

IMPEACHMENT OF PRESIDENT
DONALD JOHN TRUMP

THE EVIDENTIARY RECORD
PURSUANT TO H. RES. 798

VOLUME XIII

H. Res. 767, Providing for Consideration of H. Res. 755,
Impeaching Donald John Trump, President of the United
States, for High Crimes and Misdemeanors (116th Con-
gress)



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H. Res. 767

In the House of Representatives, U. S.,

December 18, 2019.

Resolved, That immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration in the House of the resolution (H. Res. 755) impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to adoption without intervening motion or demand for division of the question except as follows:

(a) The resolution, as amended, shall be debatable for six hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

(b) The question of adoption of the resolution, as amended, shall be divided between the two articles.

SEC. 2. During consideration of House Resolution 755, only the following persons shall be admitted to the Hall of the House or rooms leading thereto:

- (a) Members of Congress.
- (b) The Delegates and the Resident Commissioner.
- (c) The President and Vice President of the United States.
- (d) Other persons as designated by the Speaker.

SEC. 3. After adoption of House Resolution 755, it shall be in order without intervention of any point of order to consider in the House a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States, if offered by the chair of the Committee on the Judiciary or his designee. The previous question shall be considered as ordered on the resolution to adoption without intervening motion or demand for division of the question except 10 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. No other resolution incidental to impeachment relating to House Resolution 755 shall be privileged during the remainder of the One Hundred Sixteenth Congress.

SEC. 4. The chair of the Committee on the Judiciary may insert in the Congressional Record such material as he may deem explanatory of—

(a) House Resolution 755, not later than the date that is 5 legislative days after adoption thereof; and

(b) the resolution specified in section 3 of this resolution, not later than the date that is 5 legislative days after adoption thereof.

Attest:

Clerk.



December 18, 2019

CONGRESSIONAL RECORD—HOUSE

H12115

Jerrold Lewis Nadler has failed to respond to the minority's request for an additional day of hearings to consider the impeachment of President Donald John Trump.

The **SPEAKER** pro tempore. The resolution qualifies as a question of the privileges of the House.

MOTION TO TABLE

Mr. **HOYER**. Madam Speaker, I have a motion at the desk.

The Clerk will report the motion.

The Clerk read as follows:

Mr. **HOYER** moves to lay the resolution on the table.

The **SPEAKER** pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. **MCCARTHY**. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 191, not voting 13, as follows:

[Roll No. 692]

AYES—226

Adams Doyle, Michael
Aguilar Engel
Albret F. Engel
Amodei Escobar
Axne Eshoo
Barragan Esholtz
Bass Evans
Beatty Finkenzeller
Bera Fletcher
Beyer Foster
Bishop (GA) Frankel
Blumentener Gohmert
Blunt Rochester Gallego
Bonamici Garamendi
Boyd, Brendan Garcia (IL)
F. Bridis Garcia (TX)
Brown (MD) Golden
Brownley (CA) Gomez
Burr Gonzalez (TX)
Butterfield Gothelmes
Carabjal Green, Al (TX)
Carson (IN) Orjivalva
Cartwright Haaland
Case Harter (CA)
Casten (IL) Hastings
Caster (FL) Hayes
Castro (TX) Heck
Chu, Judy Hoeffel
Ciolliine Houlahan
Cisneros Hoyer
Clark (MA) Huffman
Clarke (NY) Jackson Lee
Clawver Jayapal
Clyburn Javapal
Cohen Jeffries
Comolli Johnson (GA)
Cooper Johnson (TX)
Correa Kaustir
Costa Keating
Courtney Kelly (IL)
Cox (GA) Kennedy
Craig Khanna
Crist Porter
Crow Prine (SC)
Cucciaro Quigley
Cunningham Kind
Davide (KS) Kirkpatrick
Davis (CA) Kristina-noorth
Davis, Danny K. Richmond
Dean Lamb Rose (NY)
DeFazio Larson (WA)
DeFazio Larson (CT)
DeLauro Rappaport-Berger
DeLbone Lawson (FL)
Delgado Lee (CA)
Dentings Lee (NY)
Deshaunier Levin (MI)
Deutsch Levin (MI)
Dingell Lewis
Doggett Lieu, Ted

Schneider Stanton
Schradler Stevens
Schrier Suzuki
Simms (CA) Simms (CA)
Scott, David Takano
Sowell (LA) Thompson (CA)
Shalala Thompson (MS)
Sherman Titus
Sherrill Tlaib
Sires Tonko
Sirocki Torres (CA)
Smith (WA) Torres Small
Soto (NM)
Spanberger Trahan
Speler Tros

