintilla of evidence about anything that anyone could reasonably want to ask about related to the Bidens and Burisma because they know they can't get into a mixed-motive scenario, because if you have a legitimate basis for asking a question about something, if there is a legitimate national interest there, it is totally unacceptable to start getting into the field of saying: Well, we are going to impeach the President and remove him from office by putting him on the psychiatrist's couch to try to get inside his head and find out was it 48 percent in this motive and 52 in the other—or did he have some other rationale? No. If it is a legitimate inquiry in the national interest, that is the end of it, and you can't say that we are going to impeach the President, remove him from office, decapitate the executive branch of the government, disrupt the functioning of the government of the country in an election year by trying to parse out subjective motives and which percentage of the motive was a good motive or some other motive—something like that. If it is a legitimate inquiry in the national interest, if that possibility is there, if the national interest is there, that is the end of it. Thank you.

The CHIEF JUSTICE. Thank you, counsel.

I haven't specified this before, but I think it would be best if Senators directed their questions to one of the parties or both and leave it up to them to figure out who they want to go up to bat, rather than particular counsel.

The Senator from Illinois.

Mr. DURBIN. Mr. Chief Justice, now I send a question to the desk.

The CHIEF JUSTICE. The question from Senator DURBIN to the House managers:

Would you please respond to the answer that was given by President's counsel to Senator SINEMA's question?

Mr. Manager SCHIFF. Senators, Mr. Chief Justice, in answer to that question, we heard a rather breathtaking admission by the President's lawyer, and it was said in an understated way, so you might have missed it. But what the President's counsel said was that no foreign policy was being conducted by a private party here; that is, Rudy Giuliani was not conducting U.S. foreign policy. Rudy Giuliani was not conducting policy.

That is a remarkable admission because, to the degree that they have attempted to suggest or claim or insinuate that this is a policy difference, that a concern over burden-sharing or some big corruption was a policy issue, they have now acknowledged that the person in charge of this was not conducting policy. That is a startling admission.

So the investigations that Giuliani was charged with trying to get Ukraine to announce into Joe Biden, into this Russia propaganda theory, they have just admitted were not part of policy. They were not policy conducted by Mr. Giuliani.

So what were they? They were, in the words of Dr. Hill, "a domestic political errand," not to be confused with policy. They have just undermined their entire argument—even as to mixed motives—because the man in charge of it was undergoing a domestic errand.

You heard a suggestion that he was only doing this because he was asked by Andriy Yermak. That is laughable. Giuliani tried to get the meeting with Zelensky, remember? And he couldn't get in the door, and then he announced that there were enemies around President Zelensky. And then they go into the phone call on July 25, and the Ukrainians try to persuade the President: You don't have enemies in Ukraine; we are only friends. And what was the President's response? I want you to "talk to Rudy." That is not policy being conducted; that is a personal, political errand. They just undermined their entire argument.

Now the President's counsel also essentially argues, in terms of witnesses, if their case is as strong as Mr. SCHIFF and Mr. NADLER and others say, then why do they need witnesses? You know, you can imagine a scene in any courtroom in America where, before the trial begins, defense counsel for the defendant stands up and says: Your

Honor, if the prosecution's case is so strong, let them prove it without witnesses. That is essentially what is being argued here.

Well, I will make an offer to opposing counsel, who have said that this will stretch on indefinitely if you decide to have a single witness: Let's cabin the depositions to 1 week.

In the Clinton trial, it was 1 week of depositions, and do you know what the Senate did during that week? They did the business of the Senate. The Senate went back to its ordinary legislative business while the depositions were being conducted. If you want the Clinton model, let's use the Clinton model. Let's take a week.

Let's take a week to have a fair trial. You can continue your business. We can get the business of the country done. Is that too much to ask in the name of fairness, that we follow the Clinton model, that we take 1 week?

I mean, are we really driven by the timing of the State of the Union? Should that be our guiding principle?

Can't we take 1 week to hear from these witnesses? I think we can. I think we should. I think we must.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. Chief Justice, I send to the desk a question submitted on behalf of myself and Senator SCHATZ, directed to both White House counsel and the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senators MURKOWSKI and SCHATZ directed to both parties:

Would you agree that almost any action a President takes, or indeed any action the vast majority of politicians take, is, to one degree or another, inherently political? Where is the line between permissible political actions and impeachable political actions?

The President's counsel will go first.

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question, and I think that the question really hits the nail on the head.

As I mentioned the other day, in a representative democracy, elected officials almost always have at least one eye looking on to the next election and how their actions—their policy decisions, their actions in office—will be received by the electorate, and there is nothing wrong with that. That is good. It is part of the way representative democracy works. So having part of your motives being looking toward the next election, looking toward how that will affect electoral chances—that is part of the nature of elected office. And to start getting into motives about “Will this affect my prospects in the next election?” and calling that corrupt, and, if you have got that as part of your motive, looking into whether you were doing something for electoral advantage and saying “That is going to be a corrupt motive; we will say that you can be charged for wrongdoing with that or impeached” is very dan-

gerous because there is almost no way to get inside someone's head and parcel out which percentage was one motive and which percentage was another motive.

If you start down that path, it is totally amorphous. This is part of the point that Professor Dershowitz was making and that was made here a couple of times. This idea of impeaching a President on a theory of abuse of power depends entirely on analyzing subjective motives because that is what the House managers have suggested—that we are assuming there is an act, on its face, that is legitimate and is within the President's authority and is not, on its face, in any way unlawful or unconstitutional, but solely based on motive, we are going to impeach him. And by saying “Well, if it was really directed at the next election, that is the corrupt motive,” that is a very dangerous path because there is always some eye on the next election.

It ends up becoming a standard so malleable that it really is a substitute for a policy difference: If we don't like your policy, we attribute it to bad motives. That is something that Justice Iredell warned about in the North Carolina ratifying convention, that if you base something just on motive because of what he called “malignity of party,” the other party will always attribute bad motives.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Counsel PHILBIN. Thank you.

Mr. Manager SCHIFF. Senators, I think the answer is yes.

I think the answer is yes, that public officials are inherently political animals. I don't mean that in the derogatory term. They run for office; they hold office; they conduct acts as political figures. But if we look at what Hamilton had to say about the core of offenses that warrant the impeachment power, he talked about the crimes being political in character and the remedies being political in character because we are not talking about imprisonment here. We are not talking about taking away someone's liberty.

So we are talking about a political punishment for a political crime. Now, what is a political crime? Yes, everyone in office has a political motivation. But certainly that doesn't mean that we can't draw a line between corrupt activity that is undertaken, yes, for a political reason and noncorrupt activity. Indeed, we have to draw that line. Let's show what Professor Dershowitz had to say about where we should draw the line.

(Text of Videotape presentation:)

Mr. DERSHOWITZ. If a President does something which he believes will help him get elected—in the public interest—that cannot be the kind of quid pro quo that results in impeachment. The fact that he has announced his candidacy is a very good reason for upping the interest in this son. If he wasn't running for President, he's a has-been. He is the former Vice President of the United States. OK, big deal. But if he is running for President, that is an enormous big deal.

Mr. Manager SCHIFF. So it is certainly true that when public officials take actions, they may have in mind, when they make a policy judgment, what is the impact on my political career going to be, or, what is the impact going to be on my reelection prospects, but that is a very different question than whether they can engage in a corrupt act to help their election—in this case, to get foreign help to cheat in an election.

I think we can distinguish between the fact that political actors have political interests and what the President's defense would argue, and that is, if he believes it is in his reelection interest, then no quid pro quo is too corrupt. If we go down that road, there is no limit to what this or any other President can do. There is no limit to what foreign powers will feel they can offer a corrupt President to help their reelection if that is the precedent we intend to establish.

The CHIEF JUSTICE. Thank you, counsel. Thank you, Mr. Manager.

The Senator from New Jersey.

Mr. MENENDEZ. Mr. Chief Justice, I have a question, which I send to the desk and ask the House managers to respond to it.

The CHIEF JUSTICE. Thank you. The question for the House managers from Senator MENENDEZ:

The President was seeking investigations from a foreign power based partly on what Fiona Hill called “a fictional narrative perpetrated and propagated by the Russian security services.” The US Intelligence Community has warned that the Russian government is already preparing to attack our election in 2020, and the President has said publicly he would welcome foreign interference in our elections. Why should Americans be concerned about foreign interference and why does it matter that the President continues to solicit foreign interference in our elections?

Mr. Manager CROW. Mr. Chief Justice and Senator, thank you for the question.

Let's outline the facts that we do know about today. None of the 17 witnesses who testified as part of the House's impeachment inquiry were aware of any factual basis to support the allegations that it was Ukraine and not Russia that interfered in the 2016 election. FBI Director Christopher Wray, who was nominated by President Trump and confirmed by this body, stated as recently as this past December that we have no reason to believe that Ukraine interfered in the 2016 U.S. election. He said: “We have no information that indicates that Ukraine interfered with the 2016 Presidential election.”

President Trump's own Homeland Security advisor, Tom Bossert, said about this allegation: “It's not only a conspiracy theory, it is completely debunked.” He added: “Let me just repeat here again, it has no validity.”

And, of course, Ms. Hill, as the question indicated, said “fictional narrative that is being perpetrated and propagated by the Russian security services themselves.”

The U.S. intelligence community has unanimously determined that there is no validity to this—our own intelligence and law enforcement. Special Counsel Mueller found that Russia's interference was "sweeping and systematic."

But don't take our own law enforcement and intelligence community's word for it; let's hear what Vladimir Putin himself said recently about this. In November of 2019, Mr. Putin was overheard saying: "Thank God no one is accusing us of interfering in the U.S. elections anymore. Now they are accusing Ukraine."

Let me end with that one because that one demonstrates to me why this matters. That one demonstrates to me why anyone in the United States should matter. Vladimir Putin could care less about delivering healthcare for the people of Russia and building infrastructure in Russia. Vladimir Putin, as many people in this Chamber know well—because I have worked with some of you on this—wakes up every morning and goes to bed every night trying to figure out how to destroy American democracy, and he has organized the infrastructure of his government around that effort.

This is a battle over resolve. It is the battle over the hearts and minds of our people. It is the battle over information and disinformation. And if a message from the very top of our government, from the very top of our leaders—if the message from some folks over the last couple of weeks is that facts don't matter, that our law enforcement doesn't matter, that our intelligence communities' unanimous consensus doesn't matter, that is dangerous. That is what Vladimir Putin and Russia are looking for, and that makes us less safe.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators HAWLEY, CRUZ, CRAMER, BRAUN, PERDUE, BARRASSO, RUBIO, RISCH, SULLIVAN, ERNST, SCOTT of Florida, DAINES, and FISCHER for both the House managers, with response from the counsel for the President.

The CHIEF JUSTICE. Thank you. The question from Senator JOHNSON and the other Senators for both parties:

Recent reporting described two NSC staff holdovers from the Obama Administration attending an "all hands" meeting of NSC staff held about two weeks into the Trump Administration and talking loudly enough to be overheard saying "we need to do everything we can to take out the President." On July 26, 2019, the House Intelligence Committee hired one of those individuals, Sean Misko. The report further describes relationships between Misko, Lt Col Vindman, and the alleged whistleblower. Why did your committee hire Sean Misko the day after the phone call between President Trump and Zelensky, and what role has he played throughout your committee's investigation?

The House will begin.

Mr. Manager SCHIFF. First of all, there have been a lot of attacks upon my staff, and, as I said when this issue came up earlier, I am appalled at some of the spearing of the professional people that work for the Intelligence Committee.

Now, this question refers to allegations in a newspaper article which are circulating smears on my staff and asks me to respond to those smears, and I will not dignify those smears on my staff by giving them any credence whatsoever; nor will I share any information that I believe could or could not lead to the identification of the whistleblower.

I want to be very clear about something. Members of this body used to care about the protection of whistleblower identities. They didn't used to gratuitously attack members of committee staff, but now they do. Now they do. Now they will take an unsubstantiated, repressed article and use it to smear my staff. I think that is disgraceful. I think it is disgraceful.

You know, whistleblowers are a unique and vital resource for the intelligence community. And why? Because, unlike other whistleblowers who can go public with their information, whistleblowers in the intelligence community cannot because it deals with classified information. They must come to a committee. They must talk to the staff of that committee or to the inspector general. That is what they are supposed to do. Our system relies upon it. And when you jeopardize a whistleblower by trying to out them this way, then you are threatening not just this whistleblower but the entire system.

Now, the President would like to have nothing better than that, and I am sure the President is applauding this question because he wants his pound of flesh and he wants to punish anyone that has the courage to stand up to him. Well, I can't tell you who the whistleblower is because I don't know, but I can tell you who the whistleblower should be. It should be every one of us. Every one of us should be willing to blow the whistle on Presidential misconduct. If it weren't for this whistleblower, we wouldn't know about this misconduct, and that might be just as well for this President, but it would not be good for the country.

And I worry that future people that see what I am doing are going to watch how this person has been treated, the threats against this person's life, and they are going to say: Why stick my neck out? Is my name going to be dragged through the mud?

Will people join our staff if they know that their names are going to be dragged through the mud?

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel SEKULOW. Mr. Chief Justice and Members of the Senate, there are two responses that I would like to get to, one with regard to the issue of witnesses and, in this case, the whistleblower.

Mr. SCHIFF put the whistleblower issue front and center with his own words during the course of their investigation. He talked about the whistleblower testifying.

Retribution is what is prohibited under the statute, against a whistleblower. That is what the whistleblower statute protects, that there is no retribution. In other words, you are not being fired from blowing the whistle.

But this idea that there is complete anonymity—and I am not saying that we should disclose the individual's name. I would be happy to handle that in executive session or any way you want. But we can't just say it is not a relevant inquiry to know who on the staff that conducted the primary investigation here was in communication with that whistleblower, especially after Mr. SCHIFF denied that he or his staff initially had even had any conversations with the whistleblower.

It goes back to the whole witness issue. I want to go to that for just 30 seconds here. It seems to me that the discussion on witnesses—I heard what Mr. SCHIFF said about the 30—we will do depositions in a week. The Democratic leader said I can have any witnesses I want yesterday. I got it from the transcript. And you couldn't get all the witnesses you want in a week. You couldn't get the discovery done in a week.

But if, in fact—if, in fact, they believe they have presented this overwhelming case that they have, all—they talked about subterfuge and smokescreens. The smokescreen here is that they used 13 of their 17 witnesses to try to prove their case, and we were able to use those very witnesses to undercut that case. So I think we just have to keep that in perspective.

Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. Thank you, counsel.

Mrs. MURRAY. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. Chief Justice. I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question for the House managers from Senator MURRAY:

If there are no consequences to openly defying a valid congressional subpoena, how will Congress be able to perform its constitutional oversight responsibility to make sure any administration is following the law and acting in the best interests of American families?

Ms. Manager GARCIA of Texas. Well, they could have very serious, devastating, and dire consequences. If the Senate ignores President Trump's ongoing obstruction of Congress, it would lead to the end of congressional oversight as we know it today.

President Trump's attorneys argued that our congressional subpoenas are constitutionally invalid until a court determines otherwise. Their argument is false, and it is an attack on congressional oversight powers.

A vote against article II is a vote to condone President Trump's corrupted view of America's constitutional balance. Voting against article II would grant President Trump—and every other President from now until forever—the power to simply ignore all congressional subpoenas unless and until we seek a court to enforce it.

Under President Trump's view, even if all of you Senators were to vote to favor to issue a subpoena for documents or witnesses, the administration could still ignore them until a court ruled on it.

I think Mr. SCHIFF addressed some of that earlier in another question. You could go to court to enforce it. Then, it would get appealed, then, go back to court. We could go on and on because, quite frankly, that is what their position is.

So, again, as Mr. SCHIFF said earlier, imagine yourselves having jurisdiction over an item that you care deeply about, and you needed information. You heard of some wrongdoing. You heard there was a whistleblower complaint on something, and you decided that you wanted to do a hearing. It is very possible that the President would just flatly refuse your subpoena, because, if we ignore article II, that would be the precedent—to ignore all subpoenas.

But we need you to issue a subpoena for us today not only to get Mr. Bolton here but Mr. Duffey, Mr. Mulvaney, and everyone else with relevant evidence on this case.

Now, when the administration exerts executive privilege, there might be some privilege, one, that is available to them on any of these documents, but those have to be asserted with every document as we send a subpoena.

So don't buy the White House argument that our subpoenas are invalid because we don't have any authority to issue them. We know we do. You know we do. So let's make sure that this body will make sure that no future President will just simply defy, disrespect, and ignore subpoenas because some day you may be in our shoes wanting to get information, wanting to get to the bottom line to ensure that no President is above the law.

Thank you.

The CHIEF JUSTICE. Thank you, Ms. Manager.

Mr. SULLIVAN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Alaska.

Mr. SULLIVAN. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senators RISCH, BLUNT, KENNEDY, JOHNSON, and CAPITO for the President's counsel.

The CHIEF JUSTICE. Thank you.

The question from Senator SULLIVAN and the other Senators for counsel for the President:

Given that the Senate is now considering the very evidentiary record assembled and voted on by the House, which Chairman NADLER has repeatedly claimed constitutes overwhelming evidence for impeachment, how

can the Senate be accused of engaging in, what Mr. NADLER described as “a coverup,” if the Senate makes its decision based on the exact same evidentiary record the House did?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

I think that is exactly right. I think it is rather preposterous to suggest that this Senate would be engaging in a coverup to rely on the same record that the House managers have said is overwhelming.

They have said it dozens of times. They have said that, in their view, they have had enough evidence presented already to establish their case beyond any doubt, not just beyond a reasonable doubt. And it is totally incoherent to claim at the same time that it would be improper for the Senate to rely on that record.

Your judgment may be and should be, we submit, different from the House managers' assessment of that evidence because it hasn't established their case at all. But if they are willing to tell you that it is complete and it has everything they need—it has everything they need to establish everything they want—I think you should be able to take them at their word that that is all that is there.

And to switch now to say, “Well, no, we need more; we need more witnesses,” I think just demonstrates that they haven't proved their case. They don't have the evidence to make their case.

As I went through a minute ago, they have already presented a record with over 28,000 pages of documents that is here. They have already presented video clips of 13 witnesses. You have heard all of the key evidence that they gathered. It was their process. They were the ones who said what the process was going to be, how it had to be run, who ought to testify, when to close it, when to decide they had enough, and you heard all the key highlights from that, and that is sufficient for this body to make a decision.

In the time I have remaining, I just want to turn to one point in response to something that was said a couple of minutes ago. We keep hearing repeatedly today the refrain of the idea that President Trump was somehow trying to peddle Vladimir Putin's conspiracy theory that it was Ukraine and not Russia that interfered in the 2016 election. And the House Democrats tried to present this binary view of the world that only one country, and one country alone, could have done something to interfere in the election, and it was Russia. And if you mention any other country doing something related to election interference, you are just a pawn of Vladimir Putin, trying to peddle his conspiracy theories.

That is obviously not true. More than one country and foreign nationals from more than one country could be doing different things for different reasons in different ways to try to interfere in the election, and that is exactly what President Trump was interested in.

In the telephone call, the July 25 transcript, he mentions CrowdStrike. He mentions the server. But he talks about—he says:

There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people.

So he is talking about much more than just the DNC server. And he closes it again, saying—he refers to Robert Mueller's testimony, and he says: “They say a lot of it started in Ukraine.” There are just a lot of stuff going on. Twice in that exchange he says there is a lot of stuff—the whole situation.

And what is that referring to, surrounding yourself with the same people? President Zelensky refers immediately to changing out the Ambassador because the previous Ambassador, who had been there under Poroshenko, had written an op-ed criticizing President Trump during the election.

We also know that there was a POLITICO article in January 2017 cataloging multiple Ukrainian officials who did things either to criticize President Trump or to assist a DNC operative, Alexandra Chalupa, in gathering information against the Trump campaign.

And they said: There was no evidence in the record; no one said that there was anything done by Ukraine.

That is not true. One of their star witnesses, Fiona Hill, specifically testified in her public hearing, because she said she went back and checked because she hadn't recalled the POLITICO article. And then she said that she acknowledged that some Ukrainian officials “bet on Hillary Clinton winning the election.” And so it was quite evident, in her words, that they were trying to favor the Clinton campaign, including trying to collect information on people working in the Trump campaign. That was Fiona Hill. She acknowledged the Ukrainian officials were doing that.

So this idea that it is a binary world—it is either Russia or Ukraine; if you mention Ukraine, you are just doing Vladimir Putin's bidding—is totally false, and you shouldn't be fooled by that.

Ukrainians—various Ukrainians—were doing things to interfere in the election campaign, and that is what President Trump was referring to.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Vermont.

Mr. LEAHY. Mr. Chief Justice, I ask to send a question to the desk on behalf of myself and Senator BLUMENTHAL to the House managers.

The CHIEF JUSTICE. Thank you, Senator.

The question for the House managers from Senator LEAHY and Senator BLUMENTHAL:

The President's counsel claimed, “If a president does something which he believes will help him get elected in the public interest that cannot be the kind of quid pro quo that results in impeachment.” He added a

hypothetical, “I think I’m the greatest president there ever was and if I’m not elected, the national interest will suffer greatly.” That cannot be an impeachable offense.” Under this view, there is no remedy to prevent a president from conditioning foreign security assistance, in violation of the Impoundment Control Act, on the recipient’s willingness to do the president a political favor. If the Senate fails to reject this theory, what would stop a president from withholding disaster aid funding from a U.S. city until that mayor endorses him? What would stop the president from withholding nearly any part of the \$4.7 trillion annual federal budget subject to his personal political benefit?

Mr. Manager JEFFRIES. Mr. Chief Justice, distinguished Members of the Senate, I thank the Senators for that very important question.

Certainly, what we have alleged in this case is that the President solicited a personal political benefit in exchange for an official act, solicited dirt on a political opponent in exchange for the release of \$391 million in military aid, and solicited dirt in exchange for a White House meeting. And if this Senate were to say that is acceptable, then, precisely as was outlined in that question could take place all across America in the context of the next election and any election—grants allocated to cities or towns or municipalities across the country, where the President could say: You are not going to get that money, Mr. Mayor, Mrs. County Executive, Mrs. Town Supervisor, unless you endorse me for reelection. The President could say that to any Governor of our 50 States.

That is unacceptable. That cannot be allowed to happen in our democratic Republic.

Now, by my count, as of this afternoon, the Framers of the Constitution and the Founders of our great Republic had been quoted either directly or mentioned by name 123 times: Alexander Hamilton, 48 times; James Madison, 35 times; George Washington, 24 times; John Adams, 8 times; Thomas Jefferson and Ben Franklin, pulling up the rear, 4 times.

It seems to me that Ben Franklin and Thomas Jefferson need a little bit more love, and so let me try to do my part.

Thomas Jefferson once observed that “tyranny is defined as that which is legal for the government but illegal for the citizenry.” “Legal for the government but illegal for the citizenry”—that is what we confront right now.

President Trump corruptly abused his power. He targeted an American citizen, pressured a foreign government to try to cheat in the upcoming election, and the President’s counsel would have you believe that is OK because he is the President of the United States.

But our fellow citizens cannot cheat the Workers’ Compensation Board by claiming a fake injury and escape accountability. Our fellow citizens cannot cheat the stock market by engaging in insider trading and then escape accountability. Our fellow citizens cannot cheat the college admissions proc-

ess in order to get their child into an elite university and then escape accountability.

Why should the President of the United States be allowed to cheat in the upcoming election and escape accountability?

Tyranny is defined as that which is legal for the government and illegal for the citizenry.

The President’s counsel has suggested that President Trump can do anything—anything that he wants—and escape accountability. President Trump can solicit foreign interference in the upcoming election and escape accountability. He can cheat and escape accountability. He can engage in a coverup and escape accountability. He can corruptly abuse his power, escape accountability; elevate his personal political interest, subordinate America’s national security interest, and escape accountability.

That is the Fifth Avenue standard of Presidential accountability: I can do anything I want. I can shoot someone on Fifth Avenue, and it doesn’t matter.

No. Lawlessness matters. Abuse of power matters. Corruption matters. The Constitution matters.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Louisiana.

Mr. CASSIDY. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senator RISCH to both the House managers and the White House counsel. And although I cannot pick, ideally, it would be Manager LOFGREN.

The CHIEF JUSTICE. The question from Senators CASSIDY and RISCH for both parties is as follows:

In the Clinton proceedings, we saw a video of Manager LOFGREN saying, “This is unfair to the American people. By these actions you would undo the free election that expressed the will of the American people in 1996. In so doing, you will damage the faith the American people have in this institution and in the American democracy. You will set the dangerous precedent that the certainty of Presidential terms, which has so benefited our wonderful America, will be replaced by the partisan use of impeachment. Future Presidents will face election, then litigation, then impeachment. The power of the President will diminish in the face of the Congress, a phenomena much feared by the Founding Fathers.”

What is different now? If the response is that the country cannot risk the President interfering in the next election, isn’t impeachment the ultimate interference? How does this not cheat those who did and/or would vote for President Trump from their participation in the democratic process? I ask Manager LOFGREN to address the question directly and to not avoid, as Manager JEFFRIES did with a related question last night.

The President’s counsel answers first.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice, Members of the Senate.

Well, as I have said before, I agree 100 percent with Manager LOFGREN’s comments from the past, and I think they should guide the Senate. There is really no better way to say it.

What they are doing here—they keep falsely accusing the President of wanting to cheat, when they are coming here and telling you “take him off the ballot” in a political impeachment. Talk about cheating. You don’t even want to face him.

And let me say one more thing while I am up here. I listened to Manager SCHIFF come up here and say he won’t even dignify a legitimate question about his staff with a response because he won’t stand here and listen to people on his staff be besmirched—who will join his staff.

Since the beginning of this Congress, Manager SCHIFF, the other House managers, and others in the House have falsely accused the President—and they have come here and done it—the Vice President, the Secretary of State, the Attorney General, the Chief of Staff, lawyers on my staff—false accusations, calumny after calumny, in dulcet tones. And that is wrong.

And when you turn that around and say he will not respond to a legitimate question that I ask—it is a legitimate question: Who communicated with the whistleblower? Why were you demanding something that you already knew about?

I asked him, in another part of my October 8 letter that doesn’t get a lot of attention from Mr. SCHIFF—I said: You have the full ability to release these documents on your own. No response.

So I think—I think you deserve an answer to that question, and I think it is time in this country that we start—that we stop assuming that everybody has horrible motives, in the puritanical rage of just everybody is doing something wrong except for you—you cannot be questioned. That is part of the problem here.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Ms. Manager LOFGREN. Mr. Chief Justice and Senators, I was a member of the House Judiciary Committee during the Clinton impeachment, and I was a member of the staff of a member of the Judiciary Committee during the Nixon impeachment. And during the Clinton impeachment, I found myself comparing what we were doing in Clinton to what we were doing or had done with Nixon, and here is what I saw and I still see today: a special prosecutor started with Whitewater, spent several years, until they found DNA on a blue dress. And they had a lie. The President lied about a sexual affair under oath, and that was wrong. It was a crime, but it was not a misuse of Presidential power.

Any husband caught would have lied about it. It was wrong, but it was not a misuse of Presidential power. And so, throughout the Clinton matters, I kept raising the issue that it was a misuse—and it turned out to be a partisan misuse—of impeachment to equate a lie about a sexual affair to a high crime and misdemeanor.

Mr. MARKEY said they rubbed out the word “high” and made it “any crime and misdemeanors.” That was what was wrong in the Clinton impeachment, compared to the Nixon impeachment where Richard Nixon engaged in a broad scope, upending the constitutional order, corrupting the government for his own personal benefit in the election.

I would add, unfortunately, that I never thought I would be in a third impeachment. Unfortunately, that is what we see in this case with President Trump.

The CHIEF JUSTICE. Thank you, Ms. Manager.

The Senator from West Virginia.

Mr. MANCHIN. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senator GILLIBRAND, and Senator SCHATZ to the President's counsel and the House managers.

The CHIEF JUSTICE. Thank you. The question from Senators MANCHIN, GILLIBRAND, and SCHATZ for both parties:

Have you ever been involved in any trial—civil, criminal, or other—in which you were unable to call witnesses or submit relevant evidence?

I believe the House is first.

Mrs. Manager DEMINGS. Thank you, Mr. Chief Justice, and thank you to the Senator for the question.

I want us to imagine for just a moment someone broke into your house; stole your property; police caught them; they returned the property. Now, the fact that they returned the property changes nothing. They would still be held accountable.

But imagine if they had the power to obstruct every witness, prevent witnesses from appearing. Imagine if they had the power to destroy or obstruct any evidence in the case against them from being presented to the court.

I have had the opportunity to appear in a lot of hearings and be a part of building a lot of cases. We all know. I know everybody here knows that witness testimony and evidence or documentation in a case is everything. It is the life and breath of any case. It is the prosecutor's dream or the police officer's or detective's dream to have information and evidence.

It truly baffles me, really, as a 27-year law enforcement officer, that we would not accept or welcome or be delighted about the opportunity to hear from direct witnesses, people who have firsthand knowledge.

We know that the President cannot be charged with a crime. We know that. The Department of Justice has already ruled on that. But the remedy for that is impeachment. That is the tool that, as we know, has solely been given—that power, solely—to the House of Representatives, solely tried before the Senate.

So, to answer your question, it is extremely—let me say it this way: Only in a case where there are no available witnesses or no available evidence have I ever seen that occur.

Thank you.

The CHIEF JUSTICE. Thank you, Mrs. Manager.

Counsel.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice, Members of the Senate.

I would respond to that question in this way. Thank you for the question. The House managers controlled the process in the House. I think we can all agree to that. They were in charge, and they ran it. And they chose not to allow the President's counsel to have any witnesses. And they chose not to call the witnesses that they are now asking you to call, demanding you to call, accusing you of a coverup if you don't call.

I have never been in any proceeding, trial or otherwise, where you show up on the first day, and the judge says: Let's go. And you say: Well, I'm not ready yet. Let's stop everything. Let's take a bunch of depositions.

Well, did you subpoena the witnesses you are now seeking?

Well, some but not others.

Well, when you did subpoena them, did you try to enforce that subpoena in court?

No.

The other witnesses that you did subpoena, did they go to court?

Yes.

What did you do? I withdrew the subpoena and mooted out the case. And now I want them. I want them. Otherwise, you are doing the coverup.

Let me make another point because they keep making this point: What will we do? The President is not producing documents.

I would like to refresh your recollection about the Mueller investigation, OK. The Mueller investigation had 2,800 subpoenas, 500 search warrants, 500 witnesses. The President's Counsel, the Chief of Staff, and many, many others from the administration testified. Documents—voluminous documents—were produced. And what happened? Bob Mueller came back with a conclusion. He announced it. There was no collusion.

What did the House do? They didn't like it. Didn't like the outcome. So what did they do? They wanted a do-over. They wanted to do it all again themselves, despite the \$34 million or more that was spent.

So I don't think anybody really believes that the Trump administration hasn't fully cooperated with the investigations. The problem is, when they don't like the outcome, they just keep investigating. They keep wasting the public's money because they don't really care about truth; they care about a political outcome.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Utah.

Mr. LEE. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators HAWLEY, ERNST, and BRAUN.

The CHIEF JUSTICE. The question for counsel for the President from Senator LEE and other Senators:

Under the standard embraced by the House Managers, would President Obama have been subject to impeachment charges based on his handling of the Benghazi attack, the Bergdahl swap, or DACA? Would President Bush have been subject to impeachment charges based on his handling of NSA surveillance, detention of combatants, or use of waterboarding?

Mr. Counsel HERSCHMANN. Thank you, Mr. Chief Justice, Members of the Senate. Under the standard, which is no standard that they bring their impeachment to the Senate, any President would be subject to impeachment for anything. Presidents would be subject to impeachment for exercising longstanding constitutional rights, even when the House chose not to enforce their subpoenas under their vague theory of abuse of power.

I guess any President—as Professor Dershowitz, he had a long list of Presidents who might have been subject to impeachment. So I am not going to go through the particular incidents because I don't want to besmirch past Presidents.

I don't think the standard that they announced is helpful. I think it is very dangerous. I mean, you might want to get a lock on that door because they are going to be back a lot if that is the standard.

The truth of the matter is, you don't have to look at anything. They are talking about witnesses. You don't have to look at anything, except the Articles of Impeachment.

I tried to seek areas of agreement. I think we all agree that they don't allege a crime. That is why they spend all their time saying you don't need one. I remember one of the clips I showed where someone was saying, with a lot of passion, they are trying to cross out “high crime” and make it “any crime.” Now they are trying to cross out “crime,” any crime. No crime is necessary.

