

personal instructions. A proxy shall be valid only for the day given.

(B) There shall be a complete record kept of all Committee actions. Such record shall contain the vote cast by each Member of the Committee on any question on which a roll call vote is requested.

#### IV. HEARINGS AND HEARING PROCEDURES

(A) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(B) At least one week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(C) (1) Each witness who is scheduled to testify at a hearing of the Committee shall submit 40 copies of such witness' testimony to the Committee not later than 48 hours (not counting Saturdays, Sundays, and federal holidays) before the witness' scheduled appearance at the hearing.

(2) Any witness who fails to meet the deadline specified in paragraph (1) shall not be permitted to present testimony but may be seated to take questions from Committee members, unless the Chairman and Ranking Minority Member determine there is good cause for the witness' failure to meet the deadline or it is in the Committee's interest to permit such witness to testify.

(D) The presiding Member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(E) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (not counting Saturdays, Sundays, and federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other Member of the Committee designated by the Chairman.

(F) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding Member deems such to be advisable.

#### V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming, or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee Members or staff or with the orderly conduct of the meeting or hearing. The presiding Member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take

such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

#### VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

#### VII. PRESIDENTIAL NOMINATIONS

(A) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee, which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts:

1) Information concerning employment, education, and background of the nominee, which generally relates to the position to which the individual is nominated and which is to be made public; and

2) Information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated.

(B) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

(C) Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not occur until at least five days (not counting Saturdays, Sundays, and federal holidays) after the nominee submits with respect to the currently pending nomination the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

#### VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that a Department of Veterans Affairs facility may be named only after a deceased individual and only under the following circumstances:

(A) Such individual was:

(1) A veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) A Member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) An Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) An individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans.

(B) Each Member of the Congressional delegation representing the State in which the designated facility is located must indicate in writing such Member's support of the proposal to name such facility after such individual. It is the policy of the Committee that sponsoring or cosponsoring legislation to name such facility after such individual will not alone satisfy this requirement.

(C) The pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 must indicate in writing its support of such proposal. Under certain circumstances, the Committee

may grant a waiver to accept written support from pertinent chapters or posts of chartered veterans' organizations in lieu of the State department.

(D) The above criteria for naming a VA facility may be waived by unanimous consent.

#### IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

#### IMPEACHMENT

Mrs. FEINSTEIN. Madam President, the Constitution reserves impeachment for cases of "treason, bribery, or other high crimes and misdemeanors." Congress must never take this action lightly and only in the most extreme circumstances.

On January 13, the House of Representatives voted 232-197 to impeach Donald Trump on a count of inciting the insurrection that took place on January 6.

I have taken care over the past week to fulfill my charge as an impartial juror in this trial. I have listened carefully to the presentations made by both sides. And I believe the House impeachment managers proved the case that Donald Trump bears responsibility for inciting the violence and the insurrection on January 6.

I therefore cast my vote to convict him of the impeachment charge. The argument has been made that Donald Trump is no longer President, thus he cannot be removed from office, as he has already left. I understand the argument, but it fails on several counts.

First, failure to act would set the precedent that a President can get away with anything at the end of his term. Relying on criminal proceedings in place of impeachment is insufficient; Congress must have the power to impeach, regardless of when actions occur. Indeed, the House approved the Article of Impeachment when Donald Trump was still president.

Second, there is legitimate fear that, if allowed to run for office again, we could see an emboldened Trump wouldn't hesitate to repeat the actions of January 6. If convicted, a simple majority vote would bar him from running for office.

And third, a conviction would send a clear message to Trump's followers, particularly the ones who accept violence as a legitimate means of protest, that perpetrators of insurrection and those who enabled them will be held responsible for their action.

As impeachment manager DIANA DEGETTE said of the mob at the Capitol: "All of these people who have been arrested and charged, they're being accountable, held accountable for their actions. Their leader, the man who incited them, must be held accountable as well."

It is important to understand that Donald Trump's actions on January 6 weren't without precedent. The House impeachment managers made a compelling case that Donald Trump has a long history of urging and supporting violence among his supporters, knowing full well that they would take action.

This is a key matter for this impeachment trial: Did Donald Trump's words inspire violence? Were those carrying out the insurrection following his direction? The House managers gave several examples of Trump's past practice.

After Republican Congressman Greg Gianforte in 2018 pleaded guilty to assaulting a reporter who asked him a question, former President Trump praised him. "Any guy that can do a body slam—he's my guy."