NOES—191

Abraham Gosar
Aderholt Granger
Allen Graves (GA)
Amodei Graves (LA)
Armstrong Graves (MO)
Arrington Green (TX)
Bacon Griffith
Baird Groffman
Balderson Guest
Bates Guthrie
Barr Henschler
Bergman Harris
Biggs Hartzler
Bligaes Herr, Kevin
Burgess Herrera Beutler
Bishop (NC) Hise (GA)
Bost Higgins (LA)
Bready Hill (AR)
Brooks (AL) Hollingsworth
Brooks (IN) Hudson
Buchanan Huisenga
Buck Ford (TX)
Buckhorn Johnson (LA)
Budd Johnson (OH)
Burbett Johnson (SD)
Jordan Johnson (VA)
Byrne Joyce (OH)
Calvert Joyce (PA)
Cartor (GA) Katko
Cawser (TX) Keiler
Cheney Kelly (PA)
Chabot Kelly (MS)
Cline King (IA)
Clout King (NY)
Cole Kintzner
Collins (GA) Kuster (TN)
Comer LaMalfa
Conaway LaMolin
Cook Lamborn
Crawford Latta
Crenshaw Lesko
Curtis Leticia
Davidson (OH) Loudermilk
Davis, Rodney Lucas
Desjarlais Mackart
Diaz-Balart Marshall
Duncan Marste
Dunn Masie
Emmer Mast
Erica McCarthy
Ferguson McCall
Fitzpatrick McHontack
Fleishmann McHenry
Flores McKinley
Fortenberry Meadows
Foye Meuser
Galewitz Miller
Gallagher Mitchell
Gianforte Mooney (WV)
Gibbs Mullin
Gohmert Murphy (NC)
Gonzalez (OH) Newhouse
Gooden Norman

NOT VOTING—13

Langevin Van Drew
Clay Woodall
Gabbard Rooney (FL)
Holding Serrano
Hunter Shimkus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). There are 2 minutes remaining.

□ 0959

Mr. **GONZALEZ** of Ohio changed his vote from "aye" to "no."

Mr. **GARAMENDI** changed his vote from "no" to "aye."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. RES. 755, IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

Mr. **MCGOVERN**. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 767 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 767

Resolved, That immediately upon adoption of this resolution, without intervention of any point of order, the House shall proceed to the consideration in the House of the resolution (H. Res. 755) impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to adoption without intervening motion or demand for division of the question except as follows:

(a) The resolution, as amended, shall be debatable for six hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

(b) The question of adoption of the resolution, as amended, shall be divided between the two articles.

SEC. 2. During consideration of House Resolution 755, only the following persons shall be admitted to the Hall of the House or rooms leading thereto:

(a) Members of Congress.
(b) The Delegates and the Resident Commissioner.

(c) The President and Vice President of the United States.

(d) Other persons as designated by the Speaker.

SEC. 3. After adoption of House Resolution 755, it shall be in order without intervention of any point of order to consider in the House a resolution appointing and authorizing managers for the impeachment trial of Donald John Trump, President of the United States, if offered by the chair of the Committee on the Judiciary or his designee. The previous question shall be considered as ordered on the resolution to adoption without intervening motion or demand for division of the question except 10 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. No other resolution incidental to impeachment relating to House Resolution 755 shall be privileged during the remainder of the One Hundred Sixteenth Congress.

SEC. 4. The chair of the Committee on the Judiciary may insert in the Congressional Record such material as he may deem explanatory of—

(a) House Resolution 755, not later than the date that is 5 legislative days after adoption thereof; and

(b) the resolution specified in section 3 of this resolution, not later than the date that is 5 legislative days after adoption thereof.

POINT OF ORDER

Mr. SCALISE, Madam Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentleman from Louisiana will state his point of order.

Mr. SCALISE, Madam Speaker, I raise this point of order for failure to disclose the waiver of clause 2(j)(1) of rule XI, pursuant to clause 6(g) of rule XIII, which requires the Rules Committee to specify in their report any waiver of a point of order against a measure under consideration.

Madam Speaker, this underlying resolution violates clause 2(j)(1) of rule XI, which entitles the minority of the committee to have the ability to call witnesses to testify during at least one day of a hearing on any given measure. This was not afforded to the Committee on the Judiciary minority members during consideration of the Articles of Impeachment, despite numerous requests by a majority of the minority members.

Therefore, I raise a point of order against consideration of the rule and the underlying resolution for the violation of minority rights and the denial of this evidence to be put into the RECORD and for this hearing, which the House rules require, which was not complied with and was denied.

Madam Speaker, I urge the enforcement of this rule.

The SPEAKER pro tempore. The gentleman from Louisiana seeks to raise a point of order against House Resolution 767 on the grounds that the report accompanying the resolution fails to specify a waiver of a particular point of order and is thus in violation of clause 6(g) of rule XIII.

The gentleman is stating a matter for debate rather than a proper point of order. Clause 6(g) of rule XIII is merely informational on any specified waivers "to the maximum extent possible."