That is not what impeachment is about. This is dangerous. And it is more dangerous because it is an election year. So, yes, under the standardless impeachment, any President can be impeached for anything. And that is wrong. By the way, they should be held to their Articles of Impeachment. A lot of what they are trying to sell here, their own House colleagues weren't buying. They didn't make it into the Articles of Impeachment.

Read the Articles of Impeachment. They don't allege a crime. They don't allege a violation of law. You don't need anything else, except their Articles of Impeachment, your Constitution, and your common sense, and you can end this. Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. Chief Justice.

I send a question to the desk on behalf of myself, Senator CORTEZ MASTO, and Senator ROSEN.

The CHIEF JUSTICE. The question for the House managers from Senators STABENOW, CORTEZ MASTO, and ROSEN to both parties:

In June 2019, Ellen Weintraub, then-chair of the Federal Election Commission, wrote in a statement that “It is illegal for any person to solicit, accept, or receive anything of value from a foreign national in connection with a U.S. election. This is not a novel concept. Electoral intervention from foreign governments has been considered unacceptable since the beginnings of our nation.” In a 2007 advisory opinion, the FEC found that campaign contributions from foreign nationals are prohibited in federal elections, even if “the value of these materials may be nominal or difficult to ascertain.” How valuable would a public announcement of an investigation into the Bidens be for President Trump’s reelection campaign?

Begin with the White House Counsel. Mr. Counsel PHILBIN. Mr. Chief Justice and Senators, thank you for the question.

The idea that these investigations were a thing of value—something that was specifically examined by the Department of Justice—as I explained the other day, the inspector general for the intelligence community wrote a cover letter on the whistleblower complaint, in which he had actually exaggerated in the complaint—the idea that there was a demand for some assistance with the President’s reelection campaign. That was forwarded to the Department of Justice. They examined it, and they announced back in September that there was no election law violation because it did not qualify as a thing of value. I think that that issue has been thoroughly examined by the Department of Justice here.

I just want to clarify one thing. The other day there was—yesterday there was a question about information coming from overseas, and I was asked a question about that. And I want to be very precise; that I understood the question to be about was there a violation of a campaign finance law, would there be one if someone simply got information from overseas? And the answer is no, as a matter of law.

Think about this. If pure information—if information that came to someone in a campaign could be called a thing of value, if it comes from overseas, a thing of value is a prohibited campaign contribution; it is not allowed. If it comes from within the country, it has to be reported.

So that would mean that anytime a campaign got information from within the country about an opponent or about something else that maybe would be useful in the campaign, they would have to report the receipt of information as a thing of value under the campaign finance laws.

That is not how the laws work, and there would be tremendous First Amendment implications if someone attempted to enforce the laws that way. So that is simply the point that I wanted to make.

Pure information that is credible information is not something that is prohibited from being received under the campaign finance laws.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager SCHIFF. Mr. Chief Justice.

The CHIEF JUSTICE. Yes, Mr. Manager.

Mr. Manager SCHIFF. How valuable would it be for the President to get Ukraine to announce his investigations? And the answer is immensely valuable. And if it wasn’t going to be immensely valuable, why would the President go to such lengths to make it happen? Why would he be willing to violate the law, the Impoundment Control Act; why would he be willing to ignore the advice of all of his national security professionals; why would he be willing to withhold hundreds of millions of dollars from an ally at war if he didn’t think it was going to really benefit his campaign? You have only to look at the President’s actions to determine just how valuable he believed it would be to him.

Now, how would he make use of this? Well, if we look in the past, we get a perfect illustration of how Donald Trump would have made use of this political help from Ukraine.

Let’s look at 2016, when the Russians hacked the DCCC and the DNC, and they started dripping out these documents through WikiLeaks and other Russian platforms.

What did the President do? Did he make use of it? Did he condemn it? Oh, he made beautiful use of it. Over 100 times in the last 3 months of the campaign, the President brought up time after time after time, rally after rally after rally, the Clinton Russian stolen documents.

We have had a debate since then. What was the impact of the Russian interference in 2016? In an election that close, was it decisive? No one will ever know. Was it valuable? You only have to look at Donald Trump’s actions to know just how valuable he thought it was. He thought it was immensely valuable.

And you can darn well expect that if he had gotten this help from Ukraine, he would be out there every day talking about how Ukraine was investigating Joe Biden, and Ukraine is conducting an investigation into Joe Biden. It would be proof of his argument against his feared opponent.

You are darn right it would be valuable. What is more, it is illegal. And do we have to go through all the turmoil of the Russian interference perhaps to have the President do it all over again?

One of the things I found so significant was the day after Bob Mueller reached his conclusion that this President was back on the phone asking yet another country to help cheat in another election. You are darn right that would have been valuable.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. GRAHAM. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from South Carolina.

Mr. GRAHAM. I send a question to the desk on behalf of myself, Senators CRUZ and CORNYN, for both parties.

The CHIEF JUSTICE. Thank you.

The question from Senators GRAHAM, CORNYN, and CRUZ is for both parties:

When DOJ Inspector General Horowitz testified before the Judiciary Committee, he said their DOJ had a “low threshold” to investigate the Trump campaign. At the hearing, Sen. FEINSTEIN said, “your report concluded that the FBI had an adequate predicate, reason, to open the investigation on the Trump campaign ties to Russia. Could you define the predicate?” Horowitz replied, “yeah, so the predicate here was the information that the FBI got at the end of July from the friendly foreign government.” Why is the legal standard for investigating Trump so much lower than the standard for investigating Biden? And why was it ok to get the information from a “friendly foreign government?”

The House managers are first.

Mr. Manager SCHIFF. The inspector general’s report found that the investigation was properly predicated. That was the bottom-line conclusion that this was not a politically motivated investigation.

The inspector general also found, though, there were serious flaws with the FISA Court process. There were serious flaws on how the FISA applications were written in the information that was used and prescribed a whole series of remedies, which the FBI Director has now said should be implemented. But they found it was properly predicated. They found they did not have to ignore the evidence that had come to their attention that the campaign for the President was having illicit contacts, potentially; that it may be colluding or conspiring with a foreign power. Indeed, it would have been derelict for them to ignore it.

But the argument—the implicit argument here is, because there were problems, albeit serious problems, on the FISA Court application involving a single person, that somehow we should ignore the President’s conduct here; that somehow that justifies the President’s embrace of the Russian propaganda; that somehow that justifies the President’s distrust of the entire intelligence community; that somehow that justifies his ignoring what his own Director of the FBI said, which his lawyers ignore today, which is there is no evidence that Ukraine interfered in the 2016 election. Because of a single FISA application against a single person and the flaws in it, you should ignore the evidence of the President’s wrongdoing. Turn away from that. Let’s not look at whether the President conditioned military aid and a White House meeting on help with an investigation. Let’s look at flaws in how the FBI conducted a FISA application. The one does not follow from the other.

The reality is that what you must judge here is: Did the President commit the conduct he is charged with?

Did the President withhold military aid and a coveted meeting to secure foreign interference in the election? And if he did, as we believe we have shown, does that warrant his removal from office? That is the issue before you, whether the FBI made one mistake or five mistakes with the FISA application.

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate, let me actually answer the question.

The inspector general said, in a response actually from Senator GRAHAM, when James Comey said he was vindicated by the inspector general's report, the inspector general said: No one who touched this was vindicated.

With regard to the FISA—you make so light, Manager SCHIFF, of what the FBI did. It wasn't a FISA warrant. There was an order unsealed just days ago saying the process was so tainted by the Federal Bureau of Investigation—so tainted—that not only was the NSD misled, but so was the FISA Court.

For those that don't know that are watching, the FISA Court—you can't blame the court on this, by the way. You have to blame the Federal Bureau of Investigations for allowing this to happen. That is the court that issues warrants on people that are alleged to be spies. There are no lawyers in those proceedings. There is no cross-examination. The court itself in its order said: We rely on the good faith of the officers presenting the affidavits.

Are there two standards for investigations? That is an understatement. But to belittle what took place in the FISA proceedings—frankly, Manager SCHIFF, you know better than that.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Illinois.

Mr. DURBIN. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. The question from Senator DURBIN is to both parties.

Emails between DOD and OMB officials reveal that by August 12 the Pentagon could no longer guarantee that all of the \$250 million in DOD aid to Ukraine could be spent before it expired. Deputy Secretary of Defense Norquist drafted a letter and stated that the Pentagon had "repeatedly advised OMB officials that pauses beyond August 19 jeopardize the Department's ability to obligate USAI funding prudently and fully." Why did the President persist in withholding the funds when DOD officials were sounding the alarm that the hold would violate the law and short-change our ally of needed military aid?

It is the turn of the White House counsel to go first.

Mr. Counsel PHILBIN. Mr. Chief Justice and Senator, thank you for that question.

I think the thing to understand is, there was a series of communications reflected, I believe, in the letter that OMB has sent to the JAO and in some of the testimony in the proceeding below that the Office of Management and Budget was encouraging DOD to take what steps it could to get every-

thing lined up, have everything ready to obligate the funds so everything would be able to move quickly when the pause was lifted.

The email you mentioned suggests—was saying: We are running out of time. We are running out of time. We are going to have difficulty doing it.

But the fact was that the deadline for obligating the funds was not going to be until the end of the fiscal year. And as it turned out, as I explained earlier in response to Senator LANKFORD's question, the funds were released on September 11, and the vast majority of them were obligated by the end of the fiscal year, so that the procedures that had been used to try to get everything preplanned were mostly successful.

Yes, there were some funds—I believe it was \$35 million—that did not get out of the door by the end of the fiscal year—slightly more than in past years. But in every year—in fiscal year 2017, fiscal year 2018—there were funds in the security assistance program that didn't make it out of the door by the end of the year. Each of those years, there was also a little fix in either the appropriations bill or CR to allow those funds to carry over.

So the planning had been to try to ensure that when the decision was made to release the funds, it would be done by the end of the fiscal year. Not quite all of that got out of the door, that is true, but there is always some that doesn't get out of the door by the end of the fiscal year.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager CROW. Mr. Chief Justice, Members of the Senate, thank you for that question.

As we go further and further down this rabbit hole, I think we need to make it very clear that, you know, of the 17 witnesses that the House interviewed, nobody had an explanation. Yet again, like last night, Mr. Philbin seems to know more than anybody else in the government, more than anyone in the Department of Defense, more than anybody in the Department of State, more than anybody in OMB who had come forward with information about how exactly this happened.

But, again, here are the facts. OMB interviewed about an interagency process that they supposedly said was going on long after the interagency process had already ended. In fact, as OMB was doing those footnotes that we talked about last week—those footnotes that had never been done before, that Mr. Sandy said he had never seen in his 12 years of time working this process—as that was going on, DOD was asking the question about why we are doing this. They had no idea.

Then when the release was finally getting ready to be finally lifted—the hold, rather—OMB emailed DOD, saying: Listen, as we have been saying all along, under the Impoundment Control Act, there are no problems here, and if there is a problem, it is your fault. To

which DOD replied back, as you may recall: You have got to be kidding me. "I'm speechless." Because they did not know. Nobody had told them anything. None of the other 17 witnesses knew about it.

So I do want to address, before I finish one other point, this idea that the delay didn't matter. Listen, it doesn't matter if it was a 4-day delay, a 40-day delay, or a 400-day delay; every delay in combat matters. Every delay in combat matters.

And I will say—they talked about delays in the past. Well, in past years, there was about 3 to 6 percent of the funds unobligated because of unforeseen and legitimate reasons following the policy process. In 2019, 14 percent of the funds went unobligated for foreseeable and avoidable reasons—because the President could have held them. And to this day, \$16 million is unspent.

The CHIEF JUSTICE. Thank you, Mr. Manager. Your time has expired.

The Senator from Wyoming.

Mr. BARRASSO. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators RISCH, YOUNG, FISCHER, BLUNT, and CAPITO.

The CHIEF JUSTICE. Thank you. The question from Senator BARRASSO and the other Senators is for the counsel to the President:

Is it within a U.S. President's authority to personally address the issue of corruption with a head of a foreign government when he believes the established U.S. process has been unsuccessful in the past?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

The short answer is yes. The President is, under article II, vested with the entirety of the executive power, and it has been made clear since the founding, since the early part of the 1800s, in decisions by the Supreme Court, that the President is the sole organ of the Nation in foreign affairs. He is vested with the authority to speak on behalf of the Nation. As the Supreme Court has described it, he is to be the sole voice of the Nation in foreign affairs. And that is why that authority was assigned in the Constitution to the Executive.

Alexander Hamilton explained in the Federalist Papers that the Executive is characterized by unity and dispatch, the ability to have one view, to act quickly, and also the ability to maintain secrecy, and therefore it is the Executive that is uniquely suited and uniquely has the ability to carry out the responsibilities of engaging with foreign nations and carrying out diplomacy.

So when the President believes that there is an issue of interest to the United States, including corruption in another country, and there hasn't been the sort of progress that he would want to see in dealing with that issue in the foreign country—perhaps interactions

with prior administrations, prior officials of prior administrations that don't look great from an anti-corruption perspective—it is entirely within the President's prerogative and his province to raise those issues with a foreign leader, to point out where he believes there needs to be something done in the interest of the United States. If there is an issue related to corruption or whether it is something else—an issue related to economic matters, trade matters, antitrust matters, cross-border trade—those are all things the President can raise with a foreign leader.

Corruption is not taken off the table. And it is also not taken off the table if it is an issue that happens to involve an official from a prior administration, whether that official is not or may have recently decided to run for another office. If it relates to the national interest of the United States, he has legitimate reason for raising it, and it is within his authority as the Chief Executive.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Massachusetts.

Ms. WARREN. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator WARREN is for the House managers:

At a time when large majorities of Americans have lost faith in government, does the fact that the Chief Justice is presiding over an impeachment trial in which Republican senators have thus far refused to allow witnesses or evidence contribute to the loss of legitimacy of the Chief Justice, the Supreme Court, and the Constitution?

Mr. Manager SCHIFF. Senator, I would not say it contributes to a loss of confidence in the Chief Justice. I think the Chief Justice has presided admirably.

But I will say this: I was having a conversation the other day on the House floor with one of my colleagues, TOM MALINOWSKI, from Jersey—a brilliant colleague—and I was harkening back to what I thought was a key exchange during the course of this saga.

This is when Ambassador Volker, in September, is talking with Andriy Yermak. Volker is making the case that the new President of Ukraine should not do a political investigation and prosecution of the former President of Ukraine, Poroshenko. He is making the case we often make when we travel around the country and meet with other Parliamentarians about not engaging in political investigations. And when he makes that remark, Yermak throws it right back in his face and says: Oh, you mean like the investigation you want us to do with the Clintons and the Bidens?

I was lamenting this to my colleague. What is our answer to that? What is the answer to that from a country that prides itself on adherence to the rule of law? How do we answer that? And his response, I thought, was very inter-

esting. He said: This proceeding is our answer. This proceeding is our answer.

Yes, we are a more than fallible democracy and we don't always live up to our ideals, but when we have a President who demonstrates corruption of his office, who sacrifices the national interest for his personal interests, unlike other countries, there is a remedy. So, yes, we don't always live up to our ideals, but this trial is part of our constitutional heritage, that we were given the power to impeach the President.

I don't think a trial without witnesses reflects adversely on the Chief Justice. I do think it reflects adversely on us. I do think it diminishes the power of this example to the rest of the world if we cannot have a fair trial in the face of this kind of Presidential misconduct. This is the remedy. This is the remedy for Presidential abuse. But it does not reflect well on any of us if we are afraid of what the evidence holds.

This will be the first trial in America where the defendant says at the beginning of the trial: If the prosecution case is so good, why don't they prove it without any witnesses? That is not a model we can hold up in pride to the rest of the world.

Yes, Senator, I think that will feed cynicism about this institution, that we may disagree on the President's conduct or not, but we can't even get a fair trial. We can't even get a fair shake for the American people. Oh my God, we can't hear what John Bolton has to say.

God forbid we should hear what a relevant witness has to say. Hear no evil. That cannot reflect well on any of us. It is certainly no cause for celebration or vindication or anything like it.

My colleague says that I am a Puritan who speaks in dulcet tones. I think that is the nicest thing he has ever said about me. I wouldn't describe myself as a Puritan, but, yes, I do believe in right and wrong, and I think right matters. I think a fair trial matters, and I think that the country deserves a fair trial.

Yes, Senator, if they don't get that fair trial, it will just further a cynicism that is corrosive to this institution and to our democracy.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Alabama.

Mr. SHELBY. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator SHELBY is for the counsel for the President:

Though not charged in the Articles of Impeachment, House Managers and others have stated the President's actions constituted criminal bribery. Can this claim be reconciled with the Supreme Court's unanimous decision in *McDonnell v. United States*?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senator, thank you for that question.

I think the answer is, no, it can't be reconciled with the *McDonnell* case.

Let me make a couple of points in my answer.

The first is, of course, because there is no bribery or extortion charge in the Articles of Impeachment, the managers can't rely on that now to try to establish their case.

I pointed out yesterday, I believe, that that is a due process violation of the most fundamental sort to have a charging document and leave out certain charges in the charging document, then come to trial and say: Well, it is not in the indictment, and it is not in the charge, but, actually, what we have shown you is he did something else wrong. It was "this crime." As the House managers well know, that would result in an automatic mistrial in any actual trial in a court in this country. So that is the initial problem with trying to go there on bribery or something else.

Then, as the Senator's question raises, the *McDonnell* case made clear, that simply arranging a meeting for someone—simply setting up a meeting with other government officials—couldn't be treated as a thing of value in an exchange under the bribery statute. It pointed out, particularly in terms of government officials who all the time are asked by their constituents to introduce them to someone else in the government, to arrange a meeting, that that is not an official act. It is not an official policy decision, an action that is determining some government policy. It is simply allowing someone to have a meeting and then talk about something. If that is the nature of the meeting, that can't be the thing of value that is being exchanged and can't support a charge of bribery.

So they can't raise it because it is not in the Articles of Impeachment. If they had wanted to charge that, they had to charge it in the Articles of Impeachment. They can't come here now and try to try a different case from the one they framed in the charging document that they had complete control over drafting. Even if they did, they can't make out the claim with respect to the White House meeting because the *McDonnell* case prohibits that.

I would like to make one other point because the House managers today have brought up a lot. There have been a lot of questions again and again about the subpoena power and were their subpoenas actually valid and how it is going to destroy oversight if the President's arguments are accepted. I just want to point something out.

The subpoenas that were issued—that were purported to have been issued—were not under oversight authority but pursuant to—every letter that came out said: pursuant to the House's impeachment inquiry. They purported to be exercising the authority of impeachment, and that makes a difference.

One of the House managers mentioned that the legislative oversight—

the authority to acquire the information for legislative purposes—has to actually relate to something that legislation could be passed on. There are certain constraints on what information can be sought. It is slightly different if you are going under the impeachment power because then you can investigate into specific past facts more readily because that is relevant to an impeachment inquiry that might not be for legislative purposes. They purported to be using the impeachment authority. They didn't have that authorization because the Speaker's press conference did not validly give them that authorization. We pointed out that the subpoenas were invalid. They did nothing to try to cure that deficiency. They didn't reissue the subpoenas. They didn't have the votes to reissue them or anything.

To say now that all oversight will be destroyed forever if you accept the President's arguments is totally false. It is totally misleading because they were not purporting to do just regular oversight. As we pointed out several times in the October 8 letter that the White House Counsel sent to Chairman SCHIFF and others, it said, specifically, if you want to return to regular oversight, we are happy to do that. As we have in the past, subject to constitutional constraints, we will participate in the accommodation process. It was the House Democrats who didn't want to take that route. They insist on using the impeachment authority. We pointed out that they didn't have it, and they didn't seek to cure that problem.

Accepting the President's position here has nothing to do with destroying oversight by Congress for all time and all circumstances. It has to do with the mistake that they made in trying to assert a particular authority that they didn't have in this case.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Virginia.

Mr. WARNER. Mr. Chief Justice, on behalf of myself, Senator BENNET, Senator BLUMENTHAL, and Senator HEINRICH, I have a question to send to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senators WARNER, BENNET, BLUMENTHAL, and HEINRICH is for the House managers:

Our intelligence community and law enforcement leadership unanimously concluded Russia interfered in the 2016 election and that Russia continues those efforts toward the 2020 election. The Mueller report and the Senate Intelligence Committee reached the same conclusion. Yesterday the President's counsel said that foreign election interference could be legal if it's related to "credible" information. Does this mean it is proper for the President to accept or encourage Russia, China, or other foreign countries to produce damaging intelligence or information targeting his domestic political opponents as long as he deems it to be from "credible information"?

This is for the House managers.

Mr. Manager SCHIFF. Senators and the Mr. Chief Justice, that is the natural conclusion of what the President's lawyers are arguing.

Essentially, if the President believes that it would serve his reelection interest to seek the help of a foreign intelligence service to provide dirt on his opponent or in other ways assist his campaign, as long as he thinks his winning is in the national interest, then that is OK.

It is not OK, but no restraint can be placed upon him. Even if he were to go so far as to proclaim a *quid pro quo*—hey, Russia, you have got among the best intelligence services on the planet. If you will engage those intelligence services on my behalf, I will refuse to enforce sanctions on you over your invasion of Ukraine. That may injure the security of our country, but, look, I think my reelection is more important—that is where this bastardization of the Constitution leads us—to the idea that no abuse of power is within reach of the Congress.

Now I want to take this opportunity to respond to a couple of other quick points if I can.

First, counsel neglects the fact that, when we issued those subpoenas, we stated in the letters accompanying their issuances that they were being issued consistent with both the impeachment inquiry and our oversight authority. They neglected to tell you the latter part—that we explicitly made reference to our oversight capacity as legislators.

Finally, on the issue of bribery, in the Nixon impeachment, there was an umbrella Article of Impeachment that listed a series of specific acts. Some of those acts involved criminal activity, and some involved just unethical activity. If you were to accept counsel's argument, you would have said that the articles that passed out of the House Judiciary Committee in Nixon were likewise infirm because, if they were going to charge the President with engaging in a criminal act, they needed to make a separate article of it. Otherwise, how dare they? It would be a violation of due process, and it would be thrown out of any court—prosecutorial misconduct and the like.

OK. That is nonsense. On the one hand, they want to argue there is no conduct here that is even akin to a crime, when, under McDonnell, in fact, this would constitute bribery. Withholding a White House meeting and withholding the provision of hundreds of millions of dollars in aid under the precedent of McDonnell would be bribery, but there is no doubt it is akin to bribery. They would say, unless you charge that—in the Nixon case, they had 15 articles on each particular act, criminal and noncriminal—then you could not make out a viable charge. That has never been a constitutional principle. Just as they would have had the House organize its impeachment investigation along the terms they dictate, they now want to dictate how we can charge an offense.

At the end of the day, the task is to determine whether the conduct that is charged has been committed and whether that abuse of power rises to the level warranting impeachment. This is a technical legal argument that, no, you have to charge it as we would like you to charge it, and you can't make reference to the fact that, yes, these acts also constitute bribery and that that is somehow offensive to legal or constitutional principles. It is not. Yes, we could have charged bribery. We could have had two separate counts. That is not a constitutional requirement. Had we done that, as I said last night, they would have attacked that, saying you are taking one offense and making it into two.

That does not detract from the fact that the President's conduct violated our bribery laws, particularly as they were understood by the Framers, not as they were understood 200 years later. They violated what the Framers understood from British common law to constitute extortion. They violated the modern-day Impoundment Control Act. They violated the Whistleblower Protection Act. They violated multiple laws, but that is not even necessary.

What is necessary is that they abused their power. Counsel says: Well, claims are made of abuse of power all the time. Yes, that is true in political rhetoric, but these circumstances warranted impeachment. The President was not impeached over climate change or any of the other enumerable examples they gave of people rhetorically saying the President is abusing his office. That is not what brought us here. What brought us here was the President decided that he could withhold military aid to an ally at war to get help in his reelection.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Oklahoma.

Mr. INHOFE. Mr. Chief Justice, I have a question for the President's counsel, and I am being joined by Senators ROUNDS and YOUNG.

The CHIEF JUSTICE. Thank you.

The question from Senator INHOFE, joined by Senators ROUNDS and YOUNG, is for counsel to the President:

Even if additional witnesses are called, do you ever envision the House Managers agreeing there has been a fair Senate trial if it ends in the President's acquittal?

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate, the answer is no.

Now, they will not agree that it is fair because what will happen is, if there is a discussion of witnesses and if we go to witnesses, Mr. SCHUMER has laid out the four he wants, and he tells me we could have anybody we want. The reality is that also includes documents, and that includes other witnesses that it may lead to. So, at some point, this body will say—because this cannot go on forever, and we will be at the election—this has to come to an end, and they will say: Aha, it has been brought to an end as we were about to get the key evidence.

But what is so interesting here is they had 17 witnesses—that they had. When the hearing took place before the Judiciary Committee, if I am not mistaken, Manager NADLER, you had four witnesses at one point, when you had the law professors, and there were three law professors from the Democratic side and there was one from the Republican side. So if we are going to take that same four-to-one analysis, for every one of their witnesses, we should get four.

But there was a question earlier asked about the truth of the poisonous tree. The taint of the poison does not age well. The longer it goes does not make that poison go away. It gets deeper and deeper into the soil, and here, the soil we are talking about is a trial that would be not only ongoing, but they put up 17 witnesses. You have heard them. They are acting like there have been no witnesses presented here. They presented the testimony of 17. They may not have liked that we were able to respond to those 17 by playing those witnesses' words. By the way, those witnesses—the testimony of those witnesses—were never done with cross-examination by the counsel for the President.

So does this end? Will it ever be enough? No, it will only be enough if they got a conviction because that is what it is about, because let's not forget for a moment that this has been going on, in one stage or another, for 3½, 3 years now.

My concern is there is not a—where is the end point in that? So their end point is: Well, just give us John Bolton, and then, you know, you don't get anybody or then, you know, you get one and we get one, and then that one may lead to somebody else. It is not the way it works.

So they have said “overwhelming,” “proved,” 63 times—63 times. And as we are 3 hours away from answering the end of the question section, we are about to go into—I mean, it sounds like we have been arguing about witnesses for the last couple hours, but that starts tomorrow.

But do I think that there will be—is it our position that there will be—a recognition that there is due process that has been reached and we have reached a happy accord? No, I do not believe that.

I also don't believe that what can be cured here. I don't think what they did can be cured here by anything you were to do as far as witnesses or anything else. That process was so tainted, and I thought Mr. Philbin did a very effective job of explaining—painstakingly, now, and multiple times, I know—the issue of those subpoenas. And I thought the perfect analysis was when one of the managers said: Well, when people file freedom of information requests, they get answers. And Mr. Philbin said: That is because they followed the law; they followed the rules. That is not what happened here.

Thank you, Mr. Chief Justice.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Delaware.

Mr. CARPER. Mr. Chief Justice, on behalf of our colleagues Senators BOOKER, CARDIN, KAINE, MARKEY, MENENDEZ, MERKLEY, MURPHY, and SHAHEEN, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator CARPER and the other Senators addressed to the House managers:

The President's aides and defenders have claimed that it is “normal” or “usual” to use U.S. foreign assistance as the President did to achieve a desired outcome. How was the President's act in withholding U.S. security assistance to Ukraine different from how the U.S. uses foreign assistance to achieve foreign policy goals and national security objectives, and how should we evaluate the defense argument that this is what is “done all the time”?

Mr. Manager CROW. Mr. Chief Justice, Senators, thank you for the question.

So to understand the answer to this, you don't have to look inside the President's mind. You just have to look at recent history and then what was done last year.

As I talked about earlier, and even yesterday, other Presidents have held holds in aid for legitimate reasons, even this President. We concede that. But there are a variety of legitimate policy reasons for holding aid, whether it be corruption or burden-sharing.

See, even in the President's other holds—like Afghanistan, because of concerns about terrorism, or Central America, because of immigration concerns—even though some might disagree with that, that is a legitimate policy debate.

The difference here is that every witness testified—these 17 witnesses that you hear about testified—that there was no reason provided for the implementation of this hold. Right?

I talked about earlier how there is a process for doing this. Right? There is a well-prescribed process for allocating the funds, like we all did here in this Chamber and 87 of you agreed on it, and then an interagency process to review it to make sure that it meets the standards and criteria outlined by this body, anticorruption reforms. And that was done in this case. That interagency process was followed. That certification was made. The notification to Congress was conducted. The train had left the station, just like the train had left the station in 2018, in 2017, in 2016. And every element of the agencies and the bureaucracy involved in that process in prior years had been engaged and had signed off, except this year.

In 2019, rather, that all changed. A hold was implemented for no known reason. There was no notification given to Congress, which violated the Impoundment Control Act. DOD, Department of State, Secretary Esper, Secretary Pompeo, even Vice President PENCE, and the entire National Security Council implored the President to

release the aid because it not only had met all of the certifications but it was in the U.S. national interest and consistent with U.S. policy.

And yet, nobody knew why it happened, and, to this day, the individual who could shed light on this, Mr. Bolton, is being prohibited from coming forward to explain why the President told him it happened.

So, yes, it is still a good time to subpoena Ambassador Bolton and get that information.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from North Carolina.

Mr. BURR. Mr. Chief Justice, I have a question for both sets of counsel, sponsored by myself, Senator CRUZ, Senator SCOTT of South Carolina, HAWLEY, SASSE, and RUBIO.

The CHIEF JUSTICE. Thank you.

The question from Senator BURR and the other Senators is for both parties. The House will answer first:

Hillary Clinton's campaign and the Democratic National Committee hired a retired foreign spy to work with Russian contacts to build a dossier of opposition research against her political opponent, Donald Trump. Under the House Manager's standard, would the Steele dossier be considered as foreign interference in a US election, a violation of the law, and/or an impeachable offense?

Mr. Manager JEFFRIES. Thank you, Mr. Chief Justice and distinguished Senators. I thank you for the question.

The analogy is not applicable to the present situation because, first, to the extent that opposition research was obtained, it was opposition research that was purchased.

But this speaks to the underlying issue of the avoidance of facts—the avoidance of the reality of what President Trump did in this particular circumstance.

Now, I have tremendous respect for the President's counsel, but one of the arguments that we consistently hear on the floor of this Senate, this great institution in America's democracy, is conspiracy theory after conspiracy theory after conspiracy theory.

We have heard about the deep-state conspiracy theory. We have heard about the “Adam Schiff is the root of all evil” conspiracy theory. We have heard about the Burisma conspiracy theory. We have heard about the CrowdStrike conspiracy theory. We have heard about the whistleblower conspiracy theory. It is hard to keep count.

This is the Senate. This is America's most exclusive political club. This is the world's greatest deliberative body, and all you offer us is conspiracy theories because you can't address the facts in this case, that the President corruptly abused his power to target an American citizen for political and personal gain. He tried to cheat in the election by soliciting foreign interference. That is an impeachable offense. That is a crime against the Constitution. That is the reason that we are here. That is what is before this great body of distinguished Senators.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. SEKULOW. Mr. Chief Justice, Members of the Senate, so, I guess you can buy—that is what it sounds like; you can buy a foreign interference. If you purchase it, if you purchase their opposition research, I guess that is OK.

So let me try to debunk the conspiracy, Manager JEFFRIES; and that is, it is not conspiracy that Christopher Steele was engaged to obtain and prepare a dossier on the Presidential candidate for the Republican Party, Donald Trump. It is not a conspiracy that Christopher Steele utilized his network of assets—including assets, apparently, in Russia—to draft the dossier. It is not a conspiracy that the dossier was shared with the Department of Justice through Bruce Ohr, who was the No. 4 ranking member of the Department of Justice at that time, because his wife, Nellie Ohr, happened to be working for the organization, Fusion GPS, that was putting the dossier together. This is also not a conspiracy. It sounds like one, except it is real. And it is also not a conspiracy that that dossier—purchased dossier—was taken by the FBI, submitted to the Foreign Intelligence Surveillance Court to obtain a foreign intelligence surveillance order on an American citizen. It is also not a conspiracy that that court issued an order—two of them now—condemning the FBI's practice and acknowledging that many of those orders were not properly issued. None of that is a conspiracy theory. That is just the facts.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Wisconsin.

Ms. BALDWIN. Mr. Chief Justice, I send a question to the desk for both President's counsel and House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator BALDWIN is for both parties, and counsel for the President will answer first:

Can you assure us that the Jennifer Williams document submitted to the House was not classified SECRET for any reasons prohibited by Executive Order 13526, such as preventing embarrassment to a person? If yes, please describe or identify the serious damage to national security that would be caused by declassifying this document, pursuant to the same Executive Order.

Mr. Counsel PHILBIN. Mr. Chief Justice and Senator, in response to your question, the Trump administration's policy is always to abide by the requirements for classification of material, and the classification—my understanding is that that document is derivatively classified because it refers to another document, a transcript that was originally classified. I can't represent to you a specific reason that the classification officer classified that document, but I can tell you that it was originally classified according to proper procedures. It is a properly classified document, and that is the policy of the administration, to follow the classification procedures.

