

that a political fever permeated this process from the beginning, dating back not just to the start of the House of Representatives' impeachment efforts, but all the way back to November 2016. As a result, the House improperly impeached. Now, the Senate should exercise restraint. Here is why.

First and foremost, a fair legal process is fundamental to our democracy. The House managers have repeatedly emphasized that no Americans are above the law. I could not agree more: No private citizen, President, or assembled majority of Congress can violate the rights guaranteed to other Americans under the Constitution. Accordingly, the President is entitled to basic due process rights, and the House failed to afford him these rights. Due process includes the right to legal counsel, the right to review evidence, and the ability to confront your accusers—rights denied by the House majority. House Managers breathlessly insist that “overwhelming” evidence already in the record proves “beyond any doubt” the President’s continued service constitutes an imminent threat to the American people. The House’s flawed and rushed process led to unfair proceedings and resulted in superficial, unspecific charges supported by a one-sided, improperly curated factual foundation.

Second, Separation of Powers is a cornerstone of our constitutional republic, and its preservation is essential to prevent abuse of power by one branch over another. A majority of the House should exercise extreme caution when it bases impeachment upon the President’s exercise of his foreign relations prerogatives, which are expressly granted to him by the Constitution. Additionally, in developing its Articles of Impeachment, the House majority chose to circumvent the judicial branch of government in order to clarify an issue of unsettled law pertaining to Executive Privilege. Instead, the House simply arrogated to itself a novel and dangerous new legal authority: absolute power to define Executive Privilege, even when the President is exercising his foreign relations powers granted by the Constitution.

As with prior impeachment inquiries, following a formal request by the House, the Federal courts could have compelled the executive branch to provide sensitive documents and witnesses. The House chose to ignore this longstanding precedent because it conflicted with its political timeline. Astonishingly, Speaker PELOSI rushed the mismanaged process forward only to delay it, again for political purposes, before finally sending the Articles of Impeachment to the Senate. Now the House, having failed to fully develop its evidentiary record, invites the Senate to act as an accomplice to its ramrod impeachment and create a dangerous new 51-vote Senate threshold to override executive branch claims of Executive Privilege.

To accept this invitation would be a violation of a long-established separation of powers.

Senators might be tempted by a burning curiosity or crass political calculation to further develop the House’s vague and tainted articles, but the constitutional separation of powers dictates that our legal charge must be more narrowly confined. To act otherwise would violate our oaths and dangerously incentivize calculating and intemperate House majorities to promiscuously impeach rival Presidents. We must set aside our personal preference because, under the Constitution, we are duty-bound by the “sole power to try” the infirm articles before us.

Lastly, Americans should stand against any Senate action which abets the creation of a constitutional crisis through the politicization of impeachment. The House majority’s misguided process created a precedent to weaponize impeachment, a new precedent that will lead to serial impeachments in a polarized America. If the House majority had its way and the Senate accepted its invitation to fix their broken articles, either political party would be tempted to impeach and potentially remove their political opponents from office by initiating slapdash impeachment investigations. This new precedent would reduce impeachment to a mere vote of no confidence, similar to that in the U.K. Parliament. During President Nixon’s impeachment, then Democratic Chairman Peter Rodino of the House Judiciary Committee urged that, for the American people to accept an impeachment, it must be powerfully bipartisan. This has been dubbed the Rodino rule, and I embrace the standard.

A decent respect for the law and the opinions of fellow citizens and a concern for future precedent requires that I pointedly emphasize what I am not arguing, that a President can lawfully do “whatever he wants,” that inviting foreign election interference is appropriate, that absolute immunity attaches to Executive Privilege, or that a statutory offense must be committed to impeach.

In summation, I have ineluctably arrived at a conclusion after impartially applying the law to all facts presented: House managers delivered tainted articles and failed to present requisite evidence to support their exceedingly high burden of proof. Therefore, I am duty bound to join my colleagues who would have the Senate resume the ordinary business of the American people.

The Founding Fathers, who warned of the political nature of impeachment, also provided us a means to address dissatisfaction with our Presidents: frequent elections. This week, Americans began the Presidential election process. For the sake of our Constitution and our Nation, the Court of the American People should render its verdict through an election to address its support of or opposition to the current administration.

ADDITIONAL STATEMENTS

TRIBUTE TO JASON OLSON

● Mr. CRAMER. Mr. President, after 32 years of serving his community in the Minot Police Department, including 8 of those years leading it, Chief of Police Jason Olson began a well-deserved retirement on January 31.

He became a police officer in 1988 at the age of 21, as he was completing his criminal justice degree at Minot State University. Starting as a patrol officer, he went on to spend 18 years on the SWAT team.

Officer Olson became chief of police at a time of significant change for the city of Minot and western North Dakota. The challenges this growth and development brought to the fourth largest city in North Dakota demanded a leader who would advocate for his staff and be open to change. The city had the right person in Chief Olson.

Serving on the frontlines during some of the greatest challenges to the city of Minot, Chief Olson was there for the tragic train derailment that spread anhydrous ammonia across the city in 2002 and for the historic flooding of the Souris River in 2011. Through the best and very worst of times, Chief Olson exhibited his trademark calm and collected demeanor.

Chief Olson credits his success to the experience he gained as a young officer from the veteran officers who had served for decades. Likewise, many of the 80-plus employees today praise him for the lessons he taught them as the head of the department. This includes the new Police Chief John Klug, a 25-year officer who took over on February 1, after being chosen in a national search. He speaks highly of Chief Olson and the example he set as a mentor and leader.