As elucidated by Chairman Solomon in the legislative history accompanying the adoption of this rule in the 104th Congress, any "failure of the Rules Committee to specify waivers in a rule would not give rise to a point of order against a special rule that waives all points of order."

The Chair would therefore advise the gentleman that he is not stating a proper point of order.

The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN, Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Oklahoma (Mr. COLE), my good friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. McGOVERN, Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. McGOVERN, Madam Speaker, on Tuesday, the Rules Committee met and reported a closed rule for House Resolution 767, providing for consideration of H. Res. 755, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors.

The rule provides 6 hours of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees. The rule provides that the question of adoption of the resolution shall be divided between two articles. The rule limits access to the House floor. It provides, at any time after adoption of H. Res. 755, for consideration of a resolution appointing and authorizing managers for the impeachment trial, if offered by the chair of the Committee on the Judiciary, debatable for 10 minutes.

No resolution incidental to impeachment relating to H. Res. 755 shall be privileged during the remainder of the 116th Congress. Finally, the rule provides that the chair of the Committee on the Judiciary may insert explanatory material in the CONGRESSIONAL RECORD.

Madam Speaker, 232 years ago, as he walked out of the Constitutional Convention in Philadelphia, Benjamin Franklin stated that the Founders had just created "a republic, if you can keep it." He understood that nothing was preordained, that our Nation would continue to be shaped decision-by-decision, vote-by-vote, not by some other leaders in some other time but day in and day out, both through the regular work of government and during historic moments like the one we face today.

Our Founders crafted the fundamentals of government to guide us, passages like Article I, Section 2 of the Constitution, giving this Chamber the sole power of impeachment. But nowhere does it list exactly what constitutes a high crime or misdemeanor.

In their wisdom, the Founders understood they could not anticipate what the future would bring. They gave subsequent generations—us—the chance to decide precisely what our government would become, to decide with each passing day what a nation defined by the rule of law is willing to tolerate.

That is what brings us here today, to decide nearly two-and-a-half centuries later whether the United States is still a nation where no one is above the law or whether America becomes a land run by those who act more like kings or queens, as if the law doesn't apply to them.

Yes, Madam Speaker, this really is that serious.

Over the past several months, the House of Representatives has been conducting an impeachment inquiry into the 45th President of the United States, Donald John Trump.

Our inquiry is simply to answer the following question: Did President Trump and his top advisers corruptly

withhold official government actions to obtain an improper advantage in the next election?

We now know, through the hard work of our investigative committees, and because of the President's own admission, that the answer to that question is yes. The President withheld congressionally approved military aid to Ukraine, a country under siege, not to fight corruption but to extract a personal political favor. President Trump refused to meet with Ukraine's President in the White House until he completed this scheme.

All the while, leaders in Russia, the very nation holding a large part of Ukraine hostage, the very nation that interfered with our elections, had another meeting in the Oval Office just last week.

The President of the United States endangered our national security. The President undermined our democracy. And the President, a successor to the same office as George Washington and Abraham Lincoln, betrayed his oath to preserve, protect, and defend the Constitution of the United States.

These aren't opinions. These are uncontested facts.

Now, I have read the details of the July 25 phone call with President Zelenskyy, where President Trump said: "I would like you to do us a favor, though." I have seen the televised press conference where his Chief of Staff openly admitted to this deal and told the Nation to "just get over it."

Hours and hours of depositions by the Committee on Intelligence, Committee on Oversight and Reform, and Committee on Foreign Affairs have been conducted where witnesses outlined the President's direct involvement in this scheme.

The evidence is as clear as it is overwhelming. If a President undermining our national security and using the Federal Government for his own selfish, personal gain is not impeachable conduct, then, Madam Speaker, I don't know what is.

I have heard some on the other side suggest this process is about overturning an election. That is absurd. This is about protecting our democracy.

These facts are beyond dispute. The only question now is whether we are willing to tolerate such conduct, not just today by President Trump but, furthermore, by any President of either party. To not act would set a dangerous precedent, not just for this President, but for every future President.

Madam Speaker, 11 months ago, many of us took an oath right here in this Chamber. I have had the privilege to take that oath 12 times now, and I believe it is not just for show. It is a contract between each of us and the people we represent to place the national interest above partisan interests and to preserve those laws that make our country unique. We cannot reconcile the President's abuse of power

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CONGRESSIONAL RECORD—HOUSE

H12117

and obstruction of Congress with the oath of office that we took.

Madam Speaker, we are being tested on something greater than our ability to toe a party line, something more than our ability to score the next great television sound bite. This is a democracy-defining moment.

History will judge us by whether we keep intact that fragile republic handed down to us by our forebearers more than 200 years ago or whether we allow it to be changed forever. For the sake of our country's future, I hope, and I pray, that my colleagues will make the right decision.

Madam Speaker, I reserve the balance of my time.