The memorandum that she submitted is derivatively classified because of that transcript. Now, that transcript relates to a conversation with a foreign head of state. Almost all conversations with foreign heads of state are classified. They are classified because the confidentiality relates to those communications. It is important for ensuring that there can be candid conversations with foreign heads of state.

The President took an extraordinary action in declassifying two of his conversations with foreign heads of state—unprecedented—because he carefully weighed the balance of what was at stake in this case and the need for transparency to the American public in those two conversations. But that was an exception to the usual rule that such conversations are properly classified.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager SCHIFF. Senators, I would encourage you, if you haven't already had the opportunity, to read that document for yourself and ask whether you think there is any legitimate basis to classify that supplemental testimony.

Now, the Vice President has said that he had no knowledge of this scheme. He has denied any knowledge, involvement in any way, shape, or form.

We heard the testimony of Ambassador Sondland that Ambassador Sondland raised to the Vice President that the aid was being held up and was tied to these investigations, and the Vice President didn't say: What are you talking about? That could never be. The President would never allow such a thing.

There was nothing but a silent nod of acknowledgment of what he was being told. But, nonetheless, the Vice President says that he knew nothing, and the Vice President points to the open testimony of Jennifer Williams to support that contention. But the classified submission goes to that phone call between the Vice President and President Zelensky. You should read that and ask yourself whether that submission is being classified because it would either embarrass or undermine what the President and the Vice President are saying or there is some legitimate reason.

Now, the Vice President at one point said that he wanted to release the record of his call. He certainly talked all about this issue, as has the President. If it was so classified, then why are they all talking about it? But we are to be assured that this classification decision was made absolutely above board. I am sure that John Bolton's manuscript will be treated with the same rigid, objective scrutiny.

You read that. Don't take my word for it. You read that, and you ask yourselves, is there anything that—other than avoiding evidence that the administration doesn't want you to see—that the public shouldn't see in Jennifer Williams' supplemental testimony? I

don't think you can conclude that it is, except that it would be inconsistent with what you are being told and what the American people are being told. Well, they deserve the whole truth, and that is part of the truth. So let the public see it.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Mr. Chief Justice. I send a question to the desk on behalf of myself, Senator DAINES, and Senator CRUZ.

The CHIEF JUSTICE. Thank you.

The question from Senators ALEXANDER, DAINES, and CRUZ is for the House managers:

Compare the bipartisanship in the Nixon, Clinton, and Trump impeachment proceedings. Specifically, how bipartisan was the vote in the House of Representatives to authorize and direct the House committees to begin formal impeachment inquiries for each of the three Presidents?

Ms. Manager LOFGREN. Mr. Chief Justice and Senators, in the Nixon impeachment, you look back and think about the vote in the House Judiciary Committee. It ended up bipartisan, but it didn't start that way. The parties were dug in, as parties are today. The Republicans and Democrats saw it differently. But as the evidence emerged, a bipartisan consensus emerged on the committee, and a number of Republicans—Tom Railsback, who just passed away, and Caldwell Butler, who loved Richard Nixon—he was a huge fan of Richard Nixon's. But they couldn't turn away from the evidence that their President had committed abuse of power, cheated the election, and they had to vote to impeach him.

When it came to the Clinton impeachment, that was—again, it started out along very partisan lines, and it ended along partisan lines. I believe the reason why, as I said a short while earlier, was that we never had a high crime and misdemeanor. That was the problem.

With Nixon, we had clear abuse of Presidential authority to upend the Constitution, scheme to cheat in an election, and Members of both parties voted to impeach. With Clinton, we had private misconduct. Yes, I would call it a crime because he lied about that under oath, but it wasn't misuse of Presidential authority. As I said, any husband caught in an affair could have lied about it. And it didn't involve the use of Presidential authority. So we never got beyond our partisan divisions on that. And many of us—and I will include myself—believed that it was being done for a partisan purpose, because it didn't reach a high crime and misdemeanor.

In the Trump case—and I will say I have been disappointed, because I serve with a number of Republicans in the House whom I like, whom I respect, whom I work with on legislation, and I honestly believed that when this evidence came out, as with the Nixon administration, we would have a coming

together. But it didn't happen, much to my disappointment.

I think you have a new opportunity here in the Senate. For one thing, this is a smaller body. You are, as has been mentioned, the greatest deliberative body on the planet. You have an opportunity to do something that we didn't have a chance to do, which is to call firsthand witnesses and hear from them.

A lot of things have happened since the impeachment articles were adopted. One of them was emails that have been released that we didn't know about.

It has been said by counsel that the Freedom of Information Act information shows that if you follow the process, you get information. No, they had to sue, and they are still in a lockdown fight over the Freedom of Information Act and redactions that were not proper. So that is a big fight that is still going on, but we got information.

But most tellingly, Mr. Bolton has now stepped forward and said he is willing to testify. He is willing to come here and testify under oath. And I think we can all learn something. As Mr. SCHIFF has mentioned, I think we can structure this in such a way that it would respect the Senate's need to do other business, which we also do in the House.

Let's get that done, and let's see if that kind of information can help the Senators come together, as happened in the House Judiciary Committee so many years ago when we dealt with the serious problem of Presidential misconduct—abuse of power to cheat an election—when Richard Nixon shocked the Nation and ultimately had to resign.

The CHIEF JUSTICE. Thank you, Ms. Manager.

Mr. SCHUMER. Mr. Chief Justice.

The CHIEF JUSTICE. The Democratic leader is recognized.

Mr. SCHUMER. I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator SCHUMER for the House managers:

Many of our colleagues are worried that if we were able to bring witnesses and documents in the trial it would take too long. Mr. SCHIFF mentioned we could do depositions in one week. Please elaborate. What can you say that will reassure us that having witnesses and documents can be done in a short time, minimally impeding the business of the Senate?

Mr. Manager SCHIFF. I thank the Senator for the question.

First of all, with respect to the documents that we subpoenaed and sought to get in the House, those documents have been collected. So that work has been done. We have been informed, for example, that the State Department documents have been collected. Those can readily be provided to the Senate for its consideration.

With respect to witnesses, if we agree to a 1-week period to do depositions while you continue to conduct the business of the Senate, it doesn't mean

that we would have unlimited witnesses during that week. We would have to decide on witnesses who are relevant and probative of the issues. Neither side would have an unlimited capacity to call endless witnesses. We would have a limited period of time, just as we had a limited period of time for our opening presentations and for this question and answer period.

If there is any dispute over whether a witness is truly material or probative, that decision can be made by the Chief Justice in very short order. If there is a dispute as to whether a passage in a document is covered by an applicable privilege and if, for the first time, the White House would actually invoke a privilege, the Chief Justice can decide, is that properly made or is that merely an attempt to conceal crime or fraud?

So this can be done very quickly. This can be done, I think, effectively. We have never sought to depose every witness under the face of the Sun. We have specified four in particular, who we think are particularly appropriate and relevant here. But we should be able to reach an agreement on concluding that process within a week. So that is how we would contemplate it being done.

We would make that proposal to our opposing counsel. It would be respectful of your time. It would, I think, be a reasonable accommodation. And counsel says that the Constitution mandates a reasonable accommodation. Well, let's have a reasonable accommodation here, and the reasonable accommodation could be to take 1 week to continue with the business of the Senate. We will do the depositions, and then we will come back, and we will present to you what the witnesses had to say in those depositions. That is how we contemplate the process would work.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The majority leader is recognized.

Mr. MCCONNELL. Mr. Chief Justice, I am about to send a question to the desk, but I am going to suggest that following the response to my question and one more Democratic question, we take a 45-minute break for dinner.

So I send a question to the desk.

The CHIEF JUSTICE. I am sure there is no objection.

The question from the majority leader is for the counsel to the President:

Would you please respond to the question on bipartisanship by Senator ALEXANDER and any assertions the House managers made in response to any of the previous questions?

Mr. Counsel PHILBIN. Mr. Chief Justice, majority leader, thank you for that question.

In response to Senator ALEXANDER, your question, in the Nixon case, the authorizing resolution—this is in the House to authorize the inquiry—was passed by a vote of 410 to 4. Four hundred and ten voted in favor of the inquiry; only four voted against. Two hundred and thirty-two Democrats, 177 Republicans, and 1 Independent voted in favor.

In the Clinton authorizing resolution—this was H. Res. 581—they authorized just the beginning of the inquiry. It passed by a vote of 258 to 176. Now, 31 Democrats joined 227 Republicans voting in favor of authorizing that inquiry. That was substantial bipartisan support to authorize the inquiry.

In this case, H. Res. 660, which was passed on October 31, had bipartisan opposition. The votes in favor of the resolution were 231 Democrats and 1 Independent. The opposition was all Republicans, 194, plus 2 Democrats voting against.

In terms of other assertions that have been made, there are just a couple of points I wanted to touch on. There has been a lot said about—House managers have suggested that counsel for the President have argued that the President could do anything he wants now—solicit any foreign interference in any election. If he thinks it will help him get elected, that is OK, and that is the theory of the case. That is absolutely false. That is a gross distortion of what has been presented, and let me make a couple of points about that.

There have been questions about the campaign finance laws, and one narrow point that we have made in response to specific questions about the campaign finance laws is simply that information—limited information—being presented to a party is not a contribution, a thing of value under the campaign finance laws. And that is not just my conclusion; that is what the Mueller report said. When the Mueller report looked into this, it said: "No judicial decision has treated the voluntary provision of uncompensated opposition research or similar information as a thing of value that could amount to a contribution under campaign-finance law." That is volume I, page 187. So that is a limited point.

The bigger point: The suggestion has been made, because of Professor Dershowitz's comments, that the theory that the President's counsel is advancing is the President can do anything he wants. If he thinks it will advance his reelection, any quid pro quo, anything he wants, anything goes. That is not true. Professor Dershowitz today issued a statement to show that that was an exaggeration of what he was saying.

But let me make an even more narrow point. Aside from what Professor Dershowitz was saying the other night and explaining in abstract and hypothetical terms and academic terms, we have a specific case here. And the specific case here is the one that has been framed by the House managers. And the defects in that case and their theory of the case are, there is abuse of power that involves no allegation of a crime whatsoever and no allegation of a violation of established law. Instead, the theory that you can take action that, on its face, is objectively permissible under the powers of the President and determine that it is going to be

treated as impeachable and impermissible solely on an inquiry into subjective motives—that is what the House Judiciary Committee report says. That is a theory that is infinitely malleable. It provides no standard—no real standard at all. And that was one core point Professor Dershowitz was making, that it is tantamount to impeachment for maladministration.

The other point I will make is they set the standard for themselves with respect to investigations. They have to establish, in order to establish their bad motive, that there is not a scintilla of evidence—there is nothing that you can look at that would suggest any possible legitimate national interest in inquiring into 2016 election interference or the Biden and Burisma affair. They can't possibly meet that standard. It is overdetermined that there is a legitimate policy interest in at least raising a question about those things.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. COONS. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Delaware.

Mr. COONS. On behalf of myself and Senator KLOBUCHAR, I send a question to the desk, addressed to the President's counsel and the House managers.

The CHIEF JUSTICE. Thank you. The House will go first in answering the question from Senators COONS and KLOBUCHAR:

Mr. Sekulow said earlier that the President's Counsel would expect to call their own witnesses in this trial if Mr. Bolton or others are called by the House managers. Can you tell the Senate if any of those witnesses would have first-hand knowledge of the charges against the President and his actions?

Mr. Manager SCHIFF. Mr. Justice and Senators, there certainly are witnesses that the President could call with firsthand information. I don't know that they are—the witnesses that they have described so far, their position is, apparently, if you are the chairman of a committee doing an investigation, that makes you a relevant witness. It doesn't—or you all become witnesses in your own investigations.

They want to call Joe Biden as a witness. Joe Biden can't tell us why military aid was withheld from Ukraine while it was fighting a war. Joe Biden can't tell us why President Zelensky couldn't get in the door of the White House while the Russian Foreign Minister could. He is not in a position to answer those questions. He can't tell us whether this rises to an impeachable abuse of power, although he probably has opinions on the subject.

But are there witnesses they could call? Absolutely. They have said Mick Mulvaney issued a statement saying: The President never said what I had said he had said earlier. Well, if that is the case, then why don't they call Mick Mulvaney? He should be on their wit-

ness list. If Secretary Pompeo has evidence that there was a policy basis to withhold the aid and it was discussed, well, then, why don't they call him? That is a relevant fact witness.

They don't want to allow the Chief Justice to decide issues of materiality because they know what they are trying to do involves witnesses that don't shed light on the charges against the President. They do satisfy the appetite of their client, but they don't have probative value to the issues here.

So, yes, there are witnesses. Now, the reason they are not on the President's witness list is because if they were truthful under oath, they would incriminate the President. Otherwise, they would be begging to have Mick Mulvaney come testify; otherwise, they would be begging to have the head of OMB, who helped administer the freeze on behalf of the President: Let's bring him in. He will tell you it was completely innocent. It was all about burden-sharing.

So why don't they want the head of OMB in? Why don't they want their own people in? Because their own people will incriminate the President.

But there is no shortage of relevant, probative witnesses. They just don't want you to hear what they have to say.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel SEKULOW. Mr. Chief Justice, so besides the fact that Mr. SCHUMER said—and it is on page 675 of the transcript—that we can call any witnesses we want, Mr. SCHIFF just said we don't really get—we can call their witnesses. That is what he said. We can call their witnesses because, under their theory, if we wanted to talk to the whistleblower, even in a secure setting to find out if he, in fact, may have worked for the Vice President or may have worked on Ukraine or may have been in communication with the staff, that is irrelevant.

We can't talk to Joe Biden or Hunter Biden because that is irrelevant—except the conversation that is the subject matter of this inquiry, the phone call transcript that you selectively utilized, has a reference to Hunter Biden. The conversation with Burisma, they raised it for about a half a day, saying there was nothing there. Well, let me find out through cross-examination.

But I just think of the irony of this—before we go to dinner—that we could call anyone we want, except for witnesses we want, but we can call their witnesses that they want.

Remember we said “the fruit of the poisonous tree”? It is still the fruit of the poisonous tree. It doesn't get better with age, as I said.

This idea that this is going to be a fair process—call the witnesses they want; don't call the witnesses you want because they are irrelevant. They may be irrelevant to them. They are not irrelevant to the President, and they are not irrelevant to our case. Thank you.

The CHIEF JUSTICE. Thank you, counsel.

RECESS

The CHIEF JUSTICE. Mr. Majority Leader, I understand we have 45 minutes?

Mr. MCCONNELL. Mr. Chief Justice, we do indeed.

There being no objection, at 6:39 p.m., the Senate, sitting as a Court of Impeachment, recessed until 7:37 p.m.; whereupon the Senate reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. Senators, please be seated.

The Senate will come to order.

Mr. GRASSLEY. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Iowa.

Mr. GRASSLEY. I send a question to the desk on behalf of myself, Senators MCCONNELL, HOEVEN, and WICKER.

The CHIEF JUSTICE. Thank you.

The question from Senator GRASSLEY and the other Senators is addressed to counsel for the President:

During President Clinton's impeachment trial, he argued that “no civil officer—no President, no judge, no cabinet member—has ever been impeached by so narrow a margin . . . [and] that the closeness and partisan division of the vote reflected the constitutionally dubious nature of the charges against him.” President Trump has raised similar concerns during these proceedings and argues that the lack of bipartisan consensus highlights the partisan nature of the charges. Are the President's concerns well-founded?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

I think the concerns are very well-founded. I think that they are concerns that echo back to our founding, when Alexander Hamilton warned in Federalist No. 65 precisely against partisan impeachments. A partisan impeachment is one of the greatest dangers that the Framers saw in the impeachment power. And in Federalist No. 65, Hamilton specifically said that impeachments could become “persecution of an intemperate or designing majority in the House of Representatives,” and that is what we have in this case.

In fact, there was bipartisan opposition to the Articles of Impeachment here in the House. So this is one of the—it is the most divisive sort of impeachment that could be brought here, and it reflects very poorly on the process that was run in the House, which had not had bipartisan support, and the charges that were ultimately adopted in the House, because it is a purely partisan impeachment.

And I think that that is important to bear in mind also, that the House managers themselves and some of the Members of this Chamber, at the time of the Clinton impeachment, warned very eloquently against partisan impeachments. They recognized that a partisan impeachment would not be valid, that it would do grave damage to our political community, to our polity, to the country. It would create deep divisions

that would last for years. And in the Clinton impeachment, they made those warnings when it was not even arising in the context of an election year.

Now we have a partisan impeachment—as we have pointed out—when there is an election only 9 months away, and it will be perceived, and is perceived by many in the country, as simply an attempt to interfere with the election and to prevent the voters from having their choice of who they want to be President for the next 4 years.

And the House managers have said: We can't allow the voters to decide because we can't be sure it will be a fair election. That can't be the way we approach democracy in the United States. We have to respect the ability of the voters to take in information, because all the information is out now. They have had plenty of opportunity, with the process that they ran in the House, to make all the information public that they want and to be able to make their accusations against the President. We think they have been disapproved, and the voters should be able to decide.

And the most important thing, the greatest danger from this partisan impeachment, I believe, is the one that Minority Leader SCHUMER warned about back in 1998, which is that, once we start down the road of purely partisan impeachments, once we start to normalize that process and make it all right to have a purely partisan impeachment, especially in an election year, then we have just turned impeachment into a partisan political tool, and it will be used again and again and again and more frequently and more frequently. And that is not a process—that is not a future—for the country that this Chamber should accept.

Instead, this Chamber should put an end to the growing pattern towards partisan impeachments in this country, put an end to that practice and definitively make clear that a purely partisan impeachment not based on adequate charges, not based on charges that meet the constitutional standard will not get any consideration in this Chamber and will be rejected.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. VAN HOLLEN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Maryland.

Mr. VAN HOLLEN. Mr. Chief Justice, on behalf of myself and Senator KLOBUCHAR, I send a question to the desk directed to both parties.

The CHIEF JUSTICE. Thank you.

The question from Senator VAN HOLLEN is to both parties. The President's counsel will go first:

In his response to an earlier question this evening, Mr. Sekulow cited individuals like the Bidens as being "not irrelevant to our case." Are you opposed to having the Chief Justice make the initial determinations regarding the relevance of documents and wit-

nesses, particularly as the Senate could disagree with the Chief Justice's ruling by a majority vote?

The President's counsel is first.

Mr. Counsel SEKULOW. Mr. Chief Justice, again, to make our position clear, we think, constitutionally, that would not be the appropriate way to go.

Again, no disrespect to the Chief Justice at all, who is presiding here as the Presiding Officer, but our view is that, if there are issues that have to be resolved on constitutional matters, that it should be done in the appropriate way.

You have Senate rules that govern that, as to what you would do, and then there is—you know, if litigation were to be necessary for a particular issue, that would have to be looked at. But this idea that we can short circuit the system, which is what they have been doing for 3 months, is not something we are willing to go with.

I have said that. I said it all day yesterday. And, again, no disrespect to the Senator's question, but we are just—that is not a position that we will accept as far as moving these proceedings forward.

Thank you.

Mr. Manager SCHIFF. Senators, counsel for the President says that would not be constitutionally appropriate. Why not? Where is it prohibited in the Constitution that in an impeachment trial, upon the agreement of the parties, the Chief Justice cannot resolve issues of materiality of the witnesses? Of course that is permitted by the Constitution.

Now, counsel earlier said that the House managers want to decide on which witnesses the President should be able to call; we want them to call our witnesses. Well, you would think that Mick Mulvaney, the White House Chief of Staff, would be their witness. If indeed he supports what the President is claiming, if indeed he is willing to say under oath what he is willing to say in a press statement, you would think he would be their witness.

But I am not saying that we get to decide. That is not the proposal here. The proposal is we take a week; the Senate goes about its business; we do depositions. The witnesses are not witnesses on the President's behalf that we get a decision on as House managers; but, rather, that we entrust the Chief Justice of the United States to make a fair and impartial decision as to whether a witness is material or not, whether a witness has relevant facts or not, or whether a witness is simply being brought before this body for the purposes of retribution—in the case of the whistleblower—or to smear the Bidens without material purpose relevant to these proceedings.

We are not asking that you accept our judgment on that. We are proposing that the Chief Justice make that decision. And I think the reason, of course, that they don't want the Chief Justice to make that decision, as

I indicated the other night, is not because they don't trust the Chief Justice to be fair. It is because they fear the Chief Justice will be fair. And I think that tells you everything you need to know about the lack of good faith when it comes to the arguments they make about why they went to court, why they refused to comply with any subpoenas, why they refused to provide any documents, why they are here before you saying that the House managers must sue to get witnesses and they are in court on the same day saying you can't sue to get witnesses.

This is why they don't want the Chief Justice to make that decision, because they know the witnesses they are requesting are for purposes of retribution or distraction.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from North Carolina.

Mr. TILLIS. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senator CRUZ.

The CHIEF JUSTICE. Thank you. The question from Senators TILLIS and CRUZ is for the House managers:

You have based your case on the proposition that it was utterly "baseless" and a "sham" to ask for an investigation into possible corruption of Burisma and the Bidens.

Chris Heinz, the step-son of then-Secretary of State John Kerry, emailed Kerry's Chief of Staff that "Apparently, Devon and Hunter both joined the board of Burisma and a press release went out today. I can't speak to why they decided to, but there was no investment by our firm in their company." Heinz subsequently terminated his business relationship with Devon Archer and Hunter Biden because "working with Burisma is unacceptable," and showed a "lack of judgment."

Do you agree with Chris Heinz that working with Burisma was "unacceptable"? Did John Kerry or Joe Biden agree with Chris Heinz? If not, why not?

Mr. Manager SCHIFF. The reason why Joe Biden is not material to these proceedings, the reason why this is a baseless smear is that the issue is not whether Hunter Biden should have sat on that board or not sat on that board. The issue is not whether Hunter Biden was properly compensated or improperly compensated or whether he speaks Ukrainian or he doesn't speak Ukrainian.

What the President asked for was an investigation of Joe Biden, and the smear against Joe Biden is that he sought to fire a prosecutor because he was trying to protect his son. I guess that is the nature of the allegation. And that is a baseless smear.

As we demonstrated—as the unequivocal testimony in the House demonstrated, when the Vice President sought the dismissal of a corrupt and incompetent prosecutor, it had nothing to do with Hunter Biden's position on the board. It had everything to do with the fact that the State Department, our allies, the International Monetary Fund were in unanimous agreement that this prosecutor was corrupt. And the uncontradicted testimony was also that, in getting rid of that prosecutor, it would increase the chances of real

corruption prosecutions going forward, not that it would decrease them.

So the sham is this: The sham is that Joe Biden did something wrong when he followed United States policy, when he did what he was asked to do by our European allies, when he did what he was asked to do by international financial institutions.

And the other sham is the Russian propaganda sham that this CrowdStrike—kooky conspiracy theory that the Ukrainians, not the Russians, hacked the DNC and that someone whisked the server away to Ukraine to hide it. That is Russian intelligence propaganda, and yes, it is a sham. And it is worse than a sham. It is a Russian propaganda coup is what it is. Thank God, Putin says, that they are not talking about Russian interference anymore; they are talking about the Ukrainian interference.

Now, counsel says: Well, isn't it possible that two countries interfered?

But you heard what our own Director of the FBI, Christopher Wray, said: There is no evidence of Ukrainian interference in our election. There is no evidence. So, yes, I think we can cite the FBI Director for the proposition that that is a sham. And that is why—that is why—we refer to it as such.

But at the end of the day, what this is all about is the President using the power of his office, abusing the power of that office to engage in soliciting investigations—and actually just the announcement of them. If the President thought there was so much merit there, then why was it that he just needed their announcement?

And what is more, as counsel just conceded before the break, Rudy Giuliani was not pursuing the policy of the United States. OK. If it wasn't the policy of the United States, then what was it? If it wasn't the policy to pursue an investigation of the Bidens, then what was it?

It was a “domestic political errand” is what it was.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Oregon.

Mr. WYDEN. Mr. Chief Justice, on behalf of Senator MENENDEZ, Senator BROWN, and myself, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you. Senators WYDEN, MENENDEZ, and BROWN ask the House managers:

The President's counsel has argued that the President's actions are based on his desire to root out corruption. However, new reporting indicates that Attorney General Barr and former National Security Advisor Bolton shared concerns that the President was granting personal favors to autocratic foreign leaders like President Erdogan of Turkey. The President has also acknowledged his private business interests in the country like Trump Towers Istanbul. The Treasury Department has not denied that the President directed Treasury and the Department of Justice to intervene in the criminal investigation of Halkbank, the Turkish state-owned bank, which has been accused of a scheme to evade Iranian sanctions. Has the President engaged in a pattern

of conduct in which he places his personal and political interests above the national security interests of the United States?

Mr. Manager JEFFRIES. Thank you, Mr. Chief Justice. I also want to thank the Senators, again, for your hospitality and for listening to both sides as we have endeavored to answer your questions. Thank you for that question.

I think, first and foremost, there has been a troubling pattern of possible conflicts of interest that we have seen from the beginning of this administration through this moment, but the allegation here related to the abuse of power charge is that, in this specific instance, the President tried to cheat by soliciting foreign interference in an American election by trying to gin up phony investigations against a political opponent.

Now, what counsel for the President has said is that what the President was really interested in is corruption, that he is an anti-corruption crusader. For you to believe the President's narrative, you have to conclude that he is an anti-corruption crusader. Perhaps his domestic record is part of what Senators can reasonably consider, but let's look at the facts of the central charge here.

The President had two calls with President Zelensky, on April 21 and on July 25. In both instances, he did not mention the word “corruption” once. Released the transcripts. The word “corruption” was not mentioned by Donald Trump once.

We also know that in May of last year President Trump's own Department of Defense indicated that the new Ukrainian Government had met all necessary preconditions for the receipt of the military aid, including the implementation of anti-corruption reforms. That is President Trump's Department of Defense saying there is no corruption concern as it relates to the release of the aid.

Now, I think we can all acknowledge, as the President's counsel indicated, that there was a general corruption challenge with Ukraine. I think the exact quote from Mr. Purpura was: “Since the fall of the Soviet Union, Ukraine has suffered from one of the worst environments for corruption in the world.”

Certainly I believe that that is the case, but here is the key question: Why did President Trump wait until 2019 to pretend as if he wanted to do something about corruption? Let's explore.

Did Ukraine have a corruption problem in 2017, generally? The answer is yes. Did President Trump dislike foreign aid in 2017? The answer is yes. What did President Trump do about these alleged concerns in 2017? The answer is nothing.

Under the same exact conditions that the President now claims motivated him to seek a phony political investigation against the Bidens and place a hold on the money, the President did nothing. He did not seek an investiga-

tion into the Bidens in 2017. He did not put a hold on the aid in 2017. But the Trump administration oversaw \$560 million in military and security aid to Ukraine in 2017.

In 2018, the same conditions existed. If President Trump is truly an anti-corruption crusader—but what happened in 2018? He didn't seek an investigation into the Bidens. He didn't put a hold on the aid. Rather, the Trump administration oversaw \$620 million in military and security aid to Ukraine, which brings us to this moment.

Why the sudden interest in Burisma, in the Bidens, in alleged corruption concerns about Ukraine? What changed in 2019? What changed is that Joe Biden announced his candidacy. The President was concerned with that candidacy. Polls had him losing to the former Vice President, and he was determined to stop Joe Biden by trying to cheat in the election, smear him, solicit foreign interference in 2020.

That is an abuse of power. That is corrupt. That is wrong.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Maine.

Ms. COLLINS. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senator RUBIO, and Senator RISCH.

The CHIEF JUSTICE. Thank you. The question from Senators COLLINS, RUBIO, and RISCH is addressed to the House managers:

The House of Representatives withdrew its subpoena to compel Charles Kupperman's testimony. Why did the House withdraw the Kupperman subpoena? Why didn't the House pursue its legal remedies to enforce its subpoenas?

Mr. Manager SCHIFF. Senators, I thank you for the question.

When we—our practice in the House was to invite witnesses to come voluntarily; if they refused, to give them a subpoena. In the case of Dr. Kupperman, he refused to come in voluntarily, and we subpoenaed him.

Almost instantly upon receipt of the subpoena, a lengthy complaint was filed in court where he sought to challenge that subpoena. Interestingly, and contrary to, I think, what you are hearing from the President's counsel here today, the House took the position that a witness cannot challenge—does not have standing to challenge a congressional subpoena.

We were joined, by the way, in that position by the Justice Department, which also said that Dr. Kupperman didn't have jurisdiction to challenge or get a declaratory judgment as to the validity of the subpoena.

So, in that litigation, we were often on the same page as the Justice Department. But more meaningful to us, we were simply not going to engage in a yearslong process of delay to get the answers that we needed.

We proposed to Dr. Kupperman's counsel that if, as you claim, this is really about just wanting to get a court blessing, there is a willingness to

come forward, but we just want to make sure that it is appropriate that we do so, if you are sincere about that, there is already a case that has been filed, the McGahn case, that is about to be decided. Let's agree to be bound by what conclusion Judge Jackson reaches in that case. And their answer was no.

And, indeed, that opinion would come out shortly thereafter. That opinion said, this claim of absolute immunity is absolute nonsense, and there is no precedent for it in the 250 years of jurisprudence on this subject.

So we went back to Dr. Kupperman, and, of course, Dr. Kupperman said: No, we would like to get our own judicial opinion.

Now, had we gone to fruition, even though we don't believe—and it would have created a bad precedent that they have standing to challenge subpoenas that way. Had they lost, they would have gone to the court of appeals and the Supreme Court. They would have come back to the district court. And now no longer arguing absolute immunity because that would have been, we believe, defeated, they would make claims of executive privilege, and they would litigate those up through the court of appeals and the Supreme Court.

We knew that course because we are in it with Don McGahn. Nine months after he was subpoenaed, we are still litigating it. And they are in Court saying Congress shouldn't do what they are saying that we should do before this body.

So that is why we withdrew the subpoena. We were not going to go through that exercise.

You have to ask the question, I think, why did Fiona Hill feel that she could come and testify? She worked for Dr. Kupperman. Why was she willing to show the courage to come and testify when her boss wasn't?

There is not a good answer to that question, but I am awfully glad that she did because, without her, we would be that much less knowledgeable about this President's scheme.

So that was the history of the Kupperman subpoena. Likewise, John Bolton, who has the same counsel, told us if we subpoenaed him, he would sue.

Now, why is it that he is willing to testify now, and he wasn't willing to testify before the House? You should ask him that question. But that was the predicament we faced. And in our view, a President should not be able to defeat an investigation into his wrongdoing by endlessly litigating the matter in court, particularly when they are in court saying you can't use the court to enforce your subpoenas.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Ms. HIRONO. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Hawaii.

Ms. HIRONO. I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator HIRONO is for the House managers:

Can you talk about what has happened to whistleblowers when they have been outed against their will? What are the consequences of revealing their identity, particularly when we have a President who has tried to bully and threaten impeachment witnesses?

Mr. Manager SCHIFF. Senator, I don't know that we can give you examples of whistleblowers who were the subject of retaliation, although I have no doubt that there are many. We can seek by the latter part of this evening to get a list of some of the whistleblowers that have confronted retaliation.

But I—this does give me an opportunity to speak a little more—in a more fulsome way about a point I made earlier about the unique importance of whistleblowers in the intelligence community.

Our area of intelligence is unique in this respect. If you are a whistleblower who wants to blow the whistle on a fraudulent contract in a transportation project, you can go public. If you are blowing the whistle on misconduct in the area of housing, you can go public. You can have a press conference, and you can declare the wrongdoing that you have seen.

If you are a whistleblower in the intelligence community, however, you cannot go public. You have no recourse to bring to the public's attention wrongdoing, except one of really two vehicles. You can go to an Intelligence Committee or you can go to the inspector general.

And in this area, where our hearings are in closed session, where you don't have outside stakeholders that can point out the flaws in what an agency is representing, if you are on the Transportation Committee and someone comes in and they say: This high-speed rail project is on time and under budget, you have outside validators and stakeholders that can say that is just not true.

In the intel world where our hearings are in closed session, there are not outside stakeholders that are listening, that can hold those agencies to account. And so we are uniquely dependent when there is wrongdoing on two things: self-reporting by the agencies and the willingness of people of good faith to come forward and blow the whistle.

And we do injury to that when we expose those whistleblowers to retaliation. I don't think any of us would have imagined a circumstance in which a President of the United States before now would have called a whistleblower a traitor or a spy or suggested that people that blow the whistle on his wrongdoing are traitors and spies, and we should treat them as we used to treat traitors and spies.