After a 2017 rally of White supremacists and neo-Nazis turned violent in Charlottesville and killed a woman, former President Trump said there were "very fine people on both sides."

Last year, Trump sent a message for his followers to "liberate Michigan." Weeks later, messages threatening violence were directed against Governor Gretchen Whitmer. And later in the fall, a plot to kidnap Governor Whitmer emerged, led by Trump followers. President Trump made a call to action, and his followers responded.

And during the 2020 Presidential debates, when Donald Trump was asked if he would condemn White supremacists and other groups like the Proud Boys, a far-right group that endorses violence, he wouldn't answer, instead saying, "Proud Boys—stand back and stand by."

It is clear that Donald Trump's supporters, including those who participated in the insurrection on January 6, heeded his words and support of violence. The Proud Boys took Trump's words—"stand back and stand by"—and made it their official motto. Rioters at the Capitol told U.S. Capitol Police officers as they were threatening violence that they had been "invited" by President Trump. While the insurrection was going on, Trump supporters were reading Trump's tweets over a megaphone. The pattern is clear: Donald Trump has no qualms about asking his followers to commit violence. In fact, he celebrates them when they do.

After the November 2020 elections, Donald Trump immediately set out to undermine the results. His lawyers and his supporters filed 60 lawsuits to object to the results, as was his right under the law. But when those cases were tossed out, then-President Trump sought to cheat. He urged the secretary of state for Georgia to "find" enough votes to declare him the victor. When officials rebuffed his efforts to reverse his electoral loss, he led efforts to bring thousands of people to Washington to, in his words, "Stop the Steal."

The day he chose was January 6, the day Congress was meeting to certify

the election results. Trump directed his followers to go to the Capitol and to "fight like hell." As was documented extensively in this trial, Trump knew that this group was preparing for violence when he directed them to walk to the Capitol.

What we learned this week is that Donald Trump was also aware of the violence at the Capitol as a frenzied insurrection mob ransacked the Capitol and sought to physically harm Members of Congress and even kill the Vice President. After being told that Vice President had been removed from the Senate Chamber for his safety, Trump tweeted to his supporters that Pence lacked "courage" to reject the electoral college results. This happened precisely as Trump's supporters were building a gallows and chanting "Hang Mike Pence."

Indeed, new information revealed during the course of this trial indicates that President Trump knew the state of violence in the Capitol. One Senator has stated publicly that he told President Trump on the phone that Vice President Pence had been removed from the Senate Chamber by his Secret Service detail.

We have also heard on-the-record reports that in a phone call between President Trump and House Minority Leader KEVIN MCCARTHY while the Leader's office was under attack, then-President Trump apparently continued to support those carrying out the violent insurrection. So despite direct pleas from Members of Congress and the former President's closest Republican confidants, Trump refused for hours to call off the mob or urge calm.

As House impeachment manager JAMIE RASKIN said during the presentation, "Donald Trump surrendered his role as commander-in-chief and became the inciter-in-chief of a dangerous insurrection."

Five people, including a U.S. Capitol Police Officer, lost their lives as a result of this insurrection guided by Donald Trump. And nearly 140 officers from the Capitol Police and Washington Metropolitan Police Department were injured, some severely.

The evidence presented this week shows that Donald Trump committed high crimes and misdemeanors and that he should be convicted.

I thank the House managers for their hard work in making a thoroughly compelling, convincing, and fair case, and I hope we can move past this terrible moment in our Nation's history.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CARDIN, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

By Mr. TESTER, from the Committee on Veterans' Affairs, without amendment:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. MANCHIN, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN:

S. Res. 58. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mr. TESTER:

S. Res. 59. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. MANCHIN:

S. Res. 60. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. SULLIVAN (for himself, Mr.

VAN HOLLEN, Mr. HAGERTY, Mr. INHOFE, and Mrs. FEINSTEIN):

S. Res. 61. A resolution honoring the life, achievements, and legacy of the Honorable George Pratt Shultz; considered and agreed to.

By Mr. RUBIO (for himself and Mr.

SCOTT of Florida):

S. Res. 62. A resolution congratulating the Tampa Bay Buccaneers, and the loyal fans of the Tampa Bay Buccaneers, for becoming Super Bowl LV champions; considered and agreed to.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 58—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CARDIN submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 58

*Resolved,*