Mr. COLE. Madam Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN), my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Madam Speaker, today is a very sad day for all of us—for me personally, for the Rules Committee, for the entire House of Representatives, and, most importantly, for the American people.

For the second time in my life, the House of Representatives will be voting to impeach a President of the United States. But unlike in 1998, the decision to have this vote is not the result of a bipartisan process nor an open or fair process. Instead, it is going to be a deeply partisan vote, coming at the end of an unfair and rushed process prescribed solely by Democrats to ensure a predetermined result.

□ 1015

Impeachment of a President is one of the most consequential acts the House of Representatives can undertake, and it should only be done after the fullest and most careful consideration.

Yet, today, after a truncated investigation that denied the President due process and cherry-picked evidence and witness testimony to fit their narrative and trampled on Republicans' minority rights, Democrats in the House are pressing forward with a partisan impeachment vote.

Doing so contradicts Speaker PELOSI's own words back in March of this year when she said that an "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."

But if we are really being honest, Democrats have been searching for a reason to impeach President Trump since the day he was elected. In December of 2017, a current member of the majority forced a vote to impeach the President, and even then, long before there was even an impeachment investigation, 58 Democrats voted to impeach the President.

Those Members have only grown since then, to the point where the majority is now pushing forward with a final vote on impeachment, heedless of

where it takes the country and regardless of whether or not they have proven their case.

If my colleagues in the majority believe they have proven their case, let me be clear: They have not. The entire premise of these Articles of Impeachment rests on a pause placed on Ukrainian security assistance, a pause of 55 days.

The majority has spun creative narratives as to the meaning and the motive of this pause, alleging the President demanded a "quid pro quo," but with no factual evidence to back it up. Security aid to Ukraine was released. The administration did so without Ukraine ever initiating an investigation into anyone or anything.

It is even more startling to me that the majority wants to move forward with this resolution given how substantially flawed and procedurally defective the entire process has been.

The Judiciary Committee, which drafted these Articles of Impeachment, engaged in an abbreviated process, hearing from no witnesses with firsthand knowledge of the events in question. They did not conduct their own investigation and only held two hearings on this topic before drafting the articles, one with staff and one with constitutional law scholars. That is hardly the type of lengthy and serious consideration a topic as grave as impeachment demands.

The committee actually charged with an impeachment investigation was the Permanent Select Committee on Intelligence, not the Judiciary Committee, but that committee, too, followed a primarily closed process. Republicans were denied the right to call witnesses or subpoena documents, and the President was denied the right to representation in the committee's hearings.

Without respecting minority rights and without respecting due process rights of the President, how can anyone consider this a fair process?

Madam Speaker, it gets worse. The Articles of Impeachment we are considering today are based on the Schiff report, the final document produced by the Intelligence Committee and transmitted to the Judiciary Committee.

But the Schiff report includes unsubstantiated allegations. It includes, in some cases, news reports as the only evidence supporting so-called factual assertions, and it includes at least 54 different hearsay statements as assertions of evidence without any firsthand information from witnesses to corroborate those statements.

The author of the report, Chairman SCHIFF, was never questioned by the Judiciary Committee, and he refused to sit for questions or to explain how his committee conducted its investigation. In fact, during the staff presentation of evidence at the Judiciary Committee, Ranking Member COLLINS asked how the investigation was conducted that resulted in the drafting of the Schiff report, but he never received an answer.

During the Rules Committee consideration of H. Res. 755, there were numerous times when the members on both sides of the aisle posed questions to our witnesses, questions they could not answer because they sit on the Judiciary Committee and were not the author of the report that brought about H. Res. 755.

The author has never appeared before members of the minority to explain a single thing in the report or to provide factual information supporting the many assertions it contains.

Madam Speaker, this is no way to go about impeaching the President of the United States. The articles before us are based on very limited information. They are based on hearsay, on news reports, and on other unsupported allegations. They are based on a report written by a Member of Congress who refused to answer questions about it; and I do not believe the allegations, which are subject to interpretation, actually rise to the level of an impeachable offense.

To make matters worse, when Republicans attempted to exercise one of their rights under House rules, they were shut down by Chairman NADLER. Under clause 2(j)(1) of rule XI, the minority is allowed to demand a minority hearing day. On December 4, the Republicans on the Judiciary Committee properly exercised that right and transmitted a demand to Chairman NADLER for a hearing day at which the minority could call their own witnesses.

To be clear, Madam Speaker, a minority hearing day is not subject to the chair's discretion. It is a right, and Republicans on the Judiciary Committee properly demanded the exercise of that right; yet, Chairman NADLER declined to allow a minority hearing day to be held before the voting of these articles.

I think we can all agree that it would have been better for the institution and for the American people to allow all voices to be heard and all witnesses to be questioned before proceeding to a vote on something this consequential; yet, the majority trampled on that right.