I don't think we could have imagined a circumstance where a President of the United States would have told a foreign leader that the U.S. Ambas-

sador—our anti-corruption champion in Ukraine—was “going to go through some things.” I don't think we could have imagined that happening before this Presidency. And sometimes you just have to step back and realize just how striking and abhorrent this is and what a risk it is to civility, to decency, to our institutions.

We have become inured to it through endless repetition of attacks on anyone who will stand up to this President. And, of course, the risk is—the very reason we have a whistleblower protection, the very reason why whistleblowers should enjoy a right of anonymity, is that in the absence of that, misconduct and wrongdoing will proliferate. If there is not a mechanism for people lawfully to expose wrongdoing, you can bet that wrongdoing is going to increase. And that is why there have been great champions, like Senator GRASSLEY, of whistleblower protections, Senator BURR and Senator WARNER, and many others, because we all understand—at least we did heretofore—the vital importance and contributions that are made by American citizens who bring wrongdoing to our attention.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. BLUNT. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Missouri.

Mr. BLUNT. Mr. Chief Justice, I send a question to the desk on behalf of myself, Senators HAWLEY, WICKER, and CAPITO.

The CHIEF JUSTICE. Thank you.

The question from Senators BLUNT, HAWLEY, WICKER, and CAPITO is addressed to counsel for the President:

What responsibility does the president have to safeguard the use of taxpayer dollars for foreign aid and work to root out corruption?

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice and Members of the Senate.

The President has an important responsibility to safeguard taxpayer dollars that are used in foreign aid or used anywhere, frankly, and to root out corruption. Now, it is no secret that President Trump, from the beginning, from the time he came down the escalator, has been committed to ensuring that American taxpayer dollars are used appropriately—are used appropriately. And if they are going to foreign countries, he wants to make sure that they are used wisely. And there is ample evidence of that—ample evidence of that. I don't think that is even disputed or disputable. And he is fulfilling that obligation.

The other point that he makes repeatedly is that if we are helping countries around the world, other countries should help us help them. We use the word “burden-sharing.” What does that mean? “Burden-sharing” means that if American taxpayers are going to help with a problem in a country around the world—and we do, and we do a lot. We do it to the tune of billions and billions

of dollars. When here in our country, we need to fix our roads; we need to fix our bridges. So if we are going to take money away from those important projects here in America that come from the hard-earned dollars of taxpayers, why can't other countries help us? That is called burden-sharing. It is also called fairness. So he has that obligation, and every day he fulfills that obligation.

Let me make another point in response to Senator WARREN's question. The most important thing, in terms of the fairness of this proceeding—and that is why I have quoted repeatedly. I haven't played the videos over and over again, but you remember them—the wise words, the true words of the Democrats in the Clinton impeachment years. And the only point the American people understand—they understand it, and I think everyone in this body understands it; that there can't be one standard for one political party and another for the other political party. That is important. Those words should be applied here. We can't have a standard that changes depending on what somebody thinks about political issues.

In order to be fair, the same standard has to be applied, regardless of your party. So that is the critical issue here. And that is the bedrock principle, not a double standard for justice in the Senate but one standard—the true standard, the standard that has been articulated eloquently by Democrats over and over again in the Clinton proceedings. That is the standard that is right. That is the standard that we ask for, regardless of political party.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. KING. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Maine.

Mr. KING. I am sending a question to the desk.

The CHIEF JUSTICE. Senator KING asks the President's counsel:

Would it be permissible for a President to inform the Prime Minister of Israel that he was holding congressional appropriated military aid unless the Prime Minister promised to come to the United States and publicly charge his opponent with antisemitism in the midst of an election campaign?

Mr. Counsel PHILBIN. Mr. Chief Justice and Senator, thank you for the question, but the question really has nothing do with this case. I mean, it seems to be trying to get at the most extreme hypothetical related to a misinterpretation of what Professor Dershowitz was saying the other night. It is totally irrelevant here.

The charges that have been brought here, articulated in the Articles of Impeachment, are based on a theory of abuse of power; that the House Democrats, the House managers have made clear depends for them to make their case to establish that when the President raised two issues on the call with President Zelensky of Ukraine, he

raised the 2016 election interference, and he mentioned the Biden and Burisma incident; that there was not any legitimate public policy or foreign policy interest in mentioning those things to the President of Ukraine. That is the standard they have set for themselves. It is on page 5 of the House Judiciary Committee report, and it is on page 4. They say they have to show it is a sham investigation, and I think it is on page 6 they say it is a bogus investigation. That is their standard because they know they have to establish that there is no legitimate public policy interest at all in mentioning those in order to come anywhere close to being able to assert something that could be a wrongful conduct by the President, because if there is a legitimate interest, if there is something there that is worth asking, they don't have a case. And that is why they have tried to tell you again and again there is not a scintilla of evidence.

This is really pretty preposterous, for the House managers to come and say, particularly with respect to the Biden-Burisma incident, there can't be any legitimate interest in raising that question because it has all been debunked. And the question has been asked: Where was it was debunked? By whom was it debunked? Who conducted that investigation? Where is the report from that investigation? Who established that there is nothing there? There is no such report. They have been asked; they haven't been able to cite it. There has been no such investigation.

But what do we know? We do know that every witness who was asked about it said, at a minimum, there was an appearance of a conflict of interest. We do know that these two members of the Obama administration—Amos Hochstein and Deputy Assistant Secretary of State Kent—raised the issue of the conflict of interest with Vice President Biden's Office. We know that Chris Heinz, the stepson of Secretary of State Kerry, who had been a business partner with Hunter Biden, broke off his business ties with him because Hunter Biden took a seat on the board of Burisma.

So to say that there is nothing that could possibly merit asking a question about that is utterly disingenuous. It can't be said with a straight face. Every witness that was asked about it said that there was something, at least, that gave the appearance of a conflict of interest. There hasn't been any investigation to debunk this theory. There hasn't been any inquiry to find out if there is "there" there or not.

It doesn't have to do, as Manager SCHIFF was suggesting, just with, well, why was Hunter Biden on the board, or were they paying him? It is the whole situation—the whole situation of, all of a sudden, he is put on the board at the time when his father was put in charge of Ukraine policy. And there are people—there were witnesses who testified

in the House proceedings that it appeared like Burisma was trying to whitewash their reputation by putting people with connections on their board. And then there is the prosecutor being fired.

It is just not reasonable to say that no one could possibly say: That looks fishy. There is something maybe that somebody should look into there.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Alaska.

Ms. MURKOWSKI. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you. Senator MURKOWSKI asks counsel for the President:

You explain that Ambassador Sondland and Senator JOHNSON both said the President explicitly denied that he was looking for a quid pro quo with Ukraine. The reporting on Ambassador Bolton's book suggests the President told Bolton directly that the aid would not be released until Ukraine announced the investigations the President desired. This dispute about material facts weighs in favor of calling additional witnesses with direct knowledge. Why should this body not call Ambassador Bolton?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

I think the primary consideration here is to understand that the House could have pursued Ambassador Bolton. The House considered whether or not they would try to have him come testify. They chose not to subpoena him.

This all goes back to the most important consideration, I think, that this Chamber has before it in some ways, especially on this threshold issue of whether there should be witnesses or not. It has to do with the precedent that is established here for what kind of impeachment proceeding this body will accept from now going forward, because whatever is accepted in this case becomes the new normal for every impeachment proceeding in the future.

And it will do grave damage to this body as an institution to say that the proceedings in the House don't have to really be complete. You don't have to subpoena the witnesses that you think are necessary to prove your case. You don't really have to put it all together before you bring the package here. When you are impeaching the President of the United States—the gravest impeachment that they could possibly consider—you don't have to do all of that work before you get to this institution.

Instead, when you come to this Chamber, it can be kind of half-baked, not finished—we need other witnesses, and we want this Chamber to do the investigation that wasn't done in the House of Representatives. And then this Chamber will have to be issuing the subpoenas and dealing with that. And that is not the way this Chamber should allow impeachments to be presented to it.

We have heard—there was some exchange the other day about, well, there

were a lot of witnesses in the Judge Porteous impeachment, and this Chamber was able to handle that. It is very different in the impeachment of a judge, which is being handled by a committee. My understanding is that, under rule XI of the Senate procedures, there was a committee receiving that evidence. But in a Presidential impeachment, there is not going to be just a committee; it is the entire Chamber that is going to have to be sitting as Court of Impeachment, and that will affect the business of the Chamber.

So I think the idea that something comes out and somebody makes an assertion in a book, allegedly—it is only an alleged; it is simply alleged now that the manuscript says that; Ambassador Bolton hasn't come out to verify that, to my knowledge—that then we should start having this Chamber calling new witnesses and establish the new normal for impeachment proceedings as being that there doesn't have to be a complete investigation in the House, I think that is very damaging for the future of this institution.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Hawaii.

Mr. SCHATZ. Mr. Chief Justice, I have a question on behalf of myself and Senators WHITEHOUSE and HEINRICH, and this is for the counsel for the President and the House managers.

The CHIEF JUSTICE. Thank you.

Question from Senators SCHATZ, WHITEHOUSE, and HEINRICH for both parties:

Can the White House really not admit that Senator KING's hypothetical would be wrong?

We begin with the House managers.

Mr. Manager SCHIFF. Senator, we have no trouble recognizing just how wrong that would be, but more than that, it is the natural extension of Professor Dershowitz' argument that if the President believed that kind of quid pro quo would help his reelection, then it is perfectly fine and nonimpeachable. There was a reason, of course, why they didn't want to address that hypothetical.

Let me go back also to the question that was asked about the other written reports that Ambassador Bolton and Attorney General Barr were concerned that the President was intervening in cases in which he had business investments, like Turkey. Under the theory of the President's lawyers, that is perfectly OK, too. If the President thinks somehow that that is in the United States' interest because it is in his interest, that is perfectly fine. It is unimpeachable.

Now, is it a crime to give preference to autocrats, to give special consideration to autocrats where your business investments are? That may not be criminal, but it is impeachable. It certainly should be impeachable if we are going to sacrifice the national security of the country, if we are going to withhold military aid, if we are going to be-

stow favors in U.S. resources to countries where the President has investments. Is that what we want driving U.S. policy? But that is the implication of what they have to say.

I agree with counsel about one thing they said: If we have a trial with no witnesses, that will be a new precedent. We should be very concerned about the precedent we set here because it will mean heretofore—that when a President is impeached, that one party can deny the other witnesses, and that will be the new normal, that we have trials without witnesses, and I don't think that is the precedent we should be setting here.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel PHILBIN. Mr. Chief Justice, Senator, thank you for the question.

Let me just begin by noting I think it is a little bit rich for Manager SCHIFF to say that one party—i.e., the President—is going to deny them witnesses. It was the President who was denied any witnesses throughout this process up until now.

But to get back to the question on Senator KING's hypothetical, if the President insisted that a foreign leader come here and lie about someone else and he was holding up military aid or a package of congressional aid and saying "You have to go out and lie about this," that would be wrong. But that is not this case, and it has nothing to do with this case.

But I would like to address something that Manager SCHIFF said because he immediately pivoted now to the next thing. What is in the newspapers? What else can we bring in from the newspapers? There is an allegation that the manuscript says something about conversations that Ambassador Bolton had with Attorney General Barr. Well, Attorney General Barr has issued a statement saying that allegation, that assertion, is not accurate, that that is false. And there are other allegations that are made about what might be in this manuscript. Mick Mulvaney has issued a statement saying that is not true.

So to sort of play the game of, there is going to be another leak; somebody might write a book; there is something else—and that is, again, turning this body into the one doing the investigation because the House didn't pursue the investigation. That is not prudentially a wise move for this Chamber to take on that task.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Louisiana.

Mr. KENNEDY. Your Honor, I send a question to the desk for counsel for the President.

The CHIEF JUSTICE. Thank you.

The question from Senator KENNEDY is for counsel for the President:

Has the House of Representatives, in its impeachment proceedings or otherwise, investigated the veracity of the statement by

former Ukrainian Prosecutor General Victor Shokin that Mr. Shokin "believes his ouster was because of his interest in [Burisma Holdings], and his claim that had he remained in his post, Shokin said he would have questioned Hunter Biden," as reported on July 22, 2019 in an article in The Washington Post entitled "As Vice President, Biden said Ukraine Should Increase Gas Production. Then His Son got a job with a Ukrainian Gas Company," by Michael Kranish and David L. Stern.

Mr. Counsel PHILBIN. Mr. Chief Justice, Senator, thank you for that question.

The answer, to the best of my knowledge, is no, the House of Representatives did not investigate the veracity of the truth of that reporting about Prosecutor General Shokin. In fact, that was part of the point.

As Manager SCHIFF was saying here, again, the House Democrats' position is that everything related to the entire incident of the Bidens and Burisma and what was going on with the prosecutor—it is all debunked. There is nothing to see there. Move along. Don't ask about it. But they didn't investigate it, and they can't point to anyone who has investigated it. They can't point to anyone who has really looked at it.

As I said a minute ago—and I will not belabor the point—every witness who was asked said that they thought, yes, there was at least the appearance of a conflict of interest there. At least one witness—and there is a public reporting of another person, whose name is Hochstein, in the Obama administration—raised the issue with Vice President Biden's Office, but nothing was done about it.

There have been questions about whether Vice President Biden sought or received an ethics opinion. We don't know—not that I have heard of, not that I have seen anywhere. It is just something that no one has actually inquired into.

There have been questions raised about "Why now?" "Why are they being raised now?" The implication the House managers have tried to make is it is just because Joe Biden decided in April he was going to run for the Presidency.

As I explained the other day, Rudy Giuliani, as the President's private counsel, was exploring matters in Ukraine starting in the fall of 2018. He had tips because he was interested in finding out—remember, the Mueller investigation was still ongoing at that point. It wasn't clear what the outcome of the Mueller investigation was going to be. He was trying to find out what were the origins of Russian interference, of the Steele dossier, of allegations of collusion by the Trump campaign. That led, in part, to Ukraine, and he got information that led him to various strands to pursue. One of them became the issue of the Biden and Burisma incident.

He prepared a little package on that based on interview notes on January 23 and January 25 of 2019. Months before

Joe Biden announced that he was going to run for the Presidency, Rudy Giuliani was interviewing Shokin and Lutsenko and wrote down in the interview notes stuff about the Biden and Burisma incident and the firing of Shokin. He put it all in a package, and he delivered it to the State Department in March—still before Joe Biden said he was going to be running for President. That didn't happen until April 25. It was all done—all put in a package, all delivered.

That is public now because that little package that he sent to the State Department was released, I think it was, under the FOIA litigation, but it has been released publicly, and the notes that he took, his interview notes, were released publicly.

So the timing dates back to when Rudy Giuliani was pursuing that, starting back in the fall of 2018 with his taking time to pursue leads. He was trying to get Shokin to come to this country to interview him. He couldn't get him a visa and had to interview him by phone. Lutsenko was in New York, and he prepared this package. That is why there is that timing.

Then there were public articles published about the Biden-Burisma affair. One of them was just mentioned in the question—a Washington Post article, July 22, 2019, specifically about it—about the firing of Shokin 3 days before the July 25 telephone call. It was in the news. It was topical.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Michigan.

Mr. PETERS. Chief Justice, on behalf of myself and Senator CORNYN, I send a question to the desk for both House managers and the President's counsel.

The CHIEF JUSTICE. Thank you.

The question from Senators PETERS and CORNYN for both parties reads:

How would the verdict in this trial alter the balance of power between the executive and legislative branches in the future?

The President's counsel goes first.

Mr. Counsel CIPOLLONE. A verdict—a final judgment—of acquittal would be the best thing for our country and would send a great message that will actually help in our separation of powers. Here is why.

As I have said repeatedly—and according to the standard articulated so well during the Clinton impeachment—what are we dealing with here? We are dealing with a purely partisan impeachment with bipartisan opposition, no crime, and no violation of law in an election year. It has never happened before—no investigation, no due process, nothing.

What they are telling you—I mean, we can talk all we want, and we will, but what are we talking about at the end of the day? We are talking about removing the President of the United States from the ballot in an election that is occurring in months. Who thinks that is a good idea, particularly when you are dealing with a purely

partisan impeachment that was warned about from the Framers?

The only appropriate result that will not damage our country horribly—maybe forever but certainly for generations—is a verdict of acquittal.

Here is the other point. In getting back to the question of witnesses, Mr. SCHIFF is up here: Let's make a deal. How about we have the Chief Justice—and we have the greatest respect for the Chief Justice. Here is the problem. We are talking about critical constitutional rights that have been protected by the Supreme Court over our history. So what is he really saying? Think about these questions.

The Senate can decide about executive privilege by a vote—by a majority vote. With the greatest respect—with the greatest respect—if the Senate can just decide there is no executive privilege, guess what? You are destroying executive privilege. Can the Senate decide the House's speech or debate protection? I mean, when we ask for documents from Mr. SCHIFF and his staff and he says "speech or debate," are you going to decide that? Is that how we are going to do this? Are we going to flip a coin? Is that going to be your next suggestion?

We are talking about an election of the President. There are critical constitutional issues that will alter our balance of power for generations if we go down that road.

Down this road is the path provided by the Democrats so wisely during the Clinton administration.

The CHIEF JUSTICE. Thank you, counsel.

Mr. Manager SCHIFF. Mr. Chief Justice, it may be different in the court than it is in this Chamber and in the House, but when anybody begins a sentence with the phrase "I have the greatest respect for," you have to look out for what follows.

We trust the Justice will make the right decision. The Justice has, I think, conducted these proceedings in an eminently fair way.

There is nothing in the Constitution that would preclude us from taking a week to hear from witnesses and allowing the Chief Justice to make those calls.

I would say also, with respect to an argument counsel made about the Porteous impeachment trial, where, yes, the Senate designated 12 Senators to hear the witness testimony, the implication is, you can't do that in an impeachment of the President. That is only half correct. The other half is, you can do depositions in which only a couple of Members of the body need participate. So it is a false argument to say or to suggest that the whole body would need to conduct the whole of the depositions. So much as we would like live testimony, we have offered a compromise.

With respect to the question about what this will do to the balance of power, I would say this: As I mentioned earlier, our relationship with Ukraine

will survive this debacle. But if we hold that a President can defy all subpoenas, can tie up the Congress endlessly with bad-faith claims of privilege—claiming here one thing and claiming in court something else—it will eviscerate our oversight power. If the President is allowed to decide which subpoenas they will deign to consider valid and which they will deign to consider invalid, your oversight power and our oversight power is gone. That is an irrevocable change to the balance of power.

What is more, if we adopt their theory of the case that a President can abuse his power and do so by holding another country hostage by withholding congressionally appropriated funds and can violate the law in doing so as long as they think it is in their interest, imagine what that will do to the balance of power. Article II will really mean what the President says it means, which is he can do whatever he wants.

So, yes, the stakes are big here. Article II goes to whether our oversight power—particularly in a case of investigating the President's own wrongdoing—continues to have any weight or whether the impeachment power itself is now a nullity.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Florida.

Mr. RUBIO. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators CAPITO and SCOTT of South Carolina—with all due respect.

The CHIEF JUSTICE. The question from Senators RUBIO, CAPITO, and SCOTT of South Carolina is directed to both parties, and we will begin with counsel for the House managers.

The question reads:

If I understand the Managers' Case: The President abused his power because he acted contrary to the advice of his advisors, but he is guilty of obstruction of Congress because he acted in accordance to the advice of his advisors.

Mr. Manager SCHIFF. That is not our argument at all. The President is impeached on article I not because he acted contrary to the advice of his advisors. That is a red herring offered by the President's legal team. We are not saying that the President is not free to disregard the advice of his counsel. He is. He is entitled to disregard even really good advice. What he is not free to do is to engage in corruption. What he is not free to do is to withhold military aid—not for a valid policy disagreement. They have conceded Rudy Giuliani was not doing policy. What is not permitted is for a President to withhold congressionally appropriated money for a corrupt purpose—to secure help, to illicit foreign help, and cheat in an election. That is no policy disagreement.

Now, are we arguing in article II that he should be impeached for following his lawyers' advice? No. They were following his advice. His advice was to fight all subpoenas. They were giving

the legal window dressing to that. They were going to court and arguing one thing and coming before you and arguing another. He was not following their advice; they were following his. You can say a lot about Donald Trump, but he is not led around by the nose by his legal counsel. Ask Don McGahn about that. Don McGahn stood up to the President.

Bob Mueller—if we are going to talk about the Mueller report—found several instances—and this goes to the pattern of the President's misconduct—in which he sought to obstruct that investigation, including telling the President's lawyer that he should fire the special counsel and then that he should lie about that instruction.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel CIPOLLONE. Thank you, Mr. Chief Justice, Members of the Senate.

You are right. That is yet another way in which the House managers' theories of impeachment are incoherent and dangerous.

With respect to article II—and again, I won't respond to the ad hominem attacks that keep coming. I will say, just for the record, you are right—I haven't been elected to anything, but when I say “with the greatest respect,” I mean it.

Article II: The President has been impeached for exercising longstanding constitutional rights. He is looking out for constitutional rights in the face of a House process that violated all of them against all precedent, and he is looking out for future Presidents and for the executive branch. How? If he had said, “OK. Fine. No rights. No counsel. No witnesses. No right to cross-examine. Here is everything you asked for,” what sort of precedent would that set? That would irreparably damage the separation of powers.

Again, all you need to look at are the Articles of Impeachment. The Articles of Impeachment do not allege a crime. They do not even allege a violation of law. They are purely partisan. They were opposed by Democrats in the House.

It is an election year, and they are here, saying: Instead of an election, let's confront very consequential, constitutional issues that have never really been confronted, and let's do it in a week. Let's destroy executive privilege. Maybe let's destroy speech and debate privilege.

Let me point out one other thing. It is not right to accuse somebody falsely of something and then say: Unless you waive your constitutional rights, you are guilty. That is not right. We shouldn't accept that in this country. These are the longstanding privileges. They have been respected for hundreds of years, and we should continue to respect them.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from West Virginia.

Mr. MANCHIN. Mr. Chief Justice, I send a question to the desk on behalf of myself for the President's counsel and House managers.

The CHIEF JUSTICE. Thank you.

The question is from Senator MANCHIN for both parties. We will begin with the President's counsel.

Over the past two weeks, the White House counsel had detailed all the problems associated with the House's decision to move quickly through their impeachment proceedings. Why shouldn't this body heed their advice and slow down and at least allow the judge to rule in the McGahn case to give the members of this body an official opinion from the Judiciary on Article II?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senator, thank you for the question.

I think the key point here is the McGahn case is not going to directly resolve something related to the obstruction charges here. It is going to address a legal issue with respect to an assertion of absolute immunity for Don McGahn.

There should be a decision from the DC Circuit sometime soon, but that will almost certainly go to the Supreme Court. I mean, that immunity is being challenged, and it has been relied upon by the executive for over 40 years. That is an issue destined for the Supreme Court.

So the idea—it is not going to be just to slow down here a little bit. This trial can't be held open pending a final resolution of that litigation, and that is an important point, because this is something that Alexander Hamilton pointed out in Federalist No. 65, when he was discussing who should be the body to try impeachments. One consideration was potentially drawing in judges from various States to create a new body to try impeachments, and the rationale that Hamilton gave that that would be a bad idea is that there has to be swift progression from an impeachment to the trial, to a verdict, to having it finished, precisely because this is where he talked about “the persecution of an intemperate or designing majority in the House of Representatives.”

He recognized there could be partisan impeachments, and that accusation, that impeachment, shouldn't be hanging out there. There should be a swift trial to determine things finally, and that is why all of the preparation ought to be done in the House of Representatives to ensure that there is an investigation, there is a case put together. And, if they are ready to impeach the President of the United States, they had better be finished, have everything buttoned down, and have their case ready because they can't have a trial of the President—Hamilton warned against that specifically—hanging over the country for months on end.

And so to push off this trial to say: Well, we will wait for litigation and at that point—that is a very dangerous idea, and that is not the way that the trial here should operate. It ought to

be finished on the basis of the case that the House managers came ready to present. If they weren't ready to present a case that can win, there should be an acquittal.

Thank you, Counsel.

Mr. SCOTT of South Carolina. Mr. Chief Justice.

The CHIEF JUSTICE. We have another half of the presentation.

Mr. Manager SCHIFF. If we could—Senator, if we could pull up slide 37, this is what the district court had to say in the McGahn litigation, now on appeal:

Executive branch officials are not absolutely immune from compulsory congressional process no matter how many times the executive branch has asserted as much over the years.

That is consistent with the decision in the Miers case, where the court said:

Clear precedent and persuasive policy reasons confirm that the Executive cannot be the judge of its own privilege and hence Ms. Miers is not entitled to absolute immunity.

Let's look at what the court said on slide 38, where Judge Jackson said:

Stated simply, the primary takeaway from the past 250 years of recorded American history is that Presidents are not kings . . . compulsory appearance by dint of a subpoena is a legal constrict not a political one, and per the Constitution no one is above the law.

This is the district court saying: Thou shalt appear and this claim of absolute immunity is absolute nonsense.

In the court, now, this is what the Justice Department is arguing in that case, if we can see slide 39.

The committee lacks article III standing to sue to enforce a congressional subpoena demanding testimony from an individual on matters related to his duties as an executive branch official.

And so here we are. We are now in a court of appeals, the Justice Department is saying that you cannot force congressional subpoenas, and they are saying: Well, let's continue to litigate the matter. Let this play out further.

To what end? To what end? Yes, I suppose we could wait for a court of appeals decision, but, of course, they would say they are not satisfied with that court throwing out this idea either.

Well, look, we have got a perfectly good Justice right here that can make these decisions. Let's let him make the call. Let's let him make the call. Let's trust that he would be fair and impartial.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from South Carolina

Mr. SCOTT of South Carolina. Thank you, sir.

I send a question to the desk on behalf of myself, Senators HAWLEY, SASSE, and BARRASSO.

The CHIEF JUSTICE. Thank you.

The question from Senators SCOTT of South Carolina, HAWLEY, SASSE, and BARRASSO is to the counsel for the President:

During their presentation, the House Managers referenced Chairman Gowdy and the

House Benghazi Investigation. The final report on Benghazi flatly says "The administration did not cooperate with the investigation." That committee fought for two years to access information, and often had information requests ignored or denied. Yet this House investigation, after just 3 months, already supposedly justifies impeachment. Does President Trump owe more compliance than other Presidents did?

Mr. Counsel SEKULOW. Thank you, Mr. Chief Justice.

Part of what we are seeing, I believe, is kind of a two-fold attack or approach. We just saw a citation to two district court opinions, as if the final arbiter of an issue of this magnitude is going to be the district court—or, for that matter, the court of appeals.

You are right. It is going to be the Supreme Court of the United States, if it goes in that direction.

Now, with regard to the question about the statement in the Benghazi report that the administration did not cooperate, the same was also true with Fast and Furious and the investigation there. And in that particular investigation, it reached such a significant point that Members of the House determined that the then-Attorney General of the United States should be held in contempt.

Now, President Obama exercised executive privilege over documents and testimony related to Fast and Furious. The constitutional process was followed.

Now, I am not the one that makes the decision whether that was privileged or not privileged. If there was going to be a challenge, it would have been adjudicated. But the fact of the matter is, at least 10 times tonight Manager SCHIFF has said: We have complete confidence in the Chief Justice, ignoring the fact that it is not his call. And I mean that with all sincerity, since you are making fun of people who are saying "with due respect." It is not—that is not the way it is set up.

Now, you could agree to anything. Sure, you can negotiate. You can negotiate that all the witnesses that will be called will be the witnesses they requested, or you could negotiate that since they had 17 and we had none, we get 17 and they get 4. All kinds of things can be negotiated under their view.

But this is brought to you by the managers who have an overwhelming case that they proved over and over again. That is what they say. They have proved it. It is overwhelming. It is incredible. We were able to put it together in a record amount of time. And now we want you, the U.S. Senate, to start calling witnesses for our overwhelmingly proved case.

I would just lay this down: If we are negotiating, why don't we just go to closing arguments, and see what this body decides?

But I respect the process. The process is we have 2 days of questioning. Tomorrow there will be an argument on the motion. There will be a decision on

the motion, and we have to—that is the system that is in place. That is the system we should follow.

But this idea that two district court judges have decided an issue of this magnitude and that is now the determination—they wouldn't accept it if they were in our position. They would say: Well, the district court decided; so that is going to be it.

So I think we need to look at what is really at stake. These are really significant issues. These are serious. I mean, the idea that executive privilege should just be waived or doesn't exist, that, in your view, absolute immunity can't possibly exist—it has only been utilized for administrations for 50 years or more.

Professor Dershowitz gave you the list of Presidents that have put forward executive privilege, and in a lot of his writings, he talks about it.

But to say tonight that we are just going to—you know, we will just cut a deal. We will do it in a week. We will get some depositions, and that will make everyone happy.

It doesn't make the Constitution happy.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Ohio.

Mr. BROWN. Mr. Chief Justice, I send a question to the desk on behalf of Senators CASEY, KLOBUCHAR, WARREN, and WYDEN for the House managers.

The CHIEF JUSTICE. Thank you.

The question for the House managers from Senator BROWN and the other Senators is as follows:

Yesterday, you referenced how President Trump's perpetuating and propagating Russian conspiracy theories undercut our national security objectives. If acquitted in the Senate, what would prevent the President from continuing to side with Putin and other adversaries, instead of our intelligence community and career diplomats, and what are the implications on our national security agenda if such behavior continues, unchecked?

Mr. Manager CROW. Mr. Chief Justice, Senators, thank you for the question.

You know, I have talked a lot tonight and throughout the last week about what is at stake here, because, you know, it is getting late into the night, and we have been having this debate for several days now. There is a lot of discussion in the legal aspects of this. So I don't want to get into, again, you know, the issues of our troops in Europe, the hot war that continues to happen right now as we are speaking in Ukraine, but I will reiterate the precedent that we set with regard to Russia and foreign adversaries—you know, this idea that it is OK to continue to pedal in Russian propaganda and debunked conspiracy theories—because counsel for the President would have you believe that, you know, this is a policy discussion, that, you know, we have not resolved this, that there is a lot of debate about this issue. And if that is indeed the case, if we concede

that, then, there are some witnesses that we can call on, including Ambassador Bolton, that could shed additional light on it.

But the fact pattern that we are sitting at right now—what we are talking about right now—is 17 witnesses that were called in the House, none of whom had any indicia or had any data to provide that any of these theories were accurate.

We have the entire intelligence and law enforcement community of the United States unanimously saying that there is no indication that Ukraine was involved in the 2016 election, that it was Russia.

And don't buy the red herring, by the way, that counsel for the President has brought forth—this idea that, oh, it can only be Russia. You know, they said earlier that we are claiming that it can only be Russia. That is not what we are saying. Nobody on this team has ever said it can only be Russia, because, indeed, we know, as many of these people in the Chamber know well, that there are a lot of mal actors out there, that there are a lot of countries out there that have the capability and the will and that regularly try to attack us in a variety of ways.

What we are saying is, with respect to this issue that is before the body right now, that, unanimously, the law enforcement agencies of the United States and the intelligence communities of the United States have said that it was Russia that interfered in the 2016 elections and that there is no data to suggest Ukraine was involved. That is the issue.

So the precedent—bringing it all around to the beginning of the question, the precedent is that all of our adversaries, including Vladimir Putin, will understand that they can play to the whims of one person, whether that be President Trump or some future President, Democrat or Republican. They can play to the whims and the interests and the personal political ambitions of one person and get that individual to propagate their propaganda, get them to undermine our own intelligence and law enforcement communities. That is a precedent that I don't think anybody here is willing and interested in sending, and that is truly what is at stake.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from North Dakota.

Mr. HOEVEN. Mr. Chief Justice, I am sending a question to the desk for myself, Senator BOOZMAN, Senator WICKER, and Senator CAPITO.

The CHIEF JUSTICE. The question for counsel for the President from Senators HOEVEN, BOOZMAN, WICKER, and CAPITO:

House managers contend that they have an overwhelming case and that they have made their case in clear and convincing fashion. Doesn't that assertion directly contradict their request for more witnesses?

Mr. PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

I think it does directly contradict their claim now that they need more

witnesses. They said for weeks that it was an overwhelming case. They came here and they have said 63 times that it is overwhelming or proved beyond a reasonable doubt. Manager NADLER said twice today that based on what they have already shown you, it has been proved beyond any doubt.

All right, if that is their position, why do they need more witnesses or evidence? It is completely self-contradictory.

I would like to address a couple of other points while I am here and I have the time, and we have gone back and forth on this, and I don't know why I have to say it again, but the House managers keep coming up here and saying and acting as if, if you mention Ukraine in connection with election interference, if you even mention it, you are a pawn of Vladimir Putin because only the Russians interfered in the election and there is not any evidence in the record—they say—the Ukrainians did anything.