We cannot thank our law enforcement officers enough for their sacrifices keeping our communities safe and for the bravery they exhibit every day on the job. I join the residents of Minot and all North Dakotans thanking Chief Olson for his many years of dedicated professional service. I wish him a well-deserved and rewarding retirement.●

RECOGNIZING THE MISSOURI UNIVERSITY OF SCIENCE AND TECHNOLOGY

● Mr. HAWLEY. Mr. President, it is my privilege to honor the sesquicentennial of Missouri University of Science and Technology, as Missourians know it, S&T.

Founded in 1870, Missouri S&T was the first technological institution west of the Mississippi. Originally named the Missouri School of Mines and Metallurgy, the school was primarily focused on educating and training those who would mine the mineral rich area on the eastern side of the State.

By the 1920s, S&T had expanded into chemical, electrical, and civil engineering, as well as physics, chemistry,

mathematics, and geometry. After World War II, as the United States was becoming the global leader in technological innovation, S&T stepped up to do its part by adding graduate-level training and research. The school was home to Missouri's first operational nuclear reactor. Across the years, S&T has established itself as one of the premier technical institutions in the Nation, excelling at teaching and research.

For 150 years, Missouri S&T has been providing the sons and daughters of Missouri a close-to-home option for world-class technical education. Congratulations on 150 years and here is to the next 150.●

RECOGNIZING MOSS GREENHOUSES

● Mr. RISCHE. Mr. President, as a member and former chairman of the Senate Committee on Small Business and Entrepreneurship, each month I recognize and celebrate the American entrepreneurial spirit by highlighting the success of a small business in my home State of Idaho. Today, I am pleased to honor Moss Greenhouses located in Jerome as the Idaho Small Business of the Month for February 2020.

Moss Greenhouses is the largest wholesale plant producer and distributor in Idaho. Founded in 1952 by Ed and Ruth Adams, their hobby of growing orchids in their small greenhouse quickly became a budding business as they provided flowers, orchids, and flowering crops to their local grocery stores and flower shops. The family-run business quickly developed a reputation for its outstanding service and quality products.

Today, Moss Greenhouses is owned and operated by the family's third generation, Kevin and his wife Dana. Their 300,000 square feet of covered greenhouse and three acres of growing space allow them to serve customers from throughout the Mountain West. Their success and growth has created dozens of jobs for the Jerome community. As the company continues to serve the Jerome area, they hope to eventually welcome the family's fourth generation into the business.

Congratulations to Kevin, Dana, and all of the employees at Moss Greenhouses for being selected as the Idaho Small Business of the Month for February 2020. You make our great State proud, and I look forward to your continued growth and success.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:47 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Ms. MATSUI) has signed the following enrolled bills:

S. 153. An act to promote veteran involvement in STEM education, computer science,

and scientific research, and for other purposes.

S. 3201. An act to extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. GRASSLEY).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, February 3, 2020, she had presented to the President of the United States the following enrolled bills:

S. 153. An act to promote veteran involvement in STEM education, computer science, and scientific research, and for other purposes.

S. 3201. An act to extend the temporary scheduling order for fentanyl-related substances, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3837. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Approval of Laboratories to Conduct Official Testing; Consolidation of Regulations" ((RIN0579-AE46) (Docket No. APHIS-2016-0054)) received in the Office of the President of the Senate on January 28, 2020; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3838. A communication from the Senior Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Statement of Policy Regarding Prohibition on Abusive Acts or Practices" (12 CFR Chapter 10) received during adjournment of the Senate in the Office of the President of the Senate on January 24, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-3839. A communication from the Senior Legal Advisor for Regulatory Affairs, Office of Investment Security, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Provisions Pertaining to Certain Investments in the United States by Foreign Persons" ((RIN1505-AC64) (31 CFR Parts 800 and 801)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-3840. A communication from the Senior Legal Advisor for Regulatory Affairs, Office of Investment Security, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Provisions Pertaining to Certain Transactions by Foreign Persons Involving Real Estate in the United States" ((RIN1505-AC63) (31 CFR Part 802)) received during adjournment of the Senate in the Office of the President of the Senate on January 29, 2020; to the Committee on Banking, Housing, and Urban Affairs.

EC-3841. A communication from the Assistant General Counsel for Legislation, Office of Cybersecurity, Energy Security and Emergency Response, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Administrative Updates to Personnel References" ((RIN1901-AB50) (10

CFR Parts 70, 71, and 72)) received during adjournment of the Senate in the Office of the President of the Senate on January 23, 2020; to the Committee on Energy and Natural Resources.

EC-3842. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Alabama and South Carolina; Infrastructure Requirements for the 2015 Ozone National Ambient Air Quality Standard" (FRL No. 10004-68-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3843. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Kentucky; Cross-State Air Pollution Rule" (FRL No. 10004-69-Region 4) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3844. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Massachusetts; Transport State Implementation Plan for the 2015 Ozone Standard" (FRL No. 10004-34-Region 1) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Missouri; Restriction of Emissions from Batch-type Charcoal Kilns" (FRL No. 10004-63-Region 7) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the States of Arizona and Nevada" (FRL No. 10004-33-Region 9) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 10004-54-Region 6) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3848. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutant Emissions: Petroleum Refinery Sector" (FRL No. 10004-54-OAR) received during adjournment of the Senate in the Office of the President of the Senate on January 27, 2020; to the Committee on Environment and Public Works.

EC-3849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Petition Provisions