But I suppose I should not be surprised by any of this. When the House passed H. Res. 660, the resolution setting up the official impeachment inquiry less than 2 months ago, I warned the House that what the majority was doing was setting up a closed, unfair process that could only have one outcome. Today, we are seeing the end result of this closed and unfair process: a quick rush to judgment forced through not one, but two committees in short order, with minority rights trampled, witnesses left unquestioned, and due process ignored.

It is also disappointing that Members are not being given more time to debate this issue on the floor.

Last night at the Rules Committee, I offered an amendment to double the amount of floor time debate from 6 to 12 hours. This would have allowed for

roughly the same amount of debate time used in the Clinton impeachment, and it would have been ensured that all Members could have the opportunity to speak on the floor. Unfortunately, that amendment was not accepted.

While I know my friend, Chairman McGOVERN, did the best he could, I do think it is ironic that, when all is said and done, the 13 members of the Rules Committee spent more time discussing H. Res. 755 in committee yesterday than we will spend debating it on the House floor for every Member today. I think that is a disservice to the Members of this body and to the American people.

Madam Speaker, we deserve better than the flawed process that led to this flawed outcome. The House of Representatives deserves better than that. The President certainly deserves better than that. More importantly, the American people deserve better than what we are doing here today.

I oppose proceeding any further; I oppose the rule; I oppose this limited and unfair process; and I certainly oppose impeaching the President of the United States. I urge opposition to the rule, and I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I include in the RECORD a letter that I sent with regard to the Members' day.

COMMITTEE ON RULES
HOUSE OF REPRESENTATIVES
Washington, DC, December 16, 2019.

Hon. TOM COLE,
Ranking Republican,

House Committee on Rules, Washington, DC.

DEAR MR. COLE: Thank you for your letter dated December 5, 2019, regarding a minority day of hearings on the topic of "The Impeachment Inquiry into President Donald J. Trump: Constitutional Grounds for Presidential Impeachment." I know that it comes from a place of respect for this institution and for the gravity of the matters at hand, and I share your desire to ensure that this process is in compliance with the House rules.

You are correct that it is incumbent on committee chairmen to schedule such a hearing, following a request of the minority members of the Committee pursuant to clause 20(j)(1) of rule XI. After a careful review of the legislative history of the rule, the plain text of the rule, and Chairman Nadler's December 12, 2019, ruling, I have concluded that Chairman Nadler has not violated either the spirit or the letter of the rule.

At the hearing in question, the Judiciary Committee minority requested and received a witness. The legislative history of clause 20(j)(1) of rule XI makes clear that the intent was to ensure the minority position is represented in hearings, codifying the existing practice of honoring witness requests. The Joint Committee on the Organization of Congress proposed this change in their 1966 final recommendations, suggesting that a minimum safeguard be established for "those infrequent instances when witnesses representing the minority position are not allotted time." The Rules Committee report on the Legislative Reorganization Act of 1970, which first created the rule, stated that "by custom, committees ordinarily honor requests from their minority party members to call certain witnesses. Section 114(b) will make this a matter of right."

Consistent with this original purpose, the rule has largely been used as leverage for the

minority to ensure they are not shut out of hearings. It is standard practice across committees for the minority to negotiate adding minority witnesses to the main panels rather than holding a minority day—not to add witnesses in addition to holding a minority day. In the rare instance the minority is shut out, the rule provides them a guarantee that the committee will hear from their side on the topic at hand.

The Rules Committee report specifies that in creating this right, "We do not look upon this as an authorization for delaying tactics but rather as good legislative practice." In this instance, Chairman Nadler has complied with the spirit of this good legislative practice as well as following modern committee practice. He accommodated the Judiciary Committee minority's request to place Professor Jonathan Turley on the main witness panel, ensuring minority views on the constitutional ground for presidential impeachment were represented.

Chairman Nadler has also followed the letter of the rule by agreeing to work with the minority to schedule a hearing. According to clause 20(j)(1) of rule XI, "Whenever a hearing is conducted by a committee on a measure or matter, the minority members of the committee shall be entitled, upon request to the chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon."

As Chairman Nadler correctly stated in his rulings, "the House rule does not require [him] to schedule a hearing on a particular day, nor does it require [him] to schedule the hearing as a condition precedent to taking any specific legislative action." No precedent exists requiring a minority day of hearings to be scheduled before a matter is reported out of committee. In fact, very little precedent exists regarding this rule at all, because it is typically used as a negotiating tool and rarely invoked in practice.

The recent practice of the Judiciary Committee, in particular, has not been to delay business in order to schedule a minority day hearing. In his ruling, Chairman Nadler cited a 2018 example in which he and other members properly requested a minority day hearing and never received a response to their request from then-Chairman Goodlatte, let alone a hearing. That was a clear violation of clause 2(j)(1) of rule XI. In this case, however, Chairman Nadler has appropriately said that he will work with the minority to schedule their hearing.