I read it before; I will read it again. One of their star witnesses, Fiona Hill, said that some Ukrainian officials “bet on Hillary Clinton winning the election,” so it was “quite evident” that “they were trying to curry favor with the Clinton campaign,” including by “trying to collect information . . . on Mr. Manafort and on other people as well.” That was Fiona Hill.

There was also evidence in the record from a POLITICO article in 2017. There was a whole bunch of Ukrainian officials who had done things to try to help the Clinton campaign and the DNC and to harm the Trump campaign.

In addition, two news organizations, both POLITICO and the Financial Times did their own investigative reporting, and the Financial Times concluded that the opposition to President Trump led “Kiev’s wider political leadership to do something they would never have attempted before: [to] intervene, however indirectly, in a US election”—the Financial Times.

So the idea that there is no evidence whatsoever of Ukrainians doing anything to interfere in any way is just not true. They come up here and say it again and again, and it is just not true.

The other thing I would like to point out, Manager SCHIFF is suggesting that somehow we are coming here and saying one thing and the Department of Justice is saying something else in court about litigation. That is also not true.

We have been very clear every time. The position of the Trump administration, like the Obama administration, is that when Congress sues in an article III court to try to enforce a subpoena against an executive branch official, that is not a justiciable controversy, and there is not jurisdiction over it. The House managers in the House, though, take the position that they have that avenue open to them.

So our position is when we go to court, we will resist jurisdiction in the court, but if the House managers want

to proceed to impeachment, where they claim that they have an alternative mechanism available to them, our position is, the Constitution requires incrementalism in conflicts between the branches, and that means that first there should be an accommodation process, and then Congress can consider other mechanisms at its disposal, such as contempt or such as squeezing the President’s policies by withholding appropriations or other mechanisms to deal with that interbranch conflict or, if they claim they can sue in court, to sue in court. But an impeachment is a measure of last resort.

Now, earlier, Manager SCHIFF suggested that today in court, the Department of Justice went in and said: There is no jurisdiction. And when the judge said: Well, if there is no jurisdiction to sue, then what can Congress do? And the DOJ, the key representative, simply said: Well, if they can’t sue, then they can impeach—as if that was the direct answer to just go from if you can’t sue, the next step is impeachment.

Now that didn’t seem right to me, because I didn’t think that was what DOJ would be saying, and DOJ put out a statement. I don’t have a transcript of the hearing. They don’t have the transcript ready yet, as far as I know, but DOJ said, and this is a quote from the statement:

The point we made in court is simply that Congress has numerous political tools it can use in battles with the executive branch—appropriations, legislation, nominations, and potentially in some circumstances even impeachment. For example, it can hold up funding for the President’s preferred programs, pass legislation he opposes, or refuse to confirm his nominees.

This is continuing their statement:

But it is absurd for Chairman SCHIFF to portray our mere description of the Constitution as somehow endorsing his rush to an impeachment trial.

Thank you.

The CHIEF JUSTICE. The Senator from Connecticut.

Mr. BLUMENTHAL. Thank you, Mr. Chief Justice. I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator BLUMENTHAL to the House managers:

On April 24, 2019—one day after the media reported that former Vice President Biden would formally enter the 2020 U.S. Presidential race—the State Department executed President Trump’s order to recall Ambassador Marie Yovanovitch, a well-regarded career diplomat and anti-corruption crusader. Why did President Trump want, in his words, to “take her out”?

Mr. Manager SCHIFF. Mr. Giuliani has provided the answer to that question. He stated publicly that the reason they needed to get Ambassador Yovanovitch out of the way was that she was going to get in the way of these investigations that they wanted. This is the President’s own lawyer’s explanation for why they had to push out—why they had to smear—Ambassador Yovanovitch.

So the President’s own lawyer gives us the answer, and that ought to tell us something in a couple of respects: one, that the President’s own agents have said that she was an impediment to getting these investigations. She was this anti-corruption champion, this anti-corruption champion who is at an awards ceremony or recognition ceremony for a Ukrainian anti-corruption fighter, a woman who had acid thrown in her face and died a painful death after months. She is at the very ceremony acknowledging this other champion fighting corruption when she gets the word: You need to come back on the next plane.

One of the reasons the Ukrainians knew they had to deal with Rudy Giuliani is that Rudy Giuliani was trying to get this Ambassador replaced. And, you know, he succeeded. He succeeded, and that sent a message to the Ukrainians that if Rudy Giuliani had the juice with the President of the United States, the power with the President of the United States to recall an Ambassador from her post, this is not only somebody who had the ear of the President but could make things happen.

So the short answer is that Rudy Giuliani tells us why she had to go.

Now why they had to smear her, why the President couldn’t simply recall her—that is harder to explain. But the reason they wanted her out of the way is they wanted to make these investigations go forward, and they knew someone there fighting corruption was getting in the way of that.

Now I wanted to say, with respect to some of the arguments against having the testimony of John Bolton, these are some of the former National Security Advisors who have been called to hearings and depositions: Zbigniew Brzezinski, National Security Advisor for President Carter, provided 8 hours of public hearing testimony and additional deposition testimony before the Senate Judiciary Committee Subcommittee to Investigate Individuals Regarding the Interests of Foreign Governments; Admiral Poindexter testified, providing 25 hours of public hearing testimony and 20 hours of deposition testimony before the House Select Committee to Investigate Covert Arms Transactions with Iran; Robert McFarland, former National Security Advisor for President Ronald Reagan, provided over 20 hours of hearing testimony and 3 additional hours of deposition testimony; Samuel Berger, National Security Advisor to President Clinton, provided 2 hours of public hearing testimony before the Senate Committee on Governmental Affairs, its inquiry into campaign finance practices; Condoleezza Rice, National Security Advisor to President George W. Bush, 3 hours of public testimony, additional closed session testimony; Susan Rice provided closed session testimony to the House Select Committee on how the Obama administration handled identification of U.S. citizens in U.S. intelligence reports.

There is ample precedent where it is necessary to have testimony of National Security Advisors.

Now you saw, I think, President's counsel dancing on the head of a pin to try and explain why they are before you arguing "We can't have these people come here; the House should sue in court" and why they are in court saying "The court can't hear it."

I have to say I have a great understanding of the difficulty of that position. I wouldn't want to be in a position of having to advocate that argument. But it goes to the demonstration of bad faith here. How can you be before this body saying "You have got to go to court; the House was derelict because it didn't go to court," and go to the same court and say "The House shouldn't be here"? How do you do that?

Now, they say: Well, the House is in court, so the House must think it is OK, even though we don't think so, and we will argue that and take it all the way up to the Supreme Court if we have to.

We don't think that is an adequate remedy. That is the whole problem. When you have bad faith indication of privilege, when you have, in fact, non-assertion of privilege, when you have a President who wants to continue to cover up his wrongdoing indefinitely—a President who is trying to get foreign help on the very next election—that process of going endlessly up and down the courts with a duplicitous counsel to the President arguing "In one place you can do it and the other place you can't" shows the flaw with a precedent that Congress must exhaust all remedies before it can insist on answers with the ultimate remedy of impeachment.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The majority leader is recognized.

RECESS

Mr. McCONNELL. Mr. Chief Justice, I suggest we take a 5-minute break.

The CHIEF JUSTICE. Without objection, it is so ordered.

There being no objection, the Senate, at 9:13 p.m., sitting as a Court of Impeachment, recessed until 9:25 p.m., whereupon, the Senate reassembled when called to order by the CHIEF JUSTICE.

The CHIEF JUSTICE. The Senate will come to order.

Ms. ERNST. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Iowa.

Ms. ERNST. Mr. Chief Justice, I send a question to the desk for myself and Senator LANKFORD.

The CHIEF JUSTICE. Thank you. The question from Senators ERNST and LANKFORD is for the counsel for the President:

Members of the House Permanent Select Committee on Intelligence, of which Manager SCHIFF sits as Chairman, conducted a number of depositions related to this impeachment inquiry. One of the individuals deposed was Intelligence Community Inspec-

tor General Michael Atkinson. Has the White House been provided a copy of this deposition transcript? Do you believe this transcript would be helpful? If so, why?

Mr. Counsel PHILBIN. Mr. Chief Justice and Senator, thank you for that question.

We have not been provided that transcript. My understanding is that the inspector general for the intelligence community, Mr. Atkinson, testified in executive session, and HPSCI has retained that transcript in executive session and was not transmitted to the House Judiciary Committee, and, therefore, under the terms of H. Res. 660, was not turned over to the White House counsel, so we have not seen it.

I just want to clarify: We don't think there is any need to start getting into more evidence or witnesses, but if one were to start going down that road, I think that that transcript could be relevant because it is my understanding, from public reports, that there were questions asked of the inspector general about his interactions with the whistleblower, and there is some question in public reports about whether the whistleblower was entirely truthful with the inspector general on the forms that were filled out and whether or not, you know, there were certain representations made about whether or not there had been any contact with Congress, and that then ties into the contact that the whistleblower apparently had with the staff and committee, which we also don't know about.

So if we were to go down the road, we don't think it necessary. We think that this—these Articles of Impeachment should be rejected. But if one were to go down the road with any more evidence or witnesses, it would certainly be relevant to find out what the inspector general of the intelligence community had to say about the whistleblower, along with the other issues that we mentioned about the whistleblower's bias, motivation: What were his connections with the whole situation of the Bidens? And, apparently, if he worked with Vice President Biden, did he work—he worked on Ukraine issues, according to public reports—how does that all tie in? All of those things would become relevant in that instance. Thank you.

The CHIEF JUSTICE. Thank you, counsel.

Mr. JONES. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Alabama.

Mr. JONES. Thank you, Mr. Chief Justice. I send a question to the desk on behalf of myself, Senator MANCHIN, and Senator SINEMA.

The CHIEF JUSTICE. Thank you. The question from Senators JONES, MANCHIN, and SINEMA is directed to the House managers:

So much of the questions and answers, as well as the presentations, have focused on the completeness of the House record. Should the House have initiated the formal accommodations process with the Administration to negotiate for documents and wit-

nesses after the passage of H. Res. 660? And regardless of whether the House record is sufficient or insufficient to find the President guilty or not guilty, what duty, if any, does the Senate owe to the American public to ensure that all relevant facts are made known in this trial and not at some point in the future?

Mr. Manager SCHIFF. Senators, thank you for the question.

It was apparent from the very beginning, when the President announced that they would fight all subpoenas, when the White House Counsel issued its October 8 diatribe saying they would not participate in the inquiry, that they were not interested in any accommodation.

We tried to get Don McGahn to testify. We tried that route. We have been trying that route for 9 months now. We tried for quite some time before we took that matter to court, with absolutely no success.

And I think what we have seen is, there was no desire on the part of the President to reach any accommodation. Quite the contrary, the President was adamant that they were going to fight in every single way.

Now, if they had an interest in accommodation, we wouldn't be before you without a single document. There would have been hundreds and hundreds of documents provided. We would have entered an accommodation process over claims of—narrow claims of privilege as to this sentence or that sentence. They would have had to make a particularized claim that we could have negotiated over. But, of course, they did none of that.

They said: Your subpoenas are invalid. You have to depart from the bipartisan rules of how you conduct your depositions. Essentially, our idea of accommodation is you have to do it our way or the highway. And the President's instructions, the President's marching orders were: Go pound sand.

Now, what is the Senate's responsibility in the context of a House impeachment for which there was such blanket obstruction? And bear in mind, if you compare this to the Nixon impeachment, Richard Nixon told his people to cooperate, provided documents to the Congress. Yes, there were some that were withheld, and that led to litigation, and the President lost that litigation. But the circumstances here are very different.

Frankly, the President could have made this difficult case but didn't because of the wholesale nature of the obstruction.

Now, in terms of the Senate's responsibility, the Constitution says:

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation.

And so you have the sole power.

That expression is used, I believe, only twice in the Constitution: One, when it tells the House that we have the sole power to conduct an impeachment proceeding; and, again, the process we used—and they can repeat this

as often as they would like—it is the same process used in the Clinton and Nixon impeachments. And I am sure Clinton and Nixon thought that was unfair, but, nonetheless, we used the same process.

But, here, you have the sole power to try the case. And if you decide that 1 week is not too long, in the interest of a fair trial, to have depositions of key witnesses, that is for you to decide. You get to decide how to try the case.

And so if you decide that you have confidence in the Chief Justice of the Supreme Court to make decisions about materiality and relevance and privilege and make those line-by-line redactions, if they are warranted, if you decide you trust the Chief Justice to decide whether privilege is being applied properly or improperly to conceal crime or fraud or for legitimate national security purpose, you have the sole power to make that happen. That is within—every bit within your right, and we would urge you to do so.

Now, counsel for the President says the Constitution doesn't require that. The Constitution doesn't prohibit that. It gives you the sole power to try this case. And under your sole power, you can say: We have made a decision. We are going to give the parties 1 week. We are going to let the Chief Justice make a fair determination of who is pertinent and who is not. We are not going to let the House decide who the President's witnesses are; we are not going to let the President decide who the House witnesses are. We are going to let them both submit their top priorities, and we are going to let the Chief Justice decide who is material and who is not. That is fully within your power.

And so, in sum and substance, there is no evidence of an intention or willingness in any way, shape, or form to accommodate in the House. If there was, we wouldn't be here. Instead, there was: We will fight all subpoenas, and under article II, I can do whatever I want. And now we are here.

And they make the astounding claim: If their case is so good, let them try it without witnesses. That wouldn't fly before any judge in America, and it shouldn't fly here either.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mrs. BLACKBURN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Tennessee.

Mrs. BLACKBURN. I send to the desk a question on behalf of myself and Senators LEE and JOHNSON.

The CHIEF JUSTICE. Thank you.

The question from Senator BLACKBURN and Senators LEE and JOHNSON is for counsel for the President:

What was the date of first contact between any member of the House Intelligence committee staff and the whistleblower regarding the information that resulted in the complaint? How many times have House Intelligence committee members or staff communicated in any form with the whistleblower since that first date of contact?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for that question.

The answer is, we don't know. Nobody knows. We don't know when the first contact was. We don't know how many contacts there were. We don't know what the substance of the contact was. That all remains shrouded in some secrecy.

And as I said a moment ago, we think that the way this case has been presented, this body should simply acquit. There is no need to get more evidence to probe into that.

But if we were to go down the road of any evidence or witnesses, then those are certainly relevant questions and relevant things to know about, to understand what those contacts were, what the whistleblower's motivation was, what is the connection between the whistleblower and any staffers, and how that played any role in the formulation of the complaint. That would all be relevant to understand how this whole process began.

Now, I do want to mention something else, while I have the moment, in response to some things that Manager SCHIFF said.

Again, the House managers come up—it seems like they keep saying the same thing, and we keep pointing to actual evidence and letters that disprove what they are saying. They come up and say that the President said: It is my way or the highway—blanket defiance—there is nothing you can do. And they say that, well, they would have accommodated if we were willing to participate in the accommodation process.

The October 8 letter that Counsel for the President, who Mr. SCHIFF says acts in bad faith and called duplicitous here on the floor of the Senate, sent a letter on October 8 to Mr. SCHIFF and others explaining: "If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution."

That was followed up in an October 18 letter that I mentioned before, a letter that specified the defects in the subpoenas that had been issued—not blanket defiance, not simply "we don't cooperate"—specifying the legal errors in the subpoenas.

And it concluded: "As I stated in my letter of October 8th, if the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established constitutional protections and a respect for the separation of powers enshrined in our Constitution."

The President stood ready to engage in the accommodations process. If anyone said: "My way or the highway" here, it was the House because the

House was determined that they wanted just to get their impeachment process done on the fastest track they could. They didn't want to do any accommodation. They didn't want to do any litigation. They didn't want anything to slow them down. They wanted to get it done as fast as they could so it was finished by Christmas.

It was a partisan charade from the beginning. It resulted in a partisan impeachment, with bipartisan opposition, and it is not something this Chamber should condone.

The CHIEF JUSTICE. Thank you, counsel.

Ms. ROSEN. Mr. Chief Justice.

The CHIEF JUSTICE. The Senator from Nevada.

Ms. ROSEN. I have a question I send to the desk for the House managers.

The CHIEF JUSTICE. Thank you.

The question from Senator ROSEN is for the House managers:

During the President's phone call with Ambassador Sondland he insisted there was no "quid pro quo" involving the exchange of aid and a White House meeting for an investigation, but he also said, according to Sondland, that the stalemate over aid will continue until President Zelensky announces the investigations. Isn't that the definition of the exact quid pro quo that the President claimed didn't exist?

Mr. Manager SCHIFF. The short answer is yes; that is exactly what a quid pro quo is.

When someone says: "I am not going to ask you to do this," but then says: "I am going to ask you to do this," that is exactly what happened here.

Sondland calls the President, and the first words out of his mouth are "no quid pro quo." Now, that is suspicious enough when someone blurts out there—what we would find out is a false exculpatory, but then the President goes on, nonetheless, to say: "No quid pro quo."

At the same time, Zelensky has got to go to the mic to announce these investigations—that is the implication—and he should want to do it. So no quid pro quo over the money, but Zelensky has got to go to the mic.

And if you have any question about the accuracy of that, you should demand to see Ambassador Taylor's notes, Tim Morrison's notes. And, of course, Sondland goes and tells Ukraine about this coupling of the money in order to get the investigations.

Let me just, if I can, go through a little of the history of that. You have Rudy Giuliani and others trying to make sure the Ukrainians make these statements in the runup to that July phone call. This is the quid pro quo over the meeting. So they are trying to get the statement that they want. They are trying to get the announcement of the investigations. And around this time, prior to the call, the President puts a freeze on the military aid. And then you have that call, and the minute that Zelensky brings up the defense support and the desire to buy

more Javelins, that is when the President immediately goes to the favor he wants.

So the Ukrainians, at this point, know that the White House meeting is conditioned on getting these investigations announced, but in that call, the minute military aid is brought up, the President pivots to the favor he wants of these investigations they already know about.

Now, after that call, the Ukrainians quickly find out about the freeze in aid. According to the former Deputy Foreign Minister, they found out within days. July 25 is the call. By the end of July, Ukraine finds out the aid is frozen. The Deputy Foreign Minister is told by Andriy Yermak: Keep this secret. We don't want this getting out. She had planned to come to Washington. They canceled her trip to Washington because they don't want this made public.

And so, in August, there is this effort to get the investigations announced. That is the only priority for the President and his men. So the Ukrainians know the aid is withheld. They know they can't get the meeting. They know what the President wants, these investigations. And the Ukrainians, like the Americans, can add up two plus two equals four. But if they had any question about that, Sondland removes all doubt on September 1 in Warsaw, when Sondland goes over—after the Pence-Zelensky meeting, he goes over to Yermak, and he says that “until you announce these investigations, you are not getting this aid.”

He makes explicit what they already knew—that not just the meeting but the aid itself was tied. And on September 7, Sondland tells Zelensky directly: The aid is tied to your doing investigations. And it is at that point, on September 7, when Zelensky is told by Sondland directly of the quid pro quo, that Zelensky finally capitulates and says: All right; I will make the announcement on CNN.

And then the President is caught. The scheme is exposed. The President is forced to release the aid. And what does Zelensky do? He cancels the CNN interview because the money was forced to be released when the President got caught.

But that is the chronology here. Let's make no mistake. The Ukrainians are sophisticated actors. As one of the witnesses said, they found out very shortly after the hold. The Ukrainians have good tradecraft. They understood very quickly about this hold.

And what would you expect when you are fighting a war and your ally is withholding military aid without explanation and the only thing they tell you that they want from you are the announcement of these investigations? And if it wasn't clear enough, they hammered them over the head with it and told Yermak on September 1: You are not getting the money without announcing these investigations. They tell Zelensky himself on September 7:

You are not getting the money without these investigations. And finally the resistance of this anti-corruption reformer, Zelensky, is broken down. He desperately needs the aid. Finally, the resistance is broken down: All right; I will do it. He is going to go on CNN.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Kansas.

Mr. MORAN. Mr. Chief Justice, I have a message to be sent to the desk, a question. It is on my behalf and on behalf of Senator RUBIO, Senator CRAPO, and Senator RISCH.

The CHIEF JUSTICE. Thank you.

The question from Senators MORAN, CRAPO, RUBIO, and RISCH for the counsel for the President reads as follows:

Impeachment and removal are dramatic and consequential responses to Presidential conduct, especially in an election year with a highly divided citizenry. Yet checks and balances is an important constitutional principle. Does the Congress have other means—such as appropriations, confirmations, and oversight hearings—less damaging to our nation?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question. And yes, Congress has a lot of incremental steps, a lot of means short of impeachment to address friction or conflicts with the executive branch. That was the point that I was making a moment ago with respect to what the Department of Justice has said in litigation today where the absolute immunity for senior advisers—actually, I think it was a different issue in that case. I beg your pardon.

But anyway, there is a dispute in that case about information requests, and the point the DOJ was making there is the Constitution requires incremental steps where there is friction between the branches.

As I mentioned the other day, friction between the branches—between Congress and the executive—on information requests in particular is part of the constitutional design. It has been with us since the first administration. George Washington denied requests from Congress for information about the negotiation of the Jay Treaty. So from the very beginning, there has been this friction leading to jockeying for position and accommodations and confrontation and leading to ways of working things out when Congress demands information from the executive and the executive asserts to protect the institutional authorities of the executive branch, the sphere where the executive can be able to keep information confidential.

But the first step in response to that should be the accommodations process. And the courts have described that as constitutionally mandated, something that actually furthers the constitutional scheme, to have the branches negotiate and try to come to an arrangement that addresses the legitimate needs of both branches of the government.

Part of that accommodations process is—or as it gets—as the confrontation

continues can involve Congress exercising the levers of authority that it has under article I to try to put pressure on the executive. So, for example, appropriations, not funding the policy priorities of a particular administration or cutting funding on some policy priorities; or legislation, not passing legislation that the President favors or passing other legislation that the President doesn't favor. Or the Senate has the power not to approve nominees. As I am sure many of you well know, holding up nominees in committee can be effective in some points, putting pressure on an administration to get particular policies picked loose, things accomplished in a particular department or agency.

All of these elements of the interplay of the branches of government—that is part of the constitutional design. But impeachment is the very last resort for the very most serious conflict where there is no other way to resolve it.

So there are all of these multiple intermediate steps, and they all should be used. They all should be exercised in an incremental fashion. That is exactly what didn't happen in this case. There was no attempt at the accommodations. There was no attempt even to respond to the legal issues, the legal defects that counsel for the President and the departments and agencies pointed out in each of the subpoenas that were issued by the House committees.

And even the issue of agency counsel—there was no attempt to try to negotiate on that. And that is really something that, in the past—even last April, with the House Committee on Oversight and Government Reform with Chairman Cummings, there was a dispute about that. We wouldn't allow a witness to go without agency counsel, and then we had a meeting with Chairman Cummings, and it got worked out. And it was turned into a transcribed interview, I think, and the—but agency counsel was permitted to be there. But the committee got the interview. They got to talk to the person. They got the information they wanted. But the executive branch got to have agency counsel there to protect executive branch interests. That is the way it is supposed to work, but there was no attempt at anything like that from the House in this case.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Massachusetts.

Mr. MARKEY. Mr. Chief Justice, I send a question to the desk for the House managers.

The CHIEF JUSTICE. Thank you. Senator MARKEY's question for the House managers reads as follows:

It has recently been reported that the Russians have hacked the Ukrainian natural gas company Burisma, presumably looking for information on Hunter Biden. Our intelligence community has warned us that the Russians will be interfering in the 2020 election. If Donald Trump is acquitted of these pending charges but is later found to have invited Russian or other foreign interference

in our 2020 election, what recourse will there be for Congress under the Dershowitz standard for impeachment, which requires a president to have committed a statutory crime?

Mr. Manager SCHIFF. Senator, absolutely no recourse. No recourse whatsoever. If, in fact, it were later to be shown that not only did the Russians hack Burisma to try to get dirt on the Bidens and drip, drip, drip it out as they did in the 2016 election—let's say it were found that they did so at the request of the President of the United States; that in one of these meetings that the President had with Vladimir Putin, whose contents is unknown, that the President of the United States asked the President of Russia to hack Burisma because he couldn't get the Ukrainians to do what he wanted, so now he was turning to the Russians to do it. Under the Dershowitz theory of the case, under the President's theory of the case, that is perfectly fine.

But that is not—that is not how bad it is because it goes further than that. If the President went further and said to Putin in that secret meeting: I want you to hack Burisma. I couldn't get the Ukrainians to do it, and I will tell you what, if you hack Burisma and you get me some good stuff, then I am going to stop sending money to Ukraine. And I will go a step further. I am going to stop sending money to Ukraine so that they can't fight you in Donbass. And what is more, those sanctions that we imposed on you for your intervention on my behalf in the last election, I am going to make those go away. I am going to simply refuse to enforce them. I am going to call it a policy difference.

That is perfectly fine under their standard. That is not an abuse of power. You can't say that is criminal. Yet it is akin to crime—or maybe it is not, but that is what an acquittal here means. It means that the President is free to engage in all the rest of that conduct, and it is perfectly fine.

And what is the remedy that my colleagues representing the President say that you have to that abuse? Well, you can hold up a nominee. That seems wholly out of scale with the magnitude of the problem. That process of the appropriations or nominations is not sufficient for a Chief Executive Officer of the United States who will betray the national security for his own personal interests.

He got on the phone with Zelensky asking for this favor the day after Bob Mueller testifies. What do you think he will be capable of doing the day after he is acquitted here, the day after he feels: I have dodged another bullet. I really am beyond the reach of the law. My Attorney General says I can't be indicted; I can't even be investigated. He closed the investigation into this matter before he even opened it. And I can't be impeached either. I have got the best of both worlds. I have got Bill Barr saying I can't be investigated. I can't be prosecuted. I can be impeached, however. That is what Bill

Barr says. But I have got other lawyers who say I can't be impeached.

That is a recipe for a President who is above the law. Not only is it not required by the Constitution—quite the contrary. The Founders knew, coming from a monarchy, that if they were going to give extraordinary powers to their new Executive, they needed an extraordinary constraint. They needed a constraint commensurate with the evil which they sought to contain. That remedy is not holding up a nomination. The remedy they gave for an Executive that would abuse their power and endanger the country, that would endanger the integrity of our elections, was the power of impeachment.

As one of the experts said in the House, if this conduct isn't an impeachable offense, then nothing is.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from South Carolina.

Mr. GRAHAM. Mr. Chief Justice, I send a question to the desk on behalf of myself and Senators ALEXANDER, CRUZ, PORTMAN, TOOMEY, SULLIVAN, and MURKOWSKI to the counsel for the President.

The CHIEF JUSTICE. Thank you.

The question from Senator GRAHAM and the other Senators is for the counsel for the President:

Assuming for argument's sake that Bolton were to testify in the light most favorable to the allegations contained in the Articles of Impeachment, isn't it true that the allegations still would not rise to the level of an impeachable offense and that, therefore, for this and other reasons, his testimony would add nothing to this case?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

Let me start by just making very clear that there was no quid pro quo. There was no—and there is no evidence to show that. There was not that sort of linkage that the House managers have suggested.

But let me answer the question directly, which I understand to be assuming for the sake of argument that Ambassador Bolton would come and testify the way the New York Times article alleges, the way his book describes the conversation. Then it is correct that, even if that happened, even if he gave that testimony, the Articles of Impeachment still wouldn't rise to an impeachable offense. That is for at least two reasons. Let me explain that.

The first is, on their face, the Articles of Impeachment, as they have been laid out by the House managers, even if you take everything that is alleged in them, they don't, as a matter of law, rise to the level of an impeachable offense because even the House managers haven't characterized them as involving a crime. So that is one level of the answer, that an impeachable offense would require a crime.

Even going beyond that, a second level, the theory of abuse of power that they have alleged—put aside whether

or not it is a crime, the theory of abuse of power that they have asserted is not something that conforms with the constitutional standard of high crimes and misdemeanors. It depends entirely on subjective intent, and it is subjective intent alone.

As Professor Dershowitz explained, and as I have explained—and I don't mean in the more radical portion of his explanation of his theory, I mean just in terms of what is high crimes and misdemeanors. He explained that something that is based entirely on subjective intent is equivalent to maladministration. It is equivalent to exactly the standard that the Framers rejected because it is completely malleable. It doesn't define any real standard for an offense. It allows you to take any conduct that on its face is perfectly permissible, and on the basis of your projection of a disagreement with that conduct, a disagreement with the reasons for it to attribute a bad motive, to try to say there is a bad subjective motive for doing that and will make it impeachable, that doesn't conform to the constitutional standard.

At the common law, they would call the reaction to a charge like this a demurrer. You demur and simply say, even if everything you say is true, that is not an impeachable offense under the law. And that is an appropriate response here. Even if everything you allege is true, even if John Bolton would say it is true, that is not an impeachable offense under the constitutional standard because the way you have tried to define the constitutional standard, this theory of abuse of power is far too malleable. It goes purely to subjective intent. It can't be relied upon.

The third level of my answer is this. We have demonstrated that there is a legitimate public policy interest in both of the matters that were raised on that telephone call: the 2016 election interference and the Biden Burisma affair. Because there is a legitimate public policy interest in both of those issues, even if it were true that there was some connection, even if it were true that the President had suggested or thought that, well, maybe I should hold up this aid until they do something, that is perfectly permissible where there is that legitimate public policy interest.

It is just the same as if there is an investigation going on. The President wants a foreign country to provide some assistance. It is a legitimate foreign policy interest to get that assistance. It is legitimate to use the levers of foreign policy to secure that assistance. So because there is a legitimate public policy interest in both of those issues—and I think we have demonstrated that clearly—it would be permissible for there to be that linkage.

But again, I will close where I began, which is there was no such linkage here. I just want to make that clear. But taking for the sake of argument the question as phrased, even if Ambassador Bolton would testify to that,

even if you assumed it were true, there is no impeachable offense stated in the Articles of Impeachment.

Thank you.

The CHIEF JUSTICE. Thank you.

The Senator from Illinois.

Mr. DURBIN. Mr. Chief Justice, I send a question to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator DURBIN for the House managers:

Would you please respond to the answer that was just given by the President's counsel?

Mr. Manager SCHIFF. Senators, it has been a long couple of days, so let me be blunt about where I think we are. I think we all know what happened here. I think we all understand what the President did here. I don't think there is really much question at this point about why the military aid was withheld or why President Zelensky couldn't get in the door of the Oval Office. I don't think there is any confusion about why he wanted Joe Biden investigated or why he was pushing the CrowdStrike conspiracy theory. I don't think there is really much question about that. I don't think there is any question about what we could expect if and when John Bolton testifies, although the details of which we certainly don't know. I don't think there is really much question about that. But what is extraordinary is, although they can claim that this was a radical mistake or notion of Professor Dershowitz that they seem to be distancing themselves from right now, I guess they think they are accusing Dershowitz now of some maladministration in his argument of the defense—they are still embracing that idea.

What they just told you admittedly in outline of A, B, and C, what they just told you is: accept everything the House said, accept the President withheld the military aid to coerce Ukraine into helping him cheat in the election, accept that these investigations are a sham, accept that he obstructed all subpoenas and witnesses, accept all of that. Too bad. There is nothing you can do. That is not impeachable.

A President of the United States—this is now where we have come to in this moment of our history, the President of the United States can withhold hundreds of millions of dollars in aid that we appropriated, can do so in violation of the law, can do so to coerce an ally, in order to help him cheat in an election, and you can't do anything about it, except hold up a nomination. That is not impeachable.

They can abuse their power all they want—the President, this President, the next President can abuse their power all they want in the furtherance of their reelection as long as—here is the limiting principle—as long as they think their reelection is in the national interest. Well, that is quite a constraint. That is where we have come now after 2½ centuries of our history.

I think our Founders would be aghast that anyone would make that argument on the floor of the Senate. I think they would be aghast, having come out of a monarchy, having literally risked their lives, having taken this great gamble that people could be entrusted to run their own government and choose their own leaders, recognizing that we are not angels, setting up a system that would have ambition, counterambition, that we would so willingly abdicate that responsibility and say that a Chief Executive now has the full power to coerce our ally—a foreign power to intervene in our election—because they think it is in the national interest that they get re-elected.

Is that really what we think the Founders would have condoned or do we think that this is precisely the kind of character of conduct that they provided a remedy for? I think we know the answer to that.

They wrote a beautiful Constitution. They understood a lot about human nature. They understood, as we do, that absolute power corrupts absolutely. And they provided a constraint, but it will only be as good and as strong as the men and women of this institution's willingness to uphold it, to not look away from the truth.