Chairman Nadler neither shut the minority out of the hearing on the constitutional grounds of impeachment, nor did he refuse to schedule a hearing. The process we set up through H. Res. 699 even ensured that the President and his counsel could participate in the Judiciary Committee, though they chose not to avail themselves of that right.

Impeachment is a solemn responsibility, and I appreciate your concern that we undertake the process in accordance with the House rules. In these partisan times, I am truly grateful for the professional and collegial manner in which members of this committee conduct themselves. The fact that we are able to work together even when we sometimes disagree on the specifics gives me hope for this institution.

Sincerely,

JAMES P. McGOVERN,
Chairman, House Committee on Rules.

Mr. McGOVERN. Madam Speaker, I yield myself 30 seconds.

I think it is important to correct the RECORD that there were zero points of order that I brought against H. Res. 755.

We are here to talk about the President's behavior, and that is what I

think we all should be focused on, not just process. But I want to just say that I am proud of the process.

Democrats and Republicans have had equal opportunity to participate in the months-long impeachment inquiry. Members of both parties have been involved at every stage of this process, from sitting in and asking questions in closed-door depositions to questioning witnesses in open hearings.

The committees took more than 100 hours of deposition testimony from 17 witnesses and held seven public hearings, which included Republican-requested witnesses. They produced a 300-page public report that laid out their findings of evidence.

The Judiciary Committee then took that report and conducted two public hearings evaluating the evidence and the legal standard for impeachment before reporting out the two articles.

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

Mr. McGOVERN. Madam Speaker, I yield myself an additional 15 seconds.

President Trump was given the opportunity to participate in the Judiciary Committee's review of the evidence presented against him. He chose not to participate. And President Trump, to date, has not provided any exculpatory evidence but, instead, has blocked numerous witnesses from testifying about his actions.

Madam Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. CLYBURN), the majority whip.

Mr. CLYBURN. Madam Speaker, I rise today feeling the full weight of my duty, as a Member of this august body, reflecting upon our oath of office to support and defend the Constitution against all enemies, foreign and domestic. It is my sincere belief that, under the circumstances that bring us here today, there is only one path for us to take to fulfill that oath.

Thomas Paine, in the first of his series of pamphlets entitled "The American Crisis," published 243 years ago tomorrow, intoned that "these are the times that try men's souls. The summer soldier and sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered."

These words were written at a time when our Founders were rebelling against the tyrannical rule of the British monarchy. Today, we have a President who seems to believe he is a king or above the law. Paine warned us that "so unlimited a power can belong only to God Almighty."

My faith leads me to take very seriously the final words of our oath to faithfully discharge the duties of the office, "so help me God."

Madam Speaker, 3 days ago, I joined with a bipartisan delegation of our colleagues celebrating the 75th anniversary of the Battle of the Bulge. We laid

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wreaths at the memorials of Generals George Patton and Anthony McAuliffe. We visited foxholes that were occupied by some brave soldiers who fought in some of the worst winter weather ever visited upon a battlefield, and we visited the Luxembourg American Cemetery, the final resting place of thousands of them and General George Patton.

They were not summer soldiers in their efforts 75 years ago to preserve the Republic, and we must not be sunshine patriots today in our efforts to protect the Constitution upon which this great Republic stands. While our fight is not in the trenches or battlefields but in the Hallowed Halls of this Congress, our duty is no less patriotic.

Mr. COLE. Madam Speaker, I yield myself 15 seconds just to respond to my friend.

President Trump, for the Record, was not provided the opportunity to challenge the facts and still has not received the materials from the Judiciary Committee, as required by H. Res. 660, another example of why this isn't a fair process.

Madam Speaker, I yield to the gentleman from Wyoming (Ms. CHENEY), the distinguished chairman of the Republican Conference, for the purpose of a unanimous consent request.

Ms. CHENEY. Madam Speaker, I ask unanimous consent to amend House Resolution 787 to provide for voting by a manual call of the roll so the American people can see precisely who is supporting the impeachment of a duly-elected President.

Members should be required to stand and identify themselves openly and on camera on the question of adoption of these Articles of Impeachment.

The SPEAKER pro tempore. All time has been yielded for the purpose of debate only by the gentleman from Massachusetts.

Does the gentleman from Massachusetts yield for this unanimous consent request?

Mr. MCGOVERN. I do not.

The SPEAKER pro tempore. The gentleman from Massachusetts does not yield; therefore, the unanimous consent request cannot be entertained.

□ 1030

Mr. COLE. Madam Speaker, I yield to the gentleman from Missouri (Mr. SMITH), my good friend and the distinguished secretary of the Republican Conference for the purpose of a unanimous consent request.