The truth is staring us in the eyes. We know why they don't want John Bolton to testify. It is not because we don't really know what happened here. They just don't want the American people to hear it in all of its ugly, graphic detail. They don't want the President's National Security Advisor on live TV or even a nonlive deposition to say: I talked with the President, and he told me in no uncertain terms: John—

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Manager SCHIFF. To be continued.

The CHIEF JUSTICE. The Senator from Georgia.

Mrs. LOEFFLER. I send a question to the desk on behalf of myself and Senators HAWLEY, CRUZ, PERDUE, GARDNER, LANKFORD, HOEVEN, TOOMEY, SCOTT of Florida, PORTMAN, and FISCHER.

The CHIEF JUSTICE. Thank you.

The question from Senator LOEFFLER and the other Senators is for the counsel of the President:

As reported by Politico, "in January 1999, then-Sen Joe Biden argued strongly against deposing additional witnesses or seeking new evidence in a memo sent to fellow Democrats ahead of Bill Clinton's impeachment trial." Politico reports that Sen SCHUMER agreed with Biden. Why should the Biden rule not apply here?

Mr. Counsel SEKULOW. Mr. Chief Justice, Members of the Senate, in a memorandum dated January 5, 1999, that is captioned "Arguments in Support of Summary Impeachment Trial," Senator Biden discussed some history first regarding two Senate impeachment proceedings that were put for-

ward in the Senate that were summarily decided. This is what he said:

These two cases demonstrate that the Senate may dismiss articles of impeachment without holding a full trial or taking any evidence. Put another way, the Constitution does not impose on the Senate the duty to hold a trial. In fact, the Senate need not hold a trial even though the House wishes to present evidence and hold a full trial (Blount) and the elements of jurisdiction are present (English).

He went on to say:

In a number of previous impeachment trials, the Senate has reached the judgment in its constitutional role as sole trier of impeachments does not require it to take new evidence or hear live witness testimony.

This follows from the Senate's consideration of motions for summary disposition in at least three trials [and it listed the three trials of Judges Ritter, Claiborne, and Nixon]. In each, the Senate considered a motion for summary disposition on the merits and in no case did the Senate decline to consider a motion for summary disposition as beyond the Senate's authority or as forbidden by the Constitution.

The Framers did not mean that this political process was to be a partisan process. Instead, they meant it to be political in the higher sense. The process was to be conducted in the way that would best secure the public interest or, in their phrase, the "general welfare." That was the Biden doctrine of impeachment proceedings.

Now, some Members in this Chamber agreed with that. Some Members that serve on the—as managers also agreed with that. But now the rules are different. The rules are different because Manager SCHIFF just moments ago did what he is now famous for and created a conversation, purportedly from the President of the United States, regarding Russia hacking of Burisma. And it is the same thing he did when he started his hearings.

So this is a common practice. But if we want to look at common practice and common procedures, the Biden rule is one. I would like to address something else because we have heard it time and time again about two judges have decided this issue of executive privilege. I want to address two things very quickly.

My very first case at the Supreme Court of the United States—and it was a long time ago, over 30—over 30 years ago, 33 years ago. My client lost in the district court. They said: Well, we will appeal to the Ninth Circuit Court of Appeals. We went to the Ninth Circuit Court of Appeals, was not so successful and did not win there either. My client said: Well, what do we do?

I said: We have one option. We can file a petition for certiorari to the Supreme Court of the United States. Chances are they are not going to take the case. But at this point, it is an important issue to you, so why don't we proceed. My client agreed to proceed.

A petition for certiorari was granted, and the Court reversed 9 to 0. And that is why you continue to utilize courts when appropriate. That is why you do it. And you don't rely on what a district court judge says.

The last thing I want to say, they are asking you, as a Senate body, to waive executive privilege on the President of the United States. Think about that for a moment. They are asking you to vote to determine or have the Chief Justice in his individual capacity as Presiding Judge vote to waive executive privilege as it relates to the President of the United States. And that is what they think is the appropriate role for this proceeding to continue. I think you should adopt the Biden rule.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Colorado.

Mr. BENNET. Mr. Chief Justice, thank you. I would like to send a question to the desk on behalf of myself and Senator WARNER.

The CHIEF JUSTICE. Thank you.

The question from Senators BENNET and WARNER is to the House managers:

Mr. Sekulow said that if the Senate votes for witnesses, he will call a long chain of witnesses that will greatly lengthen the trial. Isn't it true that the Senate will establish by majority vote which, and how many witnesses there will be? Isn't it also true that prior impeachment trials in the Senate commonly have heard witnesses who did not testify in the House?

Mr. Manager JEFFRIES. I thank you, Mr. Chief Justice. I thank the distinguished Senators for their questions.

It certainly is the case that all we are asking the Senate to do is to hold a full and fair trial consistent with the Senate's responsibility—article I, section 3 of this Constitution: "The Senate shall have the sole Power" with respect to an impeachment trial. And this great institution has interpreted that, during the 15 different impeachment trials that have taken place during our Nation's history, that a full and fair trial means witnesses, because this institution, every time it has held a trial, has heard witnesses all 15 times, including in several instances where there were witnesses who did not testify in the House who testified in the Senate.

Now, the point was raised earlier about Benghazi. And Trey Gowdy—he is a good man. I served with him. He is a very talented lawyer. I am sure he is pleased—the distinguished gentleman from the Palmetto State—that his name has been brought into this proceeding. But Trey Gowdy, according to one of the questions, said that the administration didn't cooperate. The White House, in that instance, and the State Department turned over tens of thousands of documents pursuant to a House subpoena. That is cooperation. Several witnesses appeared voluntarily in Benghazi, including GEN David Petraeus, former CIA Director; Susan Rice, who at the time was the National Security Advisor; Ben Rhodes, the Deputy National Security Advisor; ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff; GEN Carter Ham, former commander of AFRICOM; Defense Secretary Leon Panetta, he also

showed up; GEN Michael Flynn, former DIA Director. Who else showed up? The former Secretary of State, Hillary Clinton. She testified publicly under oath for 11 hours. That is cooperation.

What happened in this particular instance in the House? No documents, no witnesses, no information, no cooperation, no negotiation, no reasonable accommodation—blanket defiance. That is what resulted in the obstruction of Congress article.

So all we are asking for is the Senate to hold a fair trial consistent with past practice. At every single trial this Senate has held, the average number of witnesses was 33. We cannot normalize lawlessness. We cannot normalize corruption. We cannot normalize abuse of power—a fair trial.

Lastly, of the witnesses that did testify, voluntarily showed up, what did they have to say? These were Trump administration witnesses.

Ambassador Sondland, how did he characterize the shakedown scheme, the geopolitical shakedown at the heart of these allegations? Ambassador Sondland, "quid pro quo"; Ambassador Taylor, "crazy"; Dr. Fiona Hill, "a domestic political errand"; Lieutenant Colonel Vindman, "improper"; John Bolton, "drug deal."

What would the Framers have said? The highest of high crimes against the Constitution.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Utah.

Mr. ROMNEY. I have a question to send to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator ROMNEY is for both parties, and I believe the House manager will go first:

Do you have any evidence that anyone was directed by President Trump to tell the Ukrainians that security assistance was being held upon the condition of an investigation into the Bidens?

Mr. Manager SCHIFF. Senator, the evidence that is currently in the record—there are two people who had direct conversations with the President about the conditioning of aid on the performance of the investigations. The first was Gordon Sondland, who on September 7 had a conversation with the President that thereafter he relayed to Tim Morrison as well as Ambassador Taylor. And in the conversation that Ambassador Sondland described at the time, he said the President on the one hand said no quid pro quo but then went on to say that Zelensky has to announce these investigations and he should want to.

So the President made the direct link to Ambassador Sondland. Ambassador Sondland then made a direct link—or had already made the direct link to Andriy Yermak. But the conversation with—the President had a conversation with Zelensky himself and conveyed what he had been informed by the President, that Zelensky was going to have to conduct these investigations. And that is when Zelensky made the commitment to go on CNN.

So Ambassador Sondland has acknowledged the tie between the two. So did Mick Mulvaney. And I think that video is now etched in our minds for all of history. Trying to walk that back as he may, he was quite adamant when he was asked about that, and the reporter even followed up when he said that part of the reason why they held up the aid was the desire for this investigation into 2016. And the reporter said: Well, what you are saying is a quid pro quo. You don't get the money unless you do the investigation of the Democrats. And the Chief of Staff's answer was: "We do that all the time; get over it."

So you have it from the President's own Chief of Staff. You have it from one of the three amigos, the President's point people. And bear in mind, Ambassador Sondland—of course, not a Never Trumper; a million-dollar donor to the Trump inaugural; someone the President deputized to have a significant part of the Ukraine portfolio; someone who, given he is an EU Ambassador, if this was about burden-sharing, would have said this was about burden-sharing, but he didn't, of course. He said it was about the investigations.

The third direct witness would be John Bolton if we are allowed to bring him before you.

But there already are witnesses and evidence in the record of people who spoke directly to the President about this and to which the conditionality was made clear.

The CHIEF JUSTICE. Thank you, Mr. Manager.

Mr. Counsel PURPURA. Mr. Chief Justice, Senator, thank you for your question.

I believe the question was, is there any evidence that anyone told—that President Trump had anyone tell the Ukrainians directly that the aid was linked? I believe that was the question, and the answer in the House record is no. I described this on Saturday when I walked through it at length, and so I refer back to that presentation.

Ambassador Sondland and Senator JOHNSON. Ambassador Sondland indicated in approximately the September 9 timeframe—as we all heard his statement, he asked the President. The President said: "I want nothing. I want nothing. I want no quid pro quo."

And you heard a lot from the House managers about, go out to the microphones or make this—do the right thing. But I believe the statement was, he needs to do the right thing. He needs to do what he campaigned on.

Even early, Senator JOHNSON—again, because Ambassador Sondland told Senator JOHNSON that there was a linkage. So Senator JOHNSON asked the President directly, and we know the answer to that. The President said: Was there any connection—when Senator JOHNSON asked if there was any connection between security assistance and investigations, the President answered: "No way. I would never do

that. Who told you that?" And the answer was Sondland. And Ambassador Sondland had come to that presumption prior to speaking to the President. And we saw the montage from Ambassador Sondland about presumptions and assumptions and guessing and speculating and belief. So we also remember the montage in which Ambassador Sondland was asked: Did anyone on the planet tell you that the aid was linked to the investigations? And his answer was no.

So in the House record before us, there is no evidence that the President told anyone to tell the Ukrainians that the aid was linked. And, in fact, the article from the Daily Beast yesterday—The CHIEF JUSTICE. Thank you, Mr. Counsel.

Mr. Counsel PURPURA. Thank you, Chief Justice.

The CHIEF JUSTICE. The Senator from Oregon.

Mr. MERKLEY. Mr. Chief Justice, I send a question to the desk for Senator SCHATZ, for Senator CARPER, and for myself.

The CHIEF JUSTICE. Thank you.

The question is for the House managers from Senators MERKLEY, SCHATZ, and CARPER:

Yesterday, Alan Dershowitz stated that a President cannot be impeached for soliciting foreign interference in his re-election campaign if he thinks it's in the public interest. The President's Counsel stated the President cannot be prosecuted for committing a crime. And the President himself has said "I have the right to do whatever I want as President." Aren't these views exactly what our Framers warned about: an imperial President escaping accountability? If these arguments prevail, won't future Presidents have the unchecked ability to use their office to manipulate future elections like corrupt foreign leaders in Russia and Venezuela?

Mr. Manager SCHIFF. Thank you for the question, Senators. Before I address it, I just want to complete my answer to the last question.

On September 7, the President has a conversation with Gordon Sondland, and the President says: No quid pro quo, but Zelensky has got to go to the mic, and he should want to do so.

This is in the context of whether the aid is being withheld in order to secure the investigations. After that call on the same day, Sondland calls Zelensky, the President of Ukraine, and says: You are not going to get the money unless you do the investigations.

So you have got the communication between the President and Sondland and Sondland conveying the message to the Ukrainians in short succession. And so I think you see that the message the President gave to Sondland was, in fact, communicated immediately to the Ukrainians.

Of course, Sondland went on to explain to Ambassador Taylor and to Tim Morrison that the President wanted Zelensky in a public box. What was meant by that is he wanted him to have to go out and announce publicly these investigations if he were going to

get the money. Remember, Sondland explained that the President is a businessman, and before he gives away something, he wants to—before he signs the check, he wants to get the deliverable. Ambassador Taylor says: That doesn't make any sense. Ukraine doesn't owe him anything.

So it was clear to everyone, including the Ukrainians, that they were not going to get the money unless they did the investigations that the President wanted. That is the connection on September 7 that makes it crystal clear.

In terms of the Dershowitz argument, when coupled with a President who believes that, under article II, he can do whatever he wants, yes. I mean, this is the description of a President, not just of an imperial President but of an absolute President with absolute power because, if a President can take this action and extort one country, he can extort any country. If he can make a deal with the President of Venezuela or take an action that is antagonistic to what Congress has legislated with respect to that country and can violate the law in doing it to get help in his reelection—and I think that example that Senator KING asked about is directly on point—then there is no limiting principle here, as long as the President thinks it is in the interest of his reelection.

So, yes, he can ask the Israeli Prime Minister to come to the United States and call his opponent an anti-Semite if he wants to get U.S. military aid. That principle can be applied anywhere to anything, to the grave danger of the country.

That is the logical extension not just to what Professor Dershowitz said yesterday but to what the President's counsel said today. You can accept every fact of the articles, and we still think it is fine and beyond the reach of the Constitution. The President can extort an ally by withholding military aid and withholding meetings. He can ask them to do sham investigations, even if you acknowledge the fact that they are a sham. In fact, they don't even have to be done; they just have to be announced, and there is nothing Congress can do about it. That is a prescription for a President with no constraint.

The CHIEF JUSTICE. Thank you, Mr. Manager.

The Senator from Indiana.

Mr. BRAUN. Mr. Chief Justice, I, along with Senator LEE, send to the desk a question for the President's counsel.

The CHIEF JUSTICE. Thank you.

The question from Senators BRAUN and LEE is for the counsel for the President:

Under Professor Dershowitz's theory, is what Joe Biden is alleged to have done potentially impeachable, in contrast to what has been alleged against President Trump?

Mr. Counsel PHILBIN. Mr. Chief Justice, Senators, thank you for the question.

I believe that, under Professor Dershowitz' theory, remember, he tried

to categorize things into three buckets. One was of purely good motives. One was, well, you might have some motive for your personal political gain, as well as public interest motives for doing something or intent. Then there was the third bucket of purely private pecuniary gain. He said that is the one, if you are doing it for purely private pecuniary gain, that has the problem.

I think that would be the distinguishing factor in what is potentially a presence in the facts known about the Biden and Burisma incident because the conflict of interest that would be apparent on the face of the facts that are known is that there would be a personal, family financial interest in that situation.

Vice President Biden is in charge of Ukraine policy. His son is sitting on the board of a company that is known for corruption. The public reports are that, apparently, the prosecutor general was investigating that company and its owner, the oligarch, at the time. Then Vice President Biden quite openly said that he leveraged \$1 billion in U.S. loan guarantees to ensure that that particular prosecutor was fired at that time.

One could put together fairly easily from those known facts the suggestion that there was a family financial benefit coming from the end of that investigation because it protected the position of the younger Biden on the board, and that would be a purely private pecuniary—financial—gain. That is the third bucket that Professor Dershowitz was describing and the one that is necessarily problematic when he said that that is where there is going to be a problem, that that is where you would have a crime and a potentially impeachable offense.

So I think that would be the distinction there. That is one that, if all of those facts lined up under Professor Dershowitz' categorization of things, would be the problematic category.

Thank you.

The CHIEF JUSTICE. Thank you, counsel.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. Chief Justice, on behalf of myself, Senator CARDIN, and Senator VAN HOLLEN, I have a question for the House managers that I will submit to the desk.

The CHIEF JUSTICE. Thank you.

The question from Senator KLOBUCHAR and Senators CARDIN and VAN HOLLEN is directed to the House managers:

Could you please respond to the answer just given by the President's counsel, and provide any other comments the Senate would benefit from hearing before we adjourn for the evening?

Mr. Manager NADLER. Mr. Chief Justice, Members of the Senate, what we have just heard from the President's counsel is the usual nonsense. As we draw to a close tonight, there are only three things to remember.

One, this is a trial. It is a trial, and as any 10-year-old knows, we should

have witnesses. We are told we can't have witnesses because, after all, the House says we proved our case, as we have. So why should we need witnesses? Well, that is like saying that, in a bank robbery, the DA announces that he has proved his case. He has had all the witnesses. Then an eyewitness shows up, and he shouldn't be allowed to testify because, after all, the DA was sure he proved his case first. That is absurd, and any 10-year-old knows it is absurd.

That is the President's case against witnesses, that we have had enough. There is always more. There aren't too many more here. The fact is, when there are witnesses to be asked, they should be asked.

Second, there is only one real question in this trial. Everything else is a distraction—a three-card Monte game being played by the President's counsel—distractions. Don't look at the real question. Look at everything else. Everything else is irrelevant. Look at the whistleblower—irrelevant. Look at the House procedures—irrelevant. Look at Hunter Biden—irrelevant. Look at whether President Obama's policy was as good as or better than President Trump's policy with respect to Ukraine—irrelevant. Look at the Steele dossier—irrelevant.

There is only one relevant question: Did the President abuse his power by violating the law to withhold military aid from a foreign country and extort that country into helping him—into helping his reelection campaign—by slandering his opponent? That is the only relevant question for the trial.

The House managers have proved that question beyond any doubt.

The one thing the House managers think the President's counsel got right is quoting me as saying “beyond any doubt.” It is, indeed, beyond any doubt.

That is why all of these distractions. That is why the President's people are telling you to avoid witnesses—because they are afraid of witnesses. They know the witnesses—they know Mr. Bolton and others will only strengthen the case.

And, yes, we hear: Well, if the House managers say their case is so strong, why do you need more witnesses? Because the truth can be bolstered.

I yield back.

The CHIEF JUSTICE. Thank you, counsel.

#### NOTICE OF INTENT TO SUSPEND THE RULES

In accordance with rule V of the Standing Rules of the Senate, Mr. Blumenthal (for himself, Mr. Brown, and Mr. Durbin) hereby gives notice in writing of his intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials during consideration of the question of whether it shall be in order to consider and debate under the impeachment rules any motion to subpoena witnesses or documents in connection with the impeachment trial of Donald John Trump:

(1) The phrase “without debate” in Rule VII.

(2) The following portion of Rule XX: “, unless the Senate shall direct the doors to be

closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record”.

(3) In Rule XXIV, the phrases “without debate”, “except when the doors shall be closed for deliberation, and in that case”, and “, to be had without debate”.

#### NOTICE OF INTENT TO SUSPEND THE RULES

In accordance with Rule V of the Standing Rules of the Senate, I (for myself, Mr. Blumenthal, and Mr. Durbin) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials during the impeachment trial in the Senate of President Donald John Trump:

(1) The phrase “without debate” in Rule VII.

(2) The following portion of Rule XX: “, unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record”.

(3) In Rule XXIV, the phrases “without debate”, “except when the doors shall be closed for deliberation, and in that case”, and “, to be had without debate”.

The CHIEF JUSTICE. The majority leader is recognized.

#### ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. MCCONNELL. Mr. Chief Justice, I ask unanimous consent that the trial adjourn until 1 p.m. Friday, January 31.

There being no objection, at 10:40 p.m., the Senate, sitting as a Court of Impeachment, adjourned until Friday, January 31, 2020, at 1 p.m.

#### LEGISLATIVE SESSION

The PRESIDENT pro tempore. The Senate will come to order.

The Senate will now resume legislative session.

#### THE JOURNAL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Roberts, one of his secretaries.

#### PRESIDENTIAL MESSAGE

#### TRANSMITTING DESIGNATION OF FUNDING AS EMERGENCY REQUIREMENTS IN ACCORDANCE WITH THE UNITED STATES-MEXICO-CANADA-AGREEMENT IMPLEMENTATION ACT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Budget:

#### To the Congress of the United States:

In accordance with section 904 of title IX of the United States-Mexico-Canada Agreement Implementation Act (H.R. 5430; the “Act”), I hereby designate as emergency requirements all funding so designated by the Congress in the Act pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as outlined in the enclosed list of accounts.

The details of this action are set forth in the enclosed memorandum from the Acting Director of the Office of Management and Budget.

DONALD J. TRUMP.

THE WHITE HOUSE, January 29, 2020.

#### MESSAGE FROM THE HOUSE

At 10:41 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 3201. An act to extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2153. An act to support empowerment, economic security, and educational opportunities for adolescent girls around the world, and for other purposes.

H.R. 3621. An act to amend the Fair Credit Reporting Act to remove adverse information for certain defaulted or delinquent private education loan borrowers who demonstrate a history of loan repayment, and for other purposes.

H.R. 4331. An act to modify and reauthorize the Tibetan Policy Act of 2002, and for other purposes.

H.R. 5338. An act to authorize the Secretary of State to pursue public-private partnerships, innovative financing mechanisms, research partnerships, and coordination with international and multilateral organizations to address childhood cancer globally, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 86. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 550) to award a Congressional Gold

Medal, collectively, to the United States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II, with amendments, in which it requests the concurrence of the Senate.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2153. An act to support empowerment, economic security, and educational opportunities for adolescent girls around the world, and for other purposes; to the Committee on Foreign Relations.

H.R. 4331. An act to modify and reauthorize the Tibetan Policy Act of 2002, and for other

purposes; to the Committee on Foreign Relations.

H.R. 5338. An act to authorize the Secretary of State to pursue public-private partnerships, innovative financing mechanisms, research partnerships, and coordination with international and multilateral organizations to address childhood cancer globally, and for other purposes; to the Committee on Foreign Relations.

#### FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

#### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Morocco	Dirham		1,366.56						1,366.56
Portugal	Euro		978.00						978.00
Spain	Euro		1,922.11						1,922.11
Senator John Kennedy:									
Morocco	Dirham		1,366.56						1,366.56
Portugal	Euro		978.00						978.00
Spain	Euro		1,922.11						1,922.11
Shannon Hines:									
Morocco	Dirham		1,366.56						1,366.56
Portugal	Euro		933.00						933.00
Spain	Euro		1,873.03						1,873.03
Anne Caldwell:									
Morocco	Dirham		1,366.56						1,366.56
Portugal	Euro		933.00						933.00
Spain	Euro		1,873.03						1,873.03
Kristin Sapperstein:									
Morocco	Dirham		1,366.56						1,366.56
Portugal	Euro		933.00						933.00
Spain	Euro		1,873.03						1,873.03
Senator Tammy Baldwin:									
Turkey	Lira		190.00						190.00
Iraq	Dinar		9.50						9.50
United States	Dollar				6,114.60				6,114.60
Blake Souter:									
Turkey	Lira		264.00						264.00
Iraq	Dinar		87.00						87.00
United States	Dollar				6,114.60				6,114.60
Senator Chris Van Hollen:									
India	Rupee		694.12						694.12
Pakistan	Rupee		79.15						79.15
Afghanistan	Afghani		21.00						21.00
United States	Dollar				18,934.23				18,934.23
Afreen Akhter:									
India	Rupee		654.04						654.04
Pakistan	Rupee		364.65						364.65
Afghanistan	Afghani		20.00						20.00
United States	Dollar				18,934.23				18,934.23
Colleen Gaydos:									
St. Kitts	Dollar		368.00						368.00
Honduras	Lempira		649.00						649.00
United States	Dollar				902.84				902.84
Mike Clementi:									
St. Kitts	Dollar		368.00						368.00
Honduras	Lempira		649.00						649.00
United States	Dollar				902.84				902.84
Senator Shelley Moore Capito:									
Kuwait	Dinar		389.01						389.01
Afghanistan	Afghani		44.10						44.10
Belgium	Euro		286.30						286.30
Adam Tomlinson:									
Kuwait	Dinar		388.01						388.01
Afghanistan	Afghani		44.10						44.10
Belgium	Euro		286.30						286.30
Senator Shelley Moore Capito:									
Belgium	Euro		430.67						430.67
Luxembourg	Euro		1,006.00						1,006.00
Delegation Expenses: *									
Morocco	Dirham					10,863.31			10,863.31
Portugal	Euro					3,092.77			3,092.77
Spain	Euro					8,390.31			8,390.31
Delegation Expenses: *									
Turkey	Lira					443.64			443.64
Iraq	Dinar					1,000.00			1,000.00
Delegation Expenses: *									
India	Rupee					1,972.61			1,972.61
Pakistan	Rupee					765.65			765.65
United Arab Emirates	Dirham					360.92			360.92
Delegation Expenses: *									
St. Kitts	Dollar					186.00			186.00
Honduras	Lempira					672.90			672.90
Delegation Expenses: *									
Kuwait	Dinar					756.00			756.00
Belgium	Euro					303.36			303.36
Delegation Expenses: *									
Belgium	Euro					913.72			913.72

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Luxembourg .....	Euro .....						1,012.93		1,012.93
Total .....			28,343.06		51,903.34		30,734.12		110,980.52

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR RICHARD SHELBY,  
Chairman, Committee on Appropriations, Jan. 29, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Rick Scott:					8,123.53				8,123.53
United States .....	Dollar .....								
Hong Kong .....	Dollar .....		824.42						824.42
Paul Bonicelli:					8,390.84				8,390.84
United States .....	Dollar .....								
Hong Kong .....	Dollar .....		942.08						942.08
Collin Lomagistro:					8,419.06				8,419.06
United States .....	Dollar .....								
Hong Kong .....	Dollar .....		958.85						958.85
Delegation Expenses: *									
Hong Kong .....	Dollar .....				3,161.92		494.00		3,655.92
Senator Martha McSally:					15,756.01				15,756.01
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Katherine McCabe:					12,742.73				12,742.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Justin Roth:					12,515.73				12,515.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Alana Wilson:					12,307.73				12,307.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Senator Joseph Manchin III:					12,742.73				12,742.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Emily Farnell:					12,742.73				12,742.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Kevin Carson:					13,253.73				13,253.73
United States .....	Dollar .....								
Bahrain .....	Dinar .....		775.80						775.80
Qatar .....	Riyal .....		356.76						356.76
Delegation Expenses: *									
Bahrain .....	Dinar .....						1,679.57		1,679.57
Qatar .....	Riyal .....						340.24		340.24
Senator Deb Fischer:									
Morocco .....	Dirham .....		656.12						656.12
Spain .....	Euro .....		1,213.09						1,213.09
Portugal .....	Euro .....		598.45						598.45
Joseph Hack:									
Morocco .....	Dirham .....		656.12						656.12
Spain .....	Euro .....		1,213.09						1,213.09
Portugal .....	Euro .....		598.45						598.45
Delegation Expenses:									
Morocco .....	Dirham .....						2,243.55		2,243.55
Spain .....	Euro .....						2,796.77		2,796.77
Portugal .....	Euro .....						1,030.92		1,030.92
Senator Roger Wicker:									
Tunisia .....	Dinar .....		1,006.03						1,006.03
Israel .....	Shekel .....		1,090.00						1,090.00
Morocco .....	Dirham .....		2,066.60						2,066.60
Patrick Thompson:									
Tunisia .....	Dinar .....		670.03						670.03
Israel .....	Shekel .....		760.00						760.00
Morocco .....	Dirham .....		1,247.73						1,247.73
Delegation Expenses: *									
Tunisia .....	Dinar .....						2,734.38		2,734.38
Israel .....	Shekel .....						444.60		444.60
Morocco .....	Dirham .....				844.07		2,400.40		3,244.47
Jason Potter:									
United States .....	Dollar .....				11,192.40				11,192.40
Spain .....	Euro .....		1,010.64						1,010.64
Senator Rick Scott:					12,555.13				12,555.13
United States .....	Dollar .....								
Brazil .....	Real .....		772.07						772.07
Paul Bonicelli:					13,143.73				13,143.73
United States .....	Dollar .....								
Brazil .....	Real .....		821.35						821.35
Christine Diaz:					13,199.23				13,199.23
United States .....	Dollar .....								
Brazil .....	Real .....		913.15						913.15
Craig Carbone:					13,143.73				13,143.73
United States .....	Dollar .....								
Brazil .....	Real .....		898.84						898.84
Delegation Expenses: *									
Brazil .....	Real .....						1,048.00		1,048.00
Senator Josh Hawley:					11,268.14				11,268.14
United States .....	Dollar .....								

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hong Kong .....	Dollar .....		580.54						580.54
Jacob Olidort: .....									
United States .....	Dollar .....				8,378.05				8,378.05
Hong Kong .....	Dollar .....		580.54						580.54
Alvaro Smith: .....									
United States .....	Dollar .....				8,378.05				8,378.05
Hong Kong .....	Dollar .....		580.54						580.54
Kyle Plotkin: .....									
United States .....	Dollar .....				11,203.14				11,203.14
Hong Kong .....	Dollar .....		580.54						580.54
Delegation Expenses: * .....									
Hong Kong .....	Dollar .....				1,765.01	712.51			2,477.52
Tony Pankuch: .....									
United States .....	Dollar .....				13,725.25				13,725.25
Germany .....	Euro .....		457.50						457.50
Dustin Walker: .....									
United States .....	Dollar .....				13,724.85				13,724.85
Germany .....	Euro .....		413.05						413.05
Delegation Expenses: * .....									
Germany .....	Euro .....				2,784.48				2,784.48
Senator Marsha Blackburn: .....									
United States .....	Dollar .....				13,138.25				13,138.25
Djibouti .....	Franc .....		1,062.00						1,062.00
Emily Manning: .....									
United States .....	Dollar .....				13,138.25				13,138.25
Djibouti .....	Franc .....		1,062.00						1,062.00
Delegation Expenses: * .....									
Djibouti .....	Franc .....					121.15			121.15
Senator Tammy Duckworth: .....									
United States .....	Dollar .....				1,030.10				1,030.10
Mexico .....	Peso .....		20.00						20.00
Jazmine Bonner: .....									
United States .....	Dollar .....				772.10				772.10
Mexico .....	Peso .....		98.00						98.00
Katherine Keleher: .....									
United States .....	Dollar .....				729.11				729.11
Mexico .....	Peso .....		103.00						103.00
Benjamin Carmisa: .....									
United States .....	Dollar .....				987.11				987.11
Mexico .....	Peso .....		88.00						88.00
Stacey Berdejo: .....									
Mexico .....	Peso .....		93.00						93.00
Delegation Expenses: * .....									
Mexico .....	Peso .....					2,146.00			2,146.00
Senator Angus King, Jr.: .....									
Canada .....	Dollar .....		602.09						602.09
Stephen M. Smith: .....									
Canada .....	Dollar .....		602.09						602.09
Senator Tim Kaine: .....									
Canada .....	Dollar .....		601.15						601.15
Ryan Colvert: .....									
Canada .....	Dollar .....		601.15						601.15
Delegation Expenses: * .....									
Canada .....	Dollar .....				1,103.12	7,192.04			8,295.16
Senator Joni Ernst: .....									
Kuwait .....	Dinar .....		417.74						417.74
Afghanistan .....	Afghani .....		27.75						27.75
Belgium .....	Euro .....		388.08						388.08
Jenna McNeill: .....									
Kuwait .....	Dinar .....		417.74						417.74
Afghanistan .....	Afghani .....		2.00						2.00
Belgium .....	Euro .....		237.08						237.08
Lisa Goetas: .....									
Kuwait .....	Dinar .....		417.74						417.74
Afghanistan .....	Afghani .....		12.89						12.89
Belgium .....	Euro .....		237.08						237.08
Senator Kirsten E. Gillibrand: .....									
Kuwait .....	Dinar .....		437.49						437.49
Belgium .....	Euro .....		237.08						237.08
Elana Broitman: .....									
Kuwait .....	Dinar .....		446.49						446.49
Afghanistan .....	Afghani .....		52.00						52.00
Belgium .....	Euro .....		237.08						237.08
Jess Fassler: .....									
Kuwait .....	Dinar .....		446.49						446.49
Afghanistan .....	Afghani .....		97.00						97.00
Belgium .....	Euro .....		238.08						238.08
Delegation Expenses: * .....									
Kuwait .....	Dinar .....					3,118.50			3,118.50
Belgium .....	Euro .....				910.09				910.09
Adam Barker: .....									
United States .....	Dollar .....				14,464.65				14,464.65
Germany .....	Euro .....		785.74						785.74
Mariah McNamara Cooper: .....									
United States .....	Dollar .....				14,465.05				14,465.05
Germany .....	Euro .....		805.74						805.74
Delegation Expenses: * .....									
Germany .....	Euro .....					100.58			100.58
Jonathan Epstein: .....									
United States .....	Dollar .....				1,394.29				1,394.29
Marshall Islands .....	Dollar .....		518.09						518.09
Katherine Sutton: .....									
United States .....	Dollar .....				13,161.45				13,161.45
Ukraine .....	Hryvnia .....		756.88						756.88
Montenegro .....	Euro .....		553.46						553.46
Poland .....	Zloty .....		464.31						464.31
Thomas Goffus: .....									
United States .....	Dollar .....				12,143.46				12,143.46
Ukraine .....	Hryvnia .....		722.88						722.88
Montenegro .....	Euro .....		583.46						583.46
Poland .....	Zloty .....		487.31						487.31
Arthur Tellis: .....									
United States .....	Dollar .....				13,326.80				13,326.80
Ukraine .....	Hryvnia .....		705.88						705.88
Montenegro .....	Euro .....		484.46						484.46

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Poland .....	Zloty .....		455.31						455.31
Delegation Expenses: *									
Ukraine .....	Hryvnia .....				255.00		1,004.31		1,259.31
Montenegro .....	Euro .....						51.00		51.00
Poland .....	Zloty .....				311.20				311.20
Dustin Walker:									
United States .....	Dollar .....				9,647.95				9,647.95
Vietnam .....	Dong .....		714.92						714.92
Thailand .....	Baht .....		870.69						870.69
Ozge Guzelsoy:									
United States .....	Dollar .....				9,647.95				9,647.95
Vietnam .....	Dong .....		714.92						714.92
Thailand .....	Baht .....		870.69						870.69
Delegation Expenses: *									
Vietnam .....	Dong .....						99.00		99.00
Thailand .....	Baht .....						256.88		256.88
Senator Rick Scott:									
Belgium .....	Euro .....		337.51						337.51
Luxembourg .....	Euro .....		705.47						705.47
Juan Arias:									
Belgium .....	Euro .....		282.11						282.11
Luxembourg .....	Euro .....		744.47						744.47
Senator Deb Fischer:									
Belgium .....	Euro .....		486.40						486.40
Luxembourg .....	Euro .....		1,069.43						1,069.43
Emily Leviner:									
Belgium .....	Euro .....		485.61						485.61
Luxembourg .....	Euro .....		1,067.54						1,067.54
Delegation Expenses: *									
Belgium .....	Euro .....				3,084.13		570.76		3,654.89
Luxembourg .....	Euro .....						1,777.80		1,777.80
Tony Pankuch:									
United States .....	Dollar .....				12,367.75				12,367.75
Japan .....	Yen .....		694.82						694.82
South Korea .....	Won .....		246.20						246.20
Bob Winkler:									
United States .....	Dollar .....				12,450.30				12,450.30
Japan .....	Yen .....		627.80						627.80
South Korea .....	Won .....		259.65						259.65
Augusta Binns-Berkey:									
United States .....	Dollar .....				12,455.82				12,455.82
Japan .....	Yen .....		629.64						629.64
South Korea .....	Won .....		237.45						237.45
Delegation Expenses: *									
Japan .....	Yen .....				1,615.40		437.55		2,052.95
South Korea .....	Won .....				1,054.12				1,054.12
Bob Winkler:									
United States .....	Dollar .....				13,117.25				13,117.25
Germany .....	Euro .....		381.89						381.89
Italy .....	Euro .....		284.00						284.00
Total .....			58,354.76		432,232.70		32,800.51		523,387.97

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR JAMES INHOFE,  
Chairman, Committee on Armed Services, Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Mike Crapo:									
Morocco .....	Dirham .....		1,440.56						1,440.56
Spain .....	Euro .....		1,973.03						1,973.03
Portugal .....	Euro .....		983.00						983.00
Gregg Richard:									
Morocco .....	Dirham .....		1,191.66						1,191.66
Spain .....	Euro .....		1,724.13						1,724.13
Portugal .....	Euro .....		734.10						734.10
Delegation Expenses: *									
Morocco .....	Dirham .....						2,243.55		2,243.55
Spain .....	Euro .....						2,796.77		2,796.77
Portugal .....	Euro .....						1,030.92		1,030.92
Total .....			8,046.48				6,071.24		14,117.72

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR MIKE CRAPO,  
Chairman, Committee on Banking, Housing, and Urban Affairs,  
Jan. 14, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Garrett Exner:									
United States .....	Dollar .....				13,515.10				13,515.10
Japan .....	Yen .....		555.45						555.45

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Taiwan .....	Dollar .....		340.34						340.34
India .....	Rupee .....		712.23						712.23
Hong Kong .....	Dollar .....		255.00						255.00
Delegation Expenses:*									
Japan .....	Yen .....						323.71		323.71
Taiwan .....	Dollar .....						113.29		113.29
India .....	Rupee .....						113.94		113.94
Hong Kong .....	Dollar .....						820.25		820.25
Total .....			1,863.02		13,515.10		1,377.19		16,755.31

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR ROGER WICKER,  
Chairman, Committee on Commerce, Science, and Transportation,  
Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lisa Murkowski:									
United States .....	Dollar .....				3,226.63				3,226.63
Iceland .....	Krona .....		587.53						587.53
Isaac Edwards:									
United States .....	Dollar .....				1,262.53				1,262.53
Iceland .....	Krona .....		621.95						621.95
Senator Lisa Murkowski:									
United States .....	Dollar .....				9,790.85				9,790.85
France .....	Euro .....		664.25						664.25
Brianne Miller:									
United States .....	Dollar .....				9,755.85				9,755.85
France .....	Euro .....		664.25						664.25
Delegation Expenses:*									
France .....	Euro .....						1,221.00		1,221.00
Total .....			2,537.98		24,035.86		1,221.00		27,794.84

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR LISA MURKOWSKI,  
Chairman, Committee on Energy and Natural Resources, Jan. 21, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sheldon Whitehouse:									
United States .....	Dollar .....				5,973.65				5,973.65
Norway .....	Krone .....		924.89						924.89
Adena Leibman:									
United States .....	Dollar .....				1,819.85				1,819.85
Norway .....	Krone .....		402.00						402.00
Delegation Expenses:									
Norway .....	Krone .....						1,630.52		1,630.52
Brian Clifford:									
United States .....	Dollar .....				1,609.05				1,609.05
Spain .....	Euro .....		1,077.56						1,077.56
Elizabeth Horner:									
United States .....	Dollar .....				1,289.45				1,289.45
Spain .....	Euro .....		1,805.31						1,805.31
Laura Gillam:									
United States .....	Dollar .....				997.05				997.05
Spain .....	Euro .....		1,473.48						1,473.48
Daniel Dudis:									
United States .....	Dollar .....				1,014.25				1,014.25
Spain .....	Euro .....		1,779.48						1,779.48
Shannon Frede:									
United States .....	Dollar .....				1,017.05				1,017.05
Spain .....	Euro .....		1,423.48						1,423.48
Katie Thomas:									
Spain .....	Euro .....		1,473.48						1,473.48
Delegation Expenses:*									
Spain .....	Euro .....						1,767.36		1,767.36
Senator Sheldon Whitehouse:									
Spain .....	Euro .....		815.11						815.11
Joseph Colby:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		659.20						659.20
Evan Dernberger:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		876.20						876.20
Delegation Expenses:*									
Belgium .....	Euro .....						1,827.46		1,827.46
Total .....			13,571.53		13,720.35		5,225.34		32,517.22

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR JOHN BARRASSO,  
Chairman, Committee on Environment and Public Works, Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mayur Patel:									
Switzerland .....	CHF-Swiss Franc .....		1,899.08						1,899.08
United States .....	Dollar .....				12,164.43				12,164.43
Rory Heslington:									
Switzerland .....	CHF-Swiss Franc .....		1,816.59						1,816.59
United States .....	Dollar .....				14,075.95				14,075.95
Greta Peisch:									
Switzerland .....	CHF-Swiss Franc .....		1,859.46						1,859.46
United States .....	Dollar .....				12,164.43				12,164.43
Virginia Lenahan:									
Switzerland .....	CHF-Swiss Franc .....		1,694.21						1,694.21
United States .....	Dollar .....				14,075.85				14,075.85
Delegation Expenses:*									
Switzerland .....	Dollar .....						370.00		370.00
Candace Vahlsing:									
Spain .....	Euro .....		1,266.75						1,266.75
United States .....	Dollar .....				1,124.45				1,124.45
Total .....			8,536.09		53,605.11		370.00		62,511.20

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR CHUCK GRASSLEY,  
Chairman, Committee on Finance, Jan. 27, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
United Arab Emirates .....	Dirham .....		382.32						382.32
Kuwait .....	Dinar .....		296.25						296.25
Kosovo .....	Euro .....		192.06						192.06
United States .....	Dollar .....				16,532.93				16,532.93
Charles Ziegler:									
United Arab Emirates .....	Dirham .....		382.32						382.32
Kuwait .....	Dinar .....		296.25						296.25
Kosovo .....	Euro .....		207.86						207.86
United States .....	Dollar .....				15,045.83				15,045.83
Delegation Expenses:*									
United Arab Emirates .....	Dinar .....						74.90		74.90
Kuwait .....	Dinar .....						175.00		175.00
Kosovo .....	Euro .....						1,282.44		1,282.44
Austria .....	Euro .....						249.74		249.74
Senator John Barrasso:									
Belgium .....	Euro .....		480.67						480.67
Luxembourg .....	Euro .....		1,106.00						1,106.00
Delegation Expenses:*									
Belgium .....	Euro .....						913.72		913.72
Luxembourg .....	Euro .....						540.82		540.82
Senator Ted Cruz:									
Japan .....	Yen .....		288.34						288.34
Taiwan .....	New Taiwan Dollar .....		265.45						265.45
India .....	Rupee .....		500.62						500.62
Hong Kong .....	Hong Kong Dollar .....		350.92						350.92
United States .....	Dollar .....				15,596.23				15,596.23
Samantha Leahy:									
Japan .....	Yen .....		273.42						273.42
Taiwan .....	New Taiwan Dollar .....		191.26						191.26
India .....	Rupee .....		539.55						539.55
Hong Kong .....	Hong Kong Dollar .....		401.57						401.57
United States .....	Dollar .....				15,787.33				15,787.33
Delegation Expenses:*									
Japan .....	Yen .....						647.43		647.43
Taiwan .....	New Taiwan Dollar .....						238.58		238.58
India .....	Rupee .....						131.84		131.84
Hong Kong .....	Hong Kong Dollar .....						1,640.50		1,640.50
Senator Robert Menendez:									
India .....	Rupee .....		3,831.00						3,831.00
United States .....	Dollar .....				13,131.03				13,131.03
Damian Murphy:									
India .....	Rupee .....		3,609.00						3,609.00
United States .....	Dollar .....				13,269.03				13,269.03
Fred Turner:									
India .....	Rupee .....		2,603.00						2,603.00
United States .....	Dollar .....				14,612.93				14,612.93
Delegation Expenses:*									
India .....	Rupee .....						15,837.00		15,837.00
Senator Christopher Murphy:									
Bahrain .....	Dinar .....		2,681.96						2,681.96
Lebanon .....	Lebanese Pound .....		150.00						150.00
United States .....	Dollar .....				12,323.15				12,323.15
Jessica Elledge:									
Bahrain .....	Dinar .....		1,427.42						1,427.42
Lebanon .....	Lebanese Pound .....		150.00						150.00
United States .....	Dollar .....				12,324.14				12,324.14
Delegation Expenses:*									
Bahrain .....	Dinar .....						1,679.57		1,679.57
Lebanon .....	Lebanese Pound .....						2,091.70		2,091.70
United Kingdom .....	British Pound .....						268.06		268.06
Senator James Risch:									
Canada .....	Canadian Dollar .....		277.57						277.57
United States .....	Dollar .....				2,532.32				2,532.32
Senator John Barrasso:									
Canada .....	Canadian Dollar .....		480.15						480.15
United States .....	Dollar .....				2,749.15				2,749.15
Robert John Ininger:									
Canada .....	Canadian Dollar .....		207.58						207.58

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States .....	Dollar .....				2,532.32				2,532.32
Chris Socha:									
Canada .....	Canadian Dollar .....		635.15						635.15
United States .....	Dollar .....				1,409.27				1,409.27
Lara Crouch:									
Canada .....	Canadian Dollar .....		417.15						417.15
United States .....	Dollar .....				1,444.27				1,444.27
Hannah Thoburn:									
Canada .....	Canadian Dollar .....		515.15						515.15
United States .....	Dollar .....				1,444.27				1,444.27
Suzanne Wrasse:									
Canada .....	Canadian Dollar .....		350.14						350.14
United States .....	Dollar .....				976.27				976.27
Delegation Expenses: *									
Canada .....	Canadian Dollar .....					10,128.92			10,128.92
Sarah Arkin:									
India .....	Rupee .....		758.66						758.66
Delegation Expenses: *									
India .....	Rupee .....					17.26			17.26
Colin Brooks:									
Bahrain .....	Dinar .....		1,051.91						1,051.91
United States .....	Dollar .....				2,639.05				2,639.05
Sarah Arkin:									
Bahrain .....	Dinar .....		1,041.28						1,041.28
United States .....	Dollar .....				3,775.85				3,775.85
Delegation Expenses: *									
Bahrain .....	Dinar .....					211.92			211.92
Margaret Dougherty:									
Colombia .....	Peso .....		982.83						982.83
Curaçao .....	Guider .....		330.00						330.00
Trinidad and Tobago .....	Dollar .....		783.98						783.98
United States .....	Dollar .....				3,401.23				3,401.23
Joan Condon:									
Colombia .....	Peso .....		979.83						979.83
Curaçao .....	Guider .....		330.00						330.00
Trinidad and Tobago .....	Dollar .....		783.98						783.98
United States .....	Dollar .....				3,207.60				3,207.60
Delegation Expenses: *									
Colombia .....	Peso .....					4,191.00			4,191.00
Trinidad and Tobago .....	Dollar .....					251.83			251.83
Josh Klein:									
Guatemala .....	Quetzal .....		248.48						248.48
El Salvador .....	Dollar .....		461.00						461.00
United States .....	Dollar .....				3,079.36				3,079.36
Delegation Expenses: *									
El Salvador .....	Dollar .....					175.00			175.00
Josh Klein:									
Spain .....	Dollar .....		1,647.84						1,647.84
United States .....	Dollar .....				5,397.75				5,397.75
Stephen Story:									
Spain .....	Dollar .....		2,803.97						2,803.97
United States .....	Dollar .....				1,072.15				1,072.15
Benjamin Schreiber:									
Spain .....	Dollar .....		2,409.26						2,409.26
United States .....	Dollar .....				1,037.50				1,037.50
Sophia Lalani:									
South Sudan .....	South Sudanese Pound .....		230.00						230.00
Sudan .....	Sudanese Pound .....		527.67						527.67
Kenya .....	Shilling .....		538.00						538.00
United States .....	Dollar .....				7,468.00				7,468.00
Kate Hunter:									
South Sudan .....	South Sudanese Pound .....		80.00						80.00
Sudan .....	Sudanese Pound .....		527.67						527.67
Kenya .....	Shilling .....		458.00						458.00
United States .....	Dollar .....				7,468.46				7,468.46
Delegation Expenses: *									
Kenya .....	Shilling .....					1,500.00			1,500.00
Rolfe Michael Schiffer:									
Australia .....	Dollar .....		1,018.00						1,018.00
Indonesia .....	Rupiah .....		372.00						372.00
Vietnam .....	Dong .....		335.00						335.00
Philippines .....	Peso .....		832.68						832.68
United States .....	Dollar .....				7,237.00				7,237.00
Delegation Expenses: *									
Australia .....	Dollar .....					456.00			456.00
Indonesia .....	Rupiah .....					270.62			270.62
Vietnam .....	Dong .....					103.00			103.00
Philippines .....	Peso .....					426.10			426.10
Rolfe Michael Schiffer:									
Hong Kong .....	Dollar .....		1,205.51						1,205.51
United States .....	Dollar .....				5,987.85				5,987.85
Lara Crouch:									
Hong Kong .....	Dollar .....		1,323.07						1,323.07
United States .....	Dollar .....				5,757.85				5,757.85
Delegation Expenses: *									
Hong Kong .....	Dollar .....					3,077.59			3,077.59
Hannah Thoburn:									
Hungary .....	Forint .....		568.30						568.30
The Netherlands .....	Euro .....		344.68						344.68
Spain .....	Euro .....		332.38						332.38
Italy .....	Euro .....		1,039.00						1,039.00
Belarus .....	Belarusian Ruble .....		480.00						480.00
United States .....	Dollar .....				7,841.88				7,841.88
Lara Croft:									
Hungary .....	Forint .....		643.23						643.23
The Netherlands .....	Euro .....		384.28						384.28
Spain .....	Euro .....		334.55						334.55
Italy .....	Euro .....		935.87						935.87
United States .....	Dollar .....				6,271.13				6,271.13
Delegation Expenses: *									
Hungary .....	Forint .....					32.00			32.00
The Netherlands .....	Euro .....					58.31			58.31
Italy .....	Euro .....					106.00			106.00
Brandon Yoder:									
El Salvador .....	Dollar .....		212.05						212.05

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mexico .....	Mexican Peso .....		1,279.00						1,279.00
United States .....	Dollar .....				2,879.99				2,879.99
Charlotte Oldham Moore:									
Mexico .....	Mexican Peso .....		1,319.00						1,319.00
United States .....	Dollar .....				1,095.00				1,095.00
Delegation Expenses:*									
El Salvador .....	Dollar .....						100.00		100.00
Mexico .....	Mexico Peso .....						907.00		907.00
Total .....			53,423.09		217,328.12		47,783.85		318,535.06

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR JAMES RISCH,  
Chairman, Committee on Foreign Relations, Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael B. Enzi:									
Morocco .....	Dirham .....		677.15						677.15
Spain .....	Euro .....		1,241.13						1,241.13
Portugal .....	Euro .....		612.45						612.45
Christen Thompson:									
Morocco .....	Dirham .....		1,070.12						1,070.12
Spain .....	Euro .....		1,765.09						1,765.09
Portugal .....	Euro .....		874.46						874.46
Delegation Expenses:*									
Morocco .....	Dirham .....						2,243.55		2,243.55
Delegation Expenses:*									
Spain .....	Euro .....						2,796.77		2,796.77
Delegation Expenses:*									
Portugal .....	Euro .....						1,030.92		1,030.92
Senator Maggie Hassan:									
United States .....	Dollar .....				10,705.82				10,705.82
Afghanistan .....	Afghani .....		301.19						301.19
Pakistan .....	Rupee .....		535.19						535.19
India .....	Rupee .....		717.62						717.62
Harlan Geer:									
United States .....	Dollar .....				11,205.12				11,205.12
Afghanistan .....	Afghani .....		216.00						216.00
Pakistan .....	Rupee .....		460.00						460.00
India .....	Rupee .....		978.43						978.43
David Christie:									
United States .....	Dollar .....				7,643.43				7,643.43
Afghanistan .....	Afghani .....		256.78						256.78
Pakistan .....	Rupee .....		650.78						650.78
Delegation Expenses:*									
Pakistan .....	Rupee .....						1,058.48		1,058.48
Delegation Expenses:*									
India .....	Rupee .....						370.96		370.96
Senator Maggie Hassan:									
Belgium .....	Euro .....		351.99						351.99
Luxembourg .....	Euro .....		822.34						822.34
Senator Jacky Rosen:									
Belgium .....	Euro .....		302.23						302.23
Luxembourg .....	Euro .....		797.48						797.48
Catherine George:									
Belgium .....	Euro .....		321.38						321.38
Luxembourg .....	Euro .....		760.02						760.02
Robert Waisanen:									
Belgium .....	Euro .....		312.54						312.54
Luxembourg .....	Euro .....		446.50						446.50
Delegation Expenses:*									
Belgium .....	Euro .....						3,654.89		3,654.89
Total .....			14,470.87		29,554.37		11,155.57		55,180.81

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR RON JOHNSON,  
Chairman, Committee on Homeland Security and Governmental Affairs,  
Jan. 21, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Lindsey Graham:									
Qatar .....	Rial .....		769.30		9,593.60				10,362.90
Afghanistan .....	Afghani .....		128.00						128.00
Craig Abele:									
Qatar .....	Rial .....		769.30		9,593.60				10,362.90
Afghanistan .....	Afghani .....		128.00						128.00
Matthew Rinkunas:									
Qatar .....	Rial .....		769.30		9,593.60				10,362.90
Afghanistan .....	Afghani .....		128.00						128.00
Delegation Expenses:*									
United Arab Emirates .....	Dirham .....						136.60		136.60

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Qatar .....	Rial .....						1,142.37		1,142.37
Total .....			2,691.90		28,780.80		1,278.97		32,751.67

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR LINSEY GRAHAM,  
Chairman, Committee on the Judiciary, Jan. 29, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation Expenses: * Morocco .....	Dirham .....						944.56		944.56
Total .....							944.56		944.56

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR LAMAR ALEXANDER,  
Chairman, Committee on Health, Education, Labor, and Pensions,  
Jan. 7, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Boozman:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		1,026.00						1,026.00
Senator Thom Tillis:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		961.91						961.91
Patrick McGuigan:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		961.91						961.91
William Bode:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		862.20						862.20
MacKensie McKernan:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		865.20						865.20
Rosie Heiss:									
Belgium .....	Euro .....		430.67						430.67
Luxembourg .....	Euro .....		961.91						961.91
Delegation Expenses *									
Belgium .....	Euro .....						5,482.32		5,482.32
Total .....			8,223.15				5,482.32		13,705.47

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR JERRY MORAN,  
Chairman, Committee on Veterans' Affairs, Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Roy Blunt .....			615.00						615.00
			918.00						918.00
			558.00						558.00
Dan Burgess .....			308.00						308.00
			876.39						876.39
			837.22						837.22
			558.00						558.00
Jon Estridge .....			308.00						308.00
			918.00						918.00
			558.00						558.00
							4,756.51		4,756.51
Jacob Barton .....			286.46						286.46
			604.06						604.06
					13,318.35				13,318.35
Senator Ron Wyden .....			814.00						814.00
			1,089.63						1,089.63
					12,321.83				12,321.83
Isaiah Akin .....			814.00						814.00
			1,009.81						1,009.81
					12,321.83				12,321.83
Jon Rosenwasser .....			466.00						466.00
			722.85						722.85
					12,608.63				12,608.63

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Emily Clise .....			1,248.99				1,742.29		1,742.29
			443.22						1,248.99
					12,292.13				443.22
Christopher Howell .....			1,257.26						12,292.13
			443.22						1,257.26
					12,291.73				443.22
Russell Willig .....			1,261.03						12,291.73
			443.21						1,261.03
					12,291.73				443.21
Brian Walsh .....			1,230.03						12,291.73
			443.21						1,230.03
					12,291.73				443.21
Jon Estridge .....			896.08				191.56		12,291.73
			594.00						191.56
					14,193.63				896.08
Brett Freedman .....			448.04						594.00
			494.00						14,193.63
					11,151.03				448.04
							616.83		494.00
Emily Clise .....			811.09						11,151.03
					16,256.66				616.83
Senator Richard Burr .....			513.04						811.09
			1,508.00						513.04
			360.00						1,508.00
							1,343.26		360.00
Jon Estridge .....			1,185.27						1,343.26
					27,210.99				1,185.27
Jennifer Barrett .....			922.27						27,210.99
					17,510.26				922.27
Chris Howell .....			1,470.82						17,510.26
			530.00						1,470.82
					10,959.43				530.00
Emily Clise .....			1,446.22						10,959.43
			530.00						1,446.22
					10,959.43				530.00
Michael Pevzner .....			1,527.00						10,959.43
			530.00						1,527.00
					10,959.43				530.00
Maria Mahler-Haug .....			1,366.08						10,959.43
			530.01						1,366.08
					10,959.43				530.01
							350.00		10,959.43
Emily Clise .....			1,272.00						350.00
					10,228.23				1,272.00
Jacob Barton .....			1,272.00						10,228.23
					10,263.23				1,272.00
							502.97		10,263.23
Kate Harris .....			1,686.69						502.97
			944.06						1,686.69
					7,184.43				944.06
Maria Mahler-Haug .....			1,686.69						7,184.43
			944.06						1,686.69
					7,175.53				944.06
Russell Willig .....			1,773.67						7,175.53
			944.06						1,773.67
					7,175.53				944.06
Brian Walsh .....			1,686.69						7,175.53
			944.06						1,686.69
					7,175.53				944.06
Senator Richard Burr .....			579.89						7,175.53
					8,232.53				579.89
Chris Joyner .....			579.90						8,232.53
					8,111.53				579.90
							944.06		8,111.53
									944.06
Total .....			49,007.28		295,444.79		10,447.48		354,899.55

SENATOR RICHARD BURR,  
Chairman, Committee on Intelligence, Nov. 6, 2019.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyle Parker:									
Ukraine .....	Hryvnia		2,254.17		7,516.03				9,770.20
Delegation Expenses: *									
Ukraine .....	Hryvnia						1,610.85		1,610.85
Kyle Parker:									
Denmark .....	Kroner		797.00		8,519.23				9,316.23
Delegation Expenses: *									
Denmark .....	Kroner						277.00		277.00
Kyle Parker:									
Sweden .....	Krona				13,382.13				13,382.13
Norway .....	Krone		1,322.98						1,322.98
Lithuania .....	Euro		773.41						773.41
Estonia .....	Euro		1,655.40						1,655.40
France .....	Euro		2,736.00						2,736.00
Delegation Expenses: *									
Sweden .....	Krona						644.00		644.00
Delegation Expenses: *									
Norway .....	Krone						215.00		215.00
Delegation Expenses: *									
Lithuania .....	Euro						269.07		269.07
Delegation Expenses: *									
Estonia .....	Euro								

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2019—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Delegation Expenses:*									
France .....	Euro .....						936.00		936.00
Paul Massaro:									
Canada .....	Dollar .....		873.04		3,255.23				4,128.27
Delegation Expenses:*									
Canada .....	Dollar .....								
Total .....			10,412.00		32,672.62		3,951.92		47,036.54

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR ROGER WICKER,  
Chairman, Commission on Security and Cooperation in Europe, Nov. 7, 2019

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyle Parker:									
Tunisia .....	Tunisian Dinar .....		670.03						670.03
Israel .....	Israeli Shekel .....		1,090.00						1,090.00
Morocco .....	Moroccan Dirham .....		1,637.73						1,637.73
Kyle Parker:									
United Kingdom .....	Pound Sterling .....		1,668.00						1,668.00
Total .....			5,065.76						5,065.76

SENATOR ROGER WICKER,  
Chairman, Commission on Security and Cooperation in Europe,  
Jan. 24, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Lane Bodian:									
United States .....	Dollar .....				2,912.99				2,912.99
El Salvador .....	Dollar .....		181.32						181.32
Mexico .....	Pesos .....		1,088.58						1,088.58
Delegation Expenses:*									
El Salvador .....	Dollar .....						50.00		50.00
Mexico .....	Pesos .....						226.75		226.75
Lucy Panza:									
United States .....	Dollar .....				1,058.96				1,058.96
Mexico .....	Pesos .....		1,089.00						1,089.00
Delegation Expenses:*									
Mexico .....	Pesos .....						226.75		226.75
Gary Myrick:									
Belgium .....	Euro .....		480.67						480.67
Luxembourg .....	Euro .....		915.40						915.40
Delegation Expenses:*									
Belgium .....	Euro .....						913.72		913.72
Total .....			3,754.97		3,971.95		1,417.22		9,144.14

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR CHARLES SCHUMER,  
Democratic Leader, Jan. 23, 2020.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), MAJORITY LEADER FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2019

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dr. Brian Monahan:									
Morocco .....	Dollar .....		1,328.24						1,328.24
Spain .....	Euro .....		1,834.71						1,834.71
Portugal .....	Euro .....		894.68						894.68
Robert Karem:									
United States .....	Dollar .....				9,703.55				9,703.55
Iraq .....	Dollar .....		76.00						76.00
Turkey .....	Lira .....		264.00						264.00
Delegation Expenses:*									
Turkey .....	Lira .....						654.86		654.86
Total .....			4,397.63		9,703.55		654.86		14,756.04

\* Delegation expenses include official expenses reimbursed to the Department of State, under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and may include S. Res. 179 funds agreed to May 25, 1977.

SENATOR MITCH MCCONNELL,  
Majority Leader, Jan. 28, 2020.

PROVIDING FOR A JOINT SESSION  
OF CONGRESS TO RECEIVE A  
MESSAGE FROM THE PRESIDENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 86, which was received from the House.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 86) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 86) was agreed to.

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ADJOURNMENT UNTIL 1 P.M.  
TOMORROW

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 10:43 p.m., adjourned until Friday, January 31, 2020, at 1 p.m.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF MR. TERRY GEILING UPON HIS RETIREMENT FROM THE AMERICAN GOLD STAR MANOR

**HON. ALAN S. LOWENTHAL**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. LOWENTHAL. Madam Speaker, I want to recognize the leadership and accomplishments of Mr. Terry Geiling, who has, after 12 years serving as President and CEO of the American Gold Star Manor, announced his retirement.

Located in Long Beach, California, the Gold Star Manor is a one-of-a-kind 25-acre retirement community providing affordable housing for 400 Gold Star Mothers, fathers, veterans, and other eligible seniors.

During Mr. Geiling's leadership tenure, he oversaw a major expansion and renovation of the facility, marshalling the resources of state, federal, county, and city agencies through his tireless efforts.

He showed unparalleled determination in building important partnerships and developing the necessary financial plans to ensure the completion of the \$55 million rehabilitation project. By the completion of the work, Mr. Geiling had built the Gold Star Manor into a nationally recognized housing facility for veterans and their families.

In the midst of the Gold Star Manor rehabilitation project, Mr. Geiling also played a key role in the development and construction of a Fisher House at the Tibor Rubin Veterans Affairs Medical Center in Long Beach.

While his leadership at American Gold Star Manor will be dearly missed, he will continue to support the organization as a consultant for another major expansion project that will develop 150 additional housing units at the manor.

Mr. Geiling is a pillar of the Long Beach community, a tireless advocate for our veterans and their families, and his name is synonymous with honorable public service.

I want to offer my deepest appreciation to Mr. Geiling for his service to our country, his dedication to our veterans and their families, and his deep commitment to the Long Beach community.

I wish him the very best of luck in future.

CELEBRATING OCCIDENTAL COLLEGE UPWARD BOUND'S 55TH ANNIVERSARY

**HON. JIMMY GOMEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. GOMEZ. Madam Speaker, I rise today to recognize Upward Bound at Occidental College as it celebrates its 55th anniversary. As one of the country's oldest and most success-

ful Upward Bound programs, Oxy Upward Bound has been assisting low-income, underserved, and first-generation students from central and northeast Los Angeles achieve success both in their pre-college achievement and their higher education pursuits.

Through one-on-one academic advisement, weekly academic enrichment services, workshops, cultural activities, and a summer residential experience, Oxy Upward Bound's programs helps students develop key skill sets that positively impact their academic performances in high school while also exposing and guiding them through the rigors of the college experience.

Oxy Upward Bound works to ensure scholars graduate from high school with a solid post-secondary plan—both academic and financial—and those students can graduate from a 4-year college or university in 6 years or less.

Over the past five years, 99 percent of Oxy Upward Bound students have advanced a grade level or graduated from high school, with 90 percent of those graduating from high school going on to enroll in college.

Among college access programs, Oxy Upward Bound stands out in that its chief goal is not to produce applicants to Occidental—although some participants have ended up enrolling at and graduating from the College—but to contribute to higher education nationwide and empower students to triumph over systematic, institutional barriers to opportunity and progress.

As Oxy Upward Bound celebrates 55 years of success, I am confident it will continue to inspire and serve students for even more years to come.

Madam Speaker, I ask my colleagues to join me in honoring Upward Bound at Occidental College on their anniversary for their excellent work on behalf of students in Los Angeles.

**TIM HORNE**

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Tim Horne who is retiring after 27 years of public service.

Tim began his career with the General Services Administration in 1993 in the Rocky Mountain Region. He worked his way up and is retiring as the Regional Commissioner for the Rocky Mountain Region of GSA's Public Buildings Service based out of the Denver Federal Center, located in the heart of my district. The Denver Federal Center is an important asset with the highest concentration of federal agencies located outside of Washington, D.C. comprised of approximately 28 federal agencies and more than 6,000 federal employees.

Tim also served as the Acting GSA Administrator in 2017 leading GSA's staff of 12,000

nationwide, overseeing more than 375 million square feet of property, and approximately \$50 billion in annual contracts. These positions reflect his leadership abilities, passion for public service, and a true talent for bringing people together to get things done and improve local communities.

In his years of service, he has worked with me and my staff on a number of important issues and projects that impact federal agencies and federal employees in my district and the state. Tim always held the mission of GSA and the agencies and employees he served in high regard and worked to find innovative solutions on behalf of those he served.