Mr. SMITH of Missouri. Madam Speaker, I ask unanimous consent to amend House Resolution 767 to provide for 12 hours of debate equally divided by the majority and the minority, which would allow each Member of the House at least 1½ minutes of debate, as opposed to currently 50 seconds. The people's representatives deserve the right of more than 50 seconds to be heard in this important matter.

The SPEAKER pro tempore. All time has been yielded for the purpose of de-

bate by the gentleman from Massachusetts.

Does the gentleman from Massachusetts yield for this unanimous consent request?

Mr. MCGOVERN. Madam Speaker, I do not.

The SPEAKER pro tempore. Therefore, this unanimous consent request cannot be entertained.

Mr. COLE. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. BURGESS), my good friend, a distinguished member of both the Energy and Commerce Committee and the House Rules Committee.

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

Madam Speaker, yesterday the Rules Committee spent 8 hours considering whether to bring H. Res. 755, the Articles of Impeachment, to the House floor. Given the four-to-nine ratio of Republicans to Democrats on the committee, it is no surprise that we are now considering the articles before us.

Despite robust debate on the so-called facts derived from the impeachment investigation and the process by which they were obtained, Democrats and Republicans remain in opposition to each other on our conclusions.

As outlined yesterday by Ranking Member COLLINS and several members of the Rules Committee through direct quotes, some Democrats have been seeking President Trump's impeachment since his inauguration. The rush to impeach first and solidify the case second threatens the credibility of the process and threatens the credibility of the body engaged, this very House of Representatives.

In fact, it has been quoted before and it will be quoted again today, I suspect, Chairman NADLER recognized the gravity of impeachment when he stated in December of 1998, "The effect of impeachment is to overturn the popular will of the voters as expressed in a national election. There must never be a narrowly voted impeachment or an impeachment substantially supported by one of our major political parties and largely opposed by the other. Such an impeachment would lack legitimacy, would produce divisiveness and bitterness in our politics for years to come. And will call into question the very legitimacy of our political institutions."

On October 31, this House voted to authorize the official impeachment investigation in H. Res. 660. The process outlined in H. Res. 660 did not include the robust minority protections afforded the minority party in previous impeachment investigations. Even more concerning, Chairman NADLER and Chairman SCHIFF refused to comply with the very rules of the House in granting access to committee records for members in scheduling a minority hearing in a reasonable amount of time, thus preventing the American people from being equally represented in the process.

Refusing to allow members to access their own records, these are records of

the Members of the House of Representatives, and we were not allowed to access these records obtained down in secret under armed guard in the Intelligence Committee, but it is required under section 2(e) of rule XI, and they have denied members the ability to do their job.

The Judiciary Committee did not hear testimony from even one fact witness, not even one, after they received a deluge of materials from the Intelligence Committee. This reversal of responsibility is indeed unprecedented.

But turning to the case upon which the argument is based, we had a whistleblower, not a fact witness, a whistleblower who never appeared before any Member of Congress that we know of, a whistleblower complaint concerning a congratulatory call between President Trump and President Zelensky of Ukraine.

The whistleblower is known to have had contact with Chairman SCHIFF's staff while Republicans were denied any contact. The whistleblower complaint is not based on first-hand knowledge, and the call transcript that was to support impeachment reveals nothing more than a congratulatory phone call.

A request for investigations as to how American foreign aid will be spent does not equal soliciting election interference. The evidence brought before us does not amount to a high crime; indeed, it does not amount to any crime.

Democrats claim that we must protect the integrity of our election. If you really cared, then I have to ask, what are we missing while we have been focused on impeachment? We tied up the Intelligence Committee. We tied up the Judiciary Committee. And, oh, by the way, the Ways and Means Committee had to give up their room. They couldn't even meet while you were doing all of this.

This impeachment investigation is being painted as a protection against future interference, when in reality President Trump's request looks back at the 2016 election. Russia is the winner in this exchange because they have disrupted the process.

Mr. MCGOVERN. Madam Speaker, the gentleman is passionate about records. I should remind him that we have gotten no records from this White House, not a single document.

At this time I yield 1½ minutes to the gentleman from Florida (Ms. SHALALA), a distinguished member of the Rules Committee.

Ms. SHALALA. Madam Speaker, I come to impeachment with deep sadness. The facts of this case are painful and indisputable. We know that the President illegally held up congressionally appropriated aid to Ukraine. We know that he conditioned the release of this aid on Ukrainian President Zelensky's opening an investigation based on a debunked conspiracy theory about his political rival and foreign interference in the 2016 election.

We also know that the President has actively blocked congressional attempts to determine the extent of his misconduct by ordering executive branch officials to defy subpoenas and withhold information.

Despite the unprecedented obstruction from the President, the evidence in this case is powerful enough that to delay this vote any further would risk interference in the 2020 election and the permanent erosion of our system of checks and balances.

Madam Speaker, this is not a matter of politics. This is a matter of protecting the integrity of our democracy for the next generation.