I want to congratulate Tim Horne on a long and distinguished career, and I wish him all the best in his future endeavors.

RECOGNIZING MIKE PERSON OF GLENDDIVE

**HON. GREG GIANFORTE**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. GIANFORTE. Madam Speaker, I rise today, ahead of the Super Bowl, to honor Mike Person of Glendive for his resiliency and determination and for serving as an example of never giving up on your dreams.

Two weeks ago, Person helped the San Francisco 49ers beat the Green Bay Packers to earn a spot in Super Bowl LIV. As an offensive lineman, he helped the 49ers rack up 287 rushing yards and set a new franchise record for rushing yards from one running back in a game.

Person's story starts in Glendive where he was born and raised. In high school, he was a three-time all-conference selection in Montana's Eastern A division. He earned offensive lineman of the year honors twice while playing for the Red Devils. For his junior and senior seasons, he was all-state and selected for Montana's East-West Shrine Game as well as the Knights of Columbus Badlands Bowl.

Person then went to play for Montana State University where he became a first-team all-conference selection, first-team all-American, and a Big Sky Conference champion.

Person's story, however, is about more than statistics and honors. It's about Person's challenging journey to get to where he is today.

In 2011, Person was a seventh-round draft pick for San Francisco. Nothing is guaranteed in the National Football League, especially for a seventh-round pick.

For the first part of his career, Person was a journeyman, playing for six different teams. He was released midseason from three different teams which eventually made it to the Super Bowl. For some players, that much adversity would lead to an early retirement, but Person stood strong and kept moving forward until he eventually returned to the 49ers.

In May 2018, Person's hard work and dedication paid off, and he signed a contract to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

play with the 49ers. Then in March 2019, San Francisco gave him a three-year extension, and now he'll play in the Super Bowl on Sunday.

Madam Speaker, for his tenacity and resiliency, I recognize Mike Person of Glendive for his Spirit of Montana.

ROBERT ERPELDING

HON. PAUL MITCHELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. MITCHELL. Madam Speaker, I rise today to honor the life and legacy of Robert Franklin Erpelding, a loving father, husband, and grandfather of Michigan. Bob moved to Detroit as a child and enlisted in the Navy in 1951 during the Korean War. He served as a radarman on the USS *Watts*, a Navy destroyer. Following his service in the armed forces, he worked for over 30 years on computers at the Burroughs Corporation.

After his long and admirable career, he began his next phase of life as a vintner, model plane designer, and craft brew enthusiast.

Bob was an upstanding man who led by example and encouraged his friends and family to appreciate the little things in life. He will be missed dearly by his wife, Marguerite, his two children Laura Cox and Robert Erpelding, as well as his grandchildren and great-granddaughters.

IN RECOGNITION OF NATIONAL  
SCHOOL CHOICE WEEK

HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HILL of Arkansas. Madam Speaker, I rise today to recognize School Choice Week.

As a father of two, I am well-versed with the parental drive to give your child the best opportunities possible in life. Each student deserves a rich, challenging curriculum to prepare them for success, and I believe parents have the right to select the best school that will provide them with the best education.

Millions of American students are trapped in schools that do not meet their aptitudes and needs, and as a nation, we face a tragically high dropout rate. In Arkansas, one in every twenty high school students will drop out before graduation, and this statistic mirrors the national rate. School choice most benefits students from low-income families, whose parents cannot buy a new home in a zip code with a better-performing public school.

I support school vouchers and other innovative educational options, such as magnet and charter schools, because they give parents the flexibility to place their child in the school that best meets their educational needs. As lawmakers, we owe families the right to access a high-quality education, unrestricted by zip code or income.

IN RECOGNITION OF THE VICTIMS  
OF THE BAKU AND SUMGAI T PO-  
GROMS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. PALLONE. Madam Speaker, I rise today to commemorate the 32nd Anniversary of the Sumgait pogrom and the 30th Anniversary of the Baku pogrom.

On February 27, 1988, hundreds of Armenian civilians living in the city of Sumgait in Azerbaijan were indiscriminately killed, raped, maimed, and even burned alive for no reason other than their ethnicity. This senseless violence was instigated by hostile, anti-Armenian rhetoric from Azerbaijani citizens and officials.

Similarly, on January 12, 1990, a seven-day pogrom broke out against the Armenian population in Baku during which Armenians were beaten, murdered, and expelled from the city. Over 90 Armenian civilians were killed, over 700 were injured, and countless others were permanently displaced by the ethnic violence that ensued.

For over three decades, Azerbaijan has taken steps to cover up these crimes against humanity and dismiss the atrocities at Sumgait and Baku. Even more disturbing is that the perpetrators of this event and similar violent attacks have been lauded as national heroes by the Azeri government.

It is critical for the United States government to recognize and denounce violent assaults against any civilians. I continue to stand with the Armenian people in condemning this horrific massacre. Tragically, the Azerbaijani government's approach toward the Armenian people has changed little since the pogroms were initiated. We still hear the same violent rhetoric and witness intimidation tactics aimed at the people of the Republic of Artsakh.

If we do not condemn crimes against humanity and allow them to go unpunished and unrecognized, we only strengthen the resolve of those seeking to perpetrate these crimes in the future. It is especially critical to consider this as we prepare to commemorate the 105th Anniversary of the Armenian Genocide in April.

I will continue to work with my colleagues on the Congressional Armenian Issues Caucus to remember the victims of the pogroms at Sumgait and Baku and condemn all acts of violence against people who are targeted simply because of their existence. I hope my colleagues will join me in rejecting violent rhetoric and intimidation. In doing so, we renew our commitment to achieving a lasting peace and more humane way of living in the Caucasus.

HONORING BUDDY BAKER'S INDUCTION INTO THE 2020 NASCAR  
HALL OF FAME

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HUDSON. Madam Speaker, I rise today to honor the legacy of racing legend Buddy Baker upon his induction into the eleventh class of the NASCAR Hall of Fame.

A native of Charlotte, Buddy Baker was a towering figure in the world of NASCAR and in 1980, won the Daytona 500 with an average race speed of 177.602 MPH—a track record that stands today. During his 33-year career, he accumulated 19 premier series wins, back-to-back Coca-Cola 600 titles, and a Southern 500 victory where he lapped the rest of the field.

Buddy Baker retired in 1992 and transitioned to television and radio, where he was a successful commentator for The Nashville Network and CBS and radio co-host on Late Shift and Tradin' Paint for SiriusXM NASCAR Radio. He passed away in 2015 and left behind a legacy of racing excellence and remains one of the sport's fastest drivers.

This year's class was selected by a comprehensive voting panel that included track owners, competitors, members of the media, industry leaders, a nationwide fan vote, and the reigning Monster Energy NASCAR Cup Series champion. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Buddy Baker is especially deserving of this honor and will now be enshrined forever for his remarkable contributions to racing.

Madam Speaker, please join me today in honoring the legacy of Buddy Baker on his induction into the NASCAR Hall of Fame.

CONGRATULATING MAX FISHER  
FOR BEING NAMED  
MOORESTOWN, NEW JERSEY'S  
CITIZEN OF THE YEAR

HON. ANDY KIM

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. KIM. Madam Speaker, I rise today to congratulate one of my constituents, Max Fisher of Moorestown, New Jersey, for being named as his town's 2020 Citizen of the Year.

Each year, the Citizen of the Year Award is presented by the Moorestown Service Council to a resident who through service activities has significantly contributed to improving the quality of life of the community and their fellow citizens. This year's recipient has not just been contributing to his community in the last year, but has been an institution of service and volunteerism in Moorestown for decades.

Max Fisher moved onto Main Street in Moorestown when he was just four years old, and he and his wife Beth have lived and raised their children here since. Max has been an active member of the First United Methodist Church of Moorestown, organizing and participating in over 25 church mission trips in New Jersey and around the nation, helping to rebuild in communities devastated by Hurricanes Charlie, Katrina and Sandy. He been a mainstay on the Moorestown Ecumenical Neighborhood Development Committee (MEND) for 20+ years, and has been Chairman for the past 12 years. He was an original member of the YMCA's Men's Service Club, and has been a member of the Moorestown Volunteer Fire Department since 1971.

Max has also run the Taylor Rental Center in Moorestown for the last 30 years. His generosity has been legendary around Moorestown: Max was always quick to lend a hand and say "yes" when a service organization needed to borrow some of his equipment

for a project. To all that know him, Max is quiet and unassuming; but behind the scenes he has been a powerful force for good in Moorestown and the surrounding community for years.

It is a privilege to be able to congratulate Max Fisher as the Moorestown Service Council's 2020 Citizen of the Year. I thank Max for all the work he has done to improve the lives of those in need, and appreciate his relentless dedication to the people of Burlington County.

#### PERSONAL EXPLANATION

### HON. ELAINE G. LURIA

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mrs. LURIA. Madam Speaker, on January 30, 2020, I was absent from the House chamber due to my presence at my mother-in-law's funeral. Had I been present and voting, I would have opposed both amendments to H.R. 550.

As a 20-year Navy veteran who served in the Middle East and is currently serving a district in Hampton Roads, where one in five residents is active duty, a veteran, or an immediate family member, I took this decision very seriously and personally. From our district, the Harry S. Truman Canier Shike Group, the Bataan Amphibious Readiness group, and approximately ten thousand sailors and marines are deployed to the Middle East defending our national security interests.

The use of military force must be a last resort after all other options are exhausted. However, a strong presence in the Middle East is necessary to send the message that America is committed to ending Iran's malicious activities and to prevent Iran from acquiring nuclear capabilities.

Under the Constitution, only Congress has the authority and power to declare war. Unfortunately, the pieces of legislation that we are debating do not address the underlying problem: that we are operating under a nearly two decade-old Authorization for the Use of Military Force (AUMF).

Issues of life and death or war and peace should not be made on party lines using a procedural rule to silence the other side. We owe it to our troops to define their mission and take on the hard task of uniting as a governing body to replace the outdated AUMFs.

Today, I would like to submit my opposition into the CONGRESSIONAL RECORD because if we must send more Americans to war, Congress has the responsibility to debate a new AUMF that will shape war and peace for decades to come.

#### RECOGNITION OF EDWARD WANG, 2019 CONGRESSIONAL APP WINNER

### HON. ANDY BIGGS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. BIGGS. Madam Speaker, I rise today to honor Edward Wang, winner of the Congressional App Challenge for Arizona's Fifth District. This competition is offered to middle and high school students nationwide in search for

an original app that is programmed to provide a service beneficial to society.

Mr. Wang's app, ProAssign, embraces the App Challenge's mission: Inspire, Include, Innovate. ProAssign inspires students to improve their math and problem-solving skills by using a modern resource. Mr. Wang's submission includes each student's understanding of mathematics by assigning additional practice problems to strengthen their skills. His app enables teachers to innovate their teaching methods by modernizing the learning environment to better relate to today's students.

I have no doubt that Mr. Wang will continue to inspire our nation's youth to imagine bold solutions to the educational challenges of the twenty-first century. I am honored to have such talent and leadership in my district.

#### HONORING 2020 NASCAR HALL OF FAME INDUCTEE JOE GIBBS

### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HUDSON. Madam Speaker, I rise today to honor and congratulate my friend and racing legend Joe Gibbs upon his induction into the eleventh class of the NASCAR Hall of Fame.

A titan of NASCAR, Joe Gibbs ranks third all-time with over 160 premier series owner wins. After starting Joe Gibbs Racing in 1992, he saw his organization accumulate three Daytona 500 victories, five Brickyard 400 championships, five Xfinity Series titles, and four premier series championships with drivers Bobby Lobonte, Tony Stewart, and Kyle Busch.

Referred to by colleagues as "Coach," Joe Gibbs is a three-time Super Bowl champion football coach who was enshrined into the Pro Football Hall of Fame in 1996. Since then, he has become the heart and soul of racing and I am proud that he has taken his place among the greats in the NASCAR Hall of Fame.

This year's class was selected by a comprehensive voting panel that included track owners, competitors, members of the media, industry leaders, a nationwide fan vote, and the reigning Monster Energy NASCAR Cup Series champion. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Joe Gibbs is especially deserving of this honor and will now be enshrined forever for his remarkable contributions to racing.

Madam Speaker, please join me today in congratulating Joe Gibbs on his induction into the NASCAR Hall of Fame.

#### PERSONAL EXPLANATION

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HASTINGS. Madam Speaker, had I been present for the vote on H.R. 3621—the Student Borrower Credit Improvement Act (Roll Call No. 32), I would have voted in favor of the measure.

#### HONORING LAURA SMITH ON THE OCCASION OF HER RETIREMENT

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Ms. DeLAURO. Madam Speaker, it gives me great pleasure to rise today to join the many family, friends, and colleagues who have gathered to celebrate with our dear friend, Laura Smith, who is retiring from Yale University after thirty-nine years of dedicated service. In a career that has spanned four decades, Laura has become a fixture at the University, earning a respected reputation for her dedication as well as her commitment to her colleagues.

Laura's career at Yale began in the Bursar's Office where she served as a Collection Correspondent in the Student Loan Collection Department. In the decade that she spent there, she built lasting memories—many of which include calls made using a rotary phone as well as tracking collections with microfiche and pinned spreadsheets. Those of us who can remember using those technology trends can appreciate the humor with which she recalls those years. Laura's second decade with Yale began as an Editorial Assistant in the Alumni Records Department where she was tasked with maintaining the class reunion directories. Shortly after beginning this new role, the Department was merged with the Office of Development which has been Laura's professional home ever since. Over the course of her tenure in the Office of Development, Laura has held a myriad of positions and taken on a variety of responsibilities—all in support of alumni activities and communications.

In addition to her years of service within Development, Laura has been involved with the Local 34 union as an active member and leader throughout her career. In 1994, Laura was elected President of Local 34, a position in which she served for sixteen years. It was in her role with Local 34 that I had the opportunity to work closely with Laura. Her leadership, vision, compassion, and commitment not only inspired her members, but in all of us who support the labor movement. She proudly stood shoulder to shoulder with her hard-working colleagues, fighting to ensure that they were receiving a living wage, working in a safe environment, and were secure in their health and retirement. Laura was and is a passionate advocate for workers' rights and has long been a pillar of support for her union colleagues. Her tireless advocacy and unwavering support for her union brothers and sisters will most certainly be missed, though I have no doubt that she will continue to find ways to contribute to the cause.

Today, as Laura marks the end of her professional career, I hope that she knows how many lives she has touched and what a difference she has made. I am proud to stand today to extend my heartfelt congratulations to Laura Smith as she celebrates her retirement. I wish her all the best for many more years of health and happiness.

## PERSONAL EXPLANATION

**HON. ANTHONY GONZALEZ**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mr. GONZALEZ of Ohio. Madam Speaker, I was in the Chamber but was unable to execute my vote. Had I been present, I would have voted YEA on Roll Call No. 32.

## HONORING 2020 NASCAR HALL OF FAME INDUCTEE BOBBY LABONTE

**HON. RICHARD HUDSON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mr. HUDSON. Madam Speaker, I rise today to honor and congratulate racing legend Bobby Labonte upon his induction into the eleventh class of the NASCAR Hall of Fame.

Bobby Labonte perfectly embodies the NASCAR spirit. Before becoming a premier series driver in 1993, he was known to race any car he could find. His persistence paid off when he became the first of four drivers to win both the Xfinity Series and a premier series championship.

During his exceptional career, Bobby Labonte accumulated 21 premier series wins, four Brickyard 400 championships, and a Southern 500 victory. Along with his brother, Terry Labonte, Bobby represents a pair of just two racing brothers who each claim a premier series championship.

This year's class was selected by a comprehensive voting panel that included track owners, competitors, members of the media, industry leaders, a nationwide fan vote, and the reigning Monster Energy NASCAR Cup Series champion. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Bobby Labonte is especially deserving of this honor and will now be enshrined forever for his remarkable contributions to racing.

Madam Speaker, please join me today in congratulating Bobby Labonte on his induction into the NASCAR Hall of Fame.

## RECOGNIZING THE OUTSTANDING SERVICE OF STEPHANIE WINSTEAD

**HON. HARLEY ROUDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mr. ROUDA. Madam Speaker, I rise today to recognize Stephanie Winstead for her extraordinary service as the Chair of the Board for the Laguna Niguel Chamber of Commerce.

A graduate of Chapman University College of Law, Ms. Winstead has diligently worked to represent her clients' interests while continuing to give back to the Laguna Niguel community. Further, her leadership skills have enabled her to create and implement new programs that have improved the quality of life of our friends and neighbors.

Under Ms. Winstead's leadership, she empowered local business leaders to enhance

their impact on the community. She also played a key role in expediting the Holiday Shop Laguna Niguel Program to keep sales tax dollars in the city as well as encouraged Board members and staff to seek professional development through programs offered by the California Chamber of Commerce.

I ask all Members to join me in recognizing the outstanding work of Stephanie Winstead.

## PERSONAL EXPLANATION

**HON. BRYAN STEIL**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mr. STEIL. Madam Speaker, I was traveling on official business with the Vice President to my home state. Had I been present, I would have voted NAY on Roll Call No. 25, Previous Question; NAY on Roll Call No. 26, H. Res. 811 (Rule); and YEA on Roll Call No. 27 H.R. 4331.

## TEMPORARY REAUTHORIZATION AND STUDY OF THE EMERGENCY SCHEDULING OF FENTANYL ANALOGUES ACT

SPEECH OF

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 29, 2020*

Ms. JOHNSON of Texas. Mr. Speaker, I rise in support of S. 3201—the Temporary Reauthorization and Study of the Emergency Scheduling of Fentanyl Analogues Act, although I have reservations about the impact of the bill on African American men.

I am concerned that provisions in this bill will have an unintended impact on African Americans being disproportionately charged and sentenced to prison. In 2018, 77 percent of individuals prosecuted for fentanyl related substances were people of color. This is not acceptable. The average sentence for fentanyl trafficking offenders was 74 months; 97.4 percent were sentenced to prison.

In 2018, the DEA issued a temporary order which placed 17 fentanyl related substances on Schedule I of the list of controlled substances. The order expires on Thursday, February 6, 2020, and could not be extended without congressional action, which extends the order until May 6, 2021.

While I understand the need to combat fentanyl abuse, we cannot allow our solutions to disproportionately hurt our community. Since this is a temporary reauthorization, I will continue to work to ensure that the issue of mandatory minimums, as it relates to fentanyl, does not disproportionately affect African American. This temporary extension will give us time to work on long term solutions that do not have the potential to negatively impact our communities of color.

## HONORING 2020 NASCAR HALL OF FAME INDUCTEE TONY STEWART

**HON. RICHARD HUDSON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mr. HUDSON. Madam Speaker, I rise today to honor and congratulate my friend and racing legend Tony Stewart upon his induction into the eleventh class of the NASCAR Hall of Fame.

Known for his grit and blue-collar style of competition, Tony Stewart captivated America with three victories in his debut season. With a nickname like "Smoke," he understandably ran away with the 1999 Winston Cup Rookie of the Year award.

Throughout his 17-year career, Tony Stewart won three premier series championships and was one of the most versatile drivers in NASCAR. He accumulated 49 premier series wins, two Brickyard 400 championships in his home state, and tallied victories on every style of track. After forming Stewart-Haas Racing in 2009, he saw his organization post 51 wins and mount one of the most memorable championship pursuits in history.

This year's class was selected by a comprehensive voting panel that included track owners, competitors, members of the media, industry leaders, a nationwide fan vote, and the reigning Monster Energy NASCAR Cup Series champion. In total, a group of five was chosen to join the ranks of other NASCAR legends in the Hall of Fame. Tony Stewart is especially deserving of this honor and will now be enshrined forever for his remarkable contributions to racing.

Madam Speaker, please join me today in congratulating Tony Stewart on his induction into the NASCAR Hall of Fame.

## PERSONAL EXPLANATION

**HON. ELAINE G. LURIA**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Mrs. LURIA. Madam Speaker, I was unable to attend votes on January 29, 2020 due to the death of a family member. Had I been present, on roll no. 28, On Agreeing to the Clay Amendment, I would have voted "aye;" on roll no. 29, On Agreeing to the Brown Amendment, I would have voted "aye;" on roll no. 30, On Motion to Recommit with Instructions, I would have voted "aye;" on roll no. 31, On Passage of H.R. 3621, I would have voted "aye;" and on roll no. 32, On Motion to Suspend the Rules and Pass S. 3201, I would have voted "aye."

## REPORT ON WORKPLACE RIGHTS AND RESPONSIBILITIES TRAINING

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 30, 2020*

Ms. LOFGREN. Madam Speaker, under House Resolution 30 and Committee on House Administration Resolution 116-10, all

Members, Officers and employees of the House are required to complete a program of training in workplace rights and responsibilities applicable to offices and employees of the House. The Chief Administrative Officer has informed the Committee that all current Members, Officers and employees of the House have completed the required training for 2019.

#### PERSONAL EXPLANATION

#### HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. LEWIS. Madam Speaker, earlier this month, I was unable to cast roll call votes from January 10th–16th and on January 27th and 29th. Had I been present, I would have cast the following votes: on roll call 9, I would have voted No; on roll call 10, I would have voted No; on roll call 11, I would have voted Aye; on roll call 12, I would have voted No; on roll call 13, I would have voted Aye; on roll call 14, I would have voted Aye; on roll call 15, I would have voted Aye; on roll call 16, I would have voted Aye; on roll call 17, I would have voted Aye; on roll call 18, I would have voted Aye; on roll call 19, I would have voted Nay; on roll call 20, I would have voted Nay; on roll call 21, I would have voted Aye; on roll call 22, I would have voted Aye; on roll call 23, I would have voted Aye; on roll call 24, I would have voted Aye; on roll call 28, I would have voted Aye; on roll call 29, I would have voted Aye; on roll call 30, I would have voted Nay; on roll call 31, I would have voted Aye; on roll call 32, I would have voted Nay.

#### HONORING 2020 NASCAR HALL OF FAME INDUCTEE WADDELL WILSON

#### HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HUDSON. Madam Speaker, I rise today to honor and congratulate racing legend Waddell Wilson upon his induction into the eleventh class of the NASCAR Hall of Fame.

As an engine builder and crew chief, Waddell Wilson helped power some of racing's greatest drivers, including fellow NASCAR Hall of Famers David Pearson, Glenn Roberts, Bobby Allison, Cale Yarborough, and Darrell Waltrip. Combined, his engines boast a total of 109 wins and 123 poles.

Waddell Wilson's engine is responsible for a Southern 500 victory and as crew chief, he guided three drivers to Daytona 500 titles. He won "The Great American Race" with Buddy Baker and Cale Yarborough and in 1980, was responsible for assembling the engine that snapped the track's record with an average race speed of 177.602 MPH.

This year's class was selected by a comprehensive voting panel that included track owners, competitors, members of the media, industry leaders, a nationwide fan vote, and the reigning Monster Energy NASCAR Cup Series champion. In total, a group of five was chosen to join the ranks of other NASCAR

legends in the Hall of Fame. Waddell Wilson is especially deserving of this honor and will now be enshrined forever for his remarkable contributions to racing.

Madam Speaker, please join me today in congratulating Waddell Wilson on his induction into the NASCAR Hall of Fame.

#### TRIBUTE TO BRIAN WHEELER FROM THE TRANSPORTATION SECURITY ADMINISTRATION

#### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Ms. ROYBAL-ALLARD. Madam Speaker, the Transportation Security Administration (TSA) will soon bid farewell to its Senior Advisor for Congressional Appropriations, Mr. Brian Wheeler. Mr. Wheeler has been the TSA's liaison to the House Homeland Security Appropriations Subcommittee for the past 17 years, and will be retiring from the federal government after nearly 30 years of dedicated service. He will be greatly missed by his TSA colleagues, as well as by the members and professional staff of the Homeland Security Appropriations Subcommittee.

As chairwoman of this subcommittee, and as a member of the subcommittee since its creation, I am grateful to Mr. Wheeler for his diligent and reliable work to relay key financial and security matters to our subcommittee. He has accurately addressed our requests, and consistently met tight timelines. The information he has provided to us has been invaluable in our subcommittee's efforts to mitigate future threats to our nation's transportation systems, including our work to fund such TSA needs as more advanced detection equipment and crucial increases in personnel at airport checkpoints across the nation.

Our Homeland Security Appropriations Subcommittee has greatly benefited from Mr. Wheeler's commitment, dependability, and experience. He has provided invaluable insights into the operations of a complex transportation security system managed by a large domestic agency sourced with both appropriated funds and mandatory fee revenue. He also has a keen awareness of the kinds of information appropriators need as we make informed judgments and decisions about the TSA.

Mr. Wheeler's superb analytical skills, including his graphic and chartmaking talents, have been essential to our subcommittee's review of the TSA's annual budget requests, which now exceed \$8 billion worth of budget authority. He translates several hundred pages of budget submissions into concise summaries. He has built detailed spreadsheets that have synthesized funding issues into easily understood programmatic rationales, which has put the subcommittee in a position to optimize our use of taxpayer dollars by ensuring that only critical requirements are funded.

Mr. Wheeler has given outstanding service to our subcommittee, the House, the TSA, and the nation. His professionalism, perception, superb analytic focus, and technical skills have been invaluable to us. On behalf of all of us at the Homeland Security Appropriations Subcommittee, I wish him all the best as he moves into retirement and the next phase of his life's journey.

#### THE RETIREMENT OF U.S. BORDER PATROL CHIEF CARLA PROVOST

#### HON. ANDY BIGGS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. BIGGS. Madam Speaker, I rise today in honor of U.S. Border Patrol Chief Carla Provost. After serving our nation for 25 years, she is retiring this Friday.

A native of rural Kansas, Chief Provost first joined the U.S. Border Patrol on January 8, 1995, and was assigned to Douglas, Arizona. Despite the significant culture shock, Chief Provost remained in southeast Arizona another ten years. In 2006, she was transferred to Yuma, where she served for an additional five years. As an Arizona resident, I am grateful for the 15 years she spent keeping our border secure and our communities safe.

Chief Provost went on to hold several leadership roles throughout her career, serving the El Paso and El Centro Sectors, the Office of Professional Responsibility, and was appointed Chief of U.S. Border Patrol in April 2017.

Every American should be grateful for the men and women who serve in the U.S. Border Patrol. Safeguarding our nation's border can be dangerous and grueling work. But I hear time and again from border-region residents that their work is vital. Chief Provost describes her background as "pride-in-country and service-to-country." She is a great example of and for the men and women of the U.S. Border Patrol.

I thank Chief Provost for her many years of service and leadership of the agency, and I wish her well in her retirement.

#### HONORING WELDON DAVIS

#### HON. J. FRENCH HILL

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 30, 2020

Mr. HILL of Arkansas. Madam Speaker, I rise today to honor the life of Arkansan Weldon Davis, who passed away on December 17, 2019.

Weldon, a native of Mount Vernon, Arkansas, graduated from Mount Vernon high school in 1944, and attended college at Arkansas State Teachers College in Conway.

He later attended the University of Arkansas Law School, taking classes at night after a full day's work, from which he received his law degree in 1964.

He began his career at Arkansas Farm Bureau Insurance Company in 1954, where he helped guide it to its success today.

The Arkansas Farm Bureau even presents an outstanding adjuster award presented in his honor at the Farm Bureau's claims conference.

During his career with the Farm Bureau he continued to maintain his 640-acre cattle farm in Mount Vernon.

According to his family, he will be remembered as a man of character, honesty, directness, integrity, and fairness.

Weldon's life is a testament to the hard work embraced by Central Arkansans.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S693–S751*

#### Measures Passed:

**Joint Session of Congress:** Senate agreed to H. Con. Res. 86, providing for a joint session of Congress to receive a message from the President.

Page S751

#### Measures Considered:

**Impeachment of President Trump:** Senate, sitting as a Court of Impeachment, continued consideration of the articles of impeachment against Donald John Trump, President of the United States.

Pages S693–S739

Senate will continue consideration of the articles of impeachment against President Trump, on Friday, January 31, 2020.

Page S739

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, designation of funding as emergency requirements in accordance with the United States-Mexico-Canada Agreement Implementation Act; which was referred to the Committee on the Budget. (PM–42)

Page S739

Messages from the House:

Pages S739–40

Measures Referred:

Page S740

**Adjournment:** Senate convened at 1:05 p.m. and adjourned at 10:43 p.m., until 1 p.m. on Friday, January 31, 2020. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S739.)

### Committee Meetings

(Committees not listed did not meet)

#### DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

**Committee on Armed Services:** Committee concluded a hearing to examine United States Africa Command and United States Southern Command in review of the Defense Authorization Request for fiscal year 2021 and the Future Years Defense Program, after receiving testimony from General Stephen J. Townsend, USA, Commander, United States Africa Command, and Admiral Craig S. Faller, USN, Commander, United States Southern Command, both of the Department of Defense.

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## House of Representatives

### Chamber Action

**Public Bills and Resolutions Introduced:** 26 public bills, H.R. 5715–5740 and 9 resolutions, H.J. Res. 84; and H. Res. 818–825, were introduced.

Pages H745–47

#### Additional Cosponsors:

Page H748

**Reports Filed:** There were no reports filed today.

**Merchant Mariners of World War II Congressional Gold Medal Act:** H.R. 550, to award a Congressional Gold Medal, collectively, to the United

States Merchant Mariners of World War II, in recognition of their dedicated and vital service during World War II, with the amendments to the Senate amendment specified in section 4 of H. Res. 811, was taken from the Speaker's Table.

Pages H717–39

Representative Engel moved that the House concur in the Senate amendment to H.R. 550 with the amendments specified in section 4 of H. Res. 811.

Page H717

Pursuant to the Rule, the question was divided among the two House amendments, and the portion of the divided question comprising the amendment

specified in section 4(a) of H. Res. 811 was considered first and was agreed to by a ye-a-and-nay vote of 228 yeas to 175 nays, Roll No. 33. The portion of the divided question comprising the amendment specified in section 4(b) of H. Res. 811 was considered next and was agreed to by a ye-a-and-nay vote of 236 yeas to 166 nays, Roll No. 34.

**Pages H717–37, H737–39**

H. Res. 811, the rule providing for consideration of the bill (H.R. 3621) and providing for consideration of the Senate amendment to the bill (H.R. 550) was agreed to Tuesday, January 28th.

**Meeting Hour:** Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 1:30 p.m. on Monday, February 3rd and further, when the House adjourns on that day, it adjourn to meet at 12 noon on Tuesday, February 4th for Morning Hour debate.

**Page H739**

**Quorum Calls—Votes:** Two ye-a-and-nay votes developed during the proceedings of today and appear on pages H737–38 and H738–39. There were no quorum calls.

**Adjournment:** The House met at 9 a.m. and adjourned at 1:55 p.m.

**Program for Monday:** House will meet in Pro Forma session at 1:30 p.m.

## *Committee Meetings*

### **IS CASH STILL KING? REVIEWING THE RISE OF MOBILE PAYMENTS**

*Committee on Financial Services:* Task Force on Financial Technology held a hearing entitled “Is Cash Still King? Reviewing the Rise of Mobile Payments”. Testimony was heard from public witnesses.

## *Joint Meetings*

No joint committee meetings were held.

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### **COMMITTEE MEETINGS FOR FRIDAY, JANUARY 31, 2020**

*(Committee meetings are open unless otherwise indicated)*

#### **Senate**

No meetings/hearings scheduled.

#### **House**

No hearings are scheduled.

*Next Meeting of the SENATE*

1 p.m., Friday, January 31

*Next Meeting of the HOUSE OF REPRESENTATIVES*

1:30 p.m., Monday, February 3

## Senate Chamber

**Program for Friday:** Senate will continue to sit as a Court of Impeachment to consider the articles of impeachment against President Trump.

## House Chamber

**Program for Monday:** House will meet in Pro Forma session at 1:30 p.m.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Biggs, Andy, Ariz., E113, E115  
DeLauro, Rosa L., Conn., E113  
Gianforte, Greg, Mont., E111  
Gomez, Jimmy, Calif., E111  
Gonzalez, Anthony, Ohio, E114  
Hastings, Alcee L., Fla., E113

Hill, J. French, Ark., E112, E115  
Hudson, Richard, N.C., E112, E113, E114, E114, E115  
Johnson, Eddie Bernice, Tex., E114  
Kim, Andy, N.J., E112  
Lewis, John, Ga., E115  
Loftgren, Zoe, Calif., E114  
Lowenthal, Alan S., Calif., E111  
Luria, Elaine G., Va., E113, E114

Mitchell, Paul, Mich., E112  
Pallone, Frank, Jr., N.J., E112  
Perlmutter, Ed, Colo., E111  
Rouda, Harley, Calif. E114  
Roybal-Allard, Lucille, Calif., E115  
Steil, Bryan, Wisc., E114



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