As we labor to pass on to future generations many of the great hallmarks of our society, we must also work with active stewardship and vigilance to pass on a vibrant and functional democracy.

If we don't do our duty to protect the Constitution, the republic that we hand to our children will be less vibrant. If we do not do our duty to protect the Constitution, the republic that we hand to our children will be less resilient and less effective than the system that we were so fortunate to inherit.

Democracy is fragile. Its survival depends on the strength and courage we display in maintaining it.

But this fragility is also a strength. It requires our public servants to put our nation's interests ahead of their own and to hold each other accountable to the high standards democracy demands.

That's why we take an oath to defend the Constitution. If protecting the Constitution were trivial, we wouldn't have to take an oath.

For over 200 years, honesty and vigilance have won out as generations of public servants have adhered to their oaths of office and met the standards of service that our democracy demands.

We cannot let this legacy die on our watch.

Mr. COLE, Madam Speaker, I yield 4 minutes to the gentlewoman from Arizona (Mrs. LESKO), my very good friend and fellow member of the Rules Committee and member of the Judiciary Committee.

Mrs. LESKO, Madam Speaker, I thank Mr. COLE for yielding me the time.

Madam Speaker, God takes us on journeys in our life, and about 30 years ago I was married to an abusive ex-husband. When I finally left him, there were times in my life when I had no money and no place to live.

And I tell you what, I never dreamed in a million years that I would be standing here today as a Congresswoman in the United States House of Representatives.

And I tell you what, I never would have believed that I would be standing here talking about impeachment of a President of the United States.

I serve on the Judiciary Committee. I also serve on the Rules Committee. I have spent hours and hours reading transcripts, looking at documents, hearing testimony, and I can tell you

one thing: I believe this is the most unfair, politically biased, rigged process that I have seen in my entire life.

Here are the facts: There is no proof, none, that the President has committed an impeachable offense. Not one of the Democrat witnesses was able to establish that the President committed bribery, treason, or high crimes and misdemeanors as required in the U.S. Constitution.

And as I have said before, the Democrats are really undermining their own argument here because 17 out of the 24 Democrat members on the Judiciary Committee voted here on this floor to put forward, move forward Articles of Impeachment on July 17 of this year before President Trump's call even took place. And five out of the nine Rules Committee members that are Democrats did the same thing.

So if your argument is that this phone call is the main reason for this impeachable offense, why did you vote for impeachment, moving impeachment forward before the call even took place?

The process has been rigged from the start. Other Members have told you. Never in the history of the United States have we had an impeachment that has gone through the Intelligence Committee in closed-door hearings where a Member of the Judiciary Committee, myself, wasn't even able to ask one single question of a fact witness. The whole thing has been rigged, been unfair.

In the process that you had set forth you made sure that the President didn't have any right to have his counsel there until Judiciary, but by then it was too late. It was too late because there were no fact witnesses allowed in Judiciary. So I couldn't even ask a question, nor could the President.

This is the most partisan impeachment in the history of the United States. Not one Republican voted for it in the Judiciary Committee, not one Republican voted for it in the Rules Committee, and not one Republican, I don't think, is going to vote for it here today.

Madam Speaker, this is a sad day. I believe the Democrats are tearing this country apart. They are tearing families apart.

May God continue to bless all of you. May God continue to bless the President of the United States. And may God continue to bless our great Nation.

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

Mr. MCGOVERN, Madam Speaker, if Republicans want to defend the President's indefensible behavior, they can do so, but I would urge my colleagues to stand up for the Constitution and to stand up for this country and our democracy.

I now yield 1½ minutes to the gentleman from California (Mr. DESAULNIER), a distinguished member of the Rules Committee.

Mr. DESAULNIER, Madam Speaker, I thank the gentleman for yielding, and

I thank the leadership of the Rules Committee, Mr. MCGOVERN and Mr. COLE, for our civility last night. Although it was a long hearing and we are very much in disagreement, I felt proud to be part of that hearing, and I really want to recognize both the ranking member and the chair.

The previous speaker is part of that Rules Committee, and I would just say that the passion that she demonstrated in her comments, I can't say how much I completely disagree with her, which is a statement on the environment we find ourselves in, and I, unfortunately, agree with some of her comments, but where the responsibility is I would put at the White House and the President. He is the divisive one. He is not trying to heal our wounds.

The reality and urgency of this moment cannot be more consequential to the American democracy. This is not a hypothetical. President Trump violated the law and solicited foreign interference in our election. At the same time, objective experts have overwhelming evidence that Russia interfered in the 2016 election and is actively engaged in undermining the 2020 elections.

Our vote today and the Senate's actions on impeachment have very real long-term consequences for American democracy. Where do we go from here if the Senate does not remove him? The President has a pattern of escalating behavior. The day before the special counsel testified to Congress that the Russian Government interfered in our election in sweeping and systemic fashion, President Trump made this call.

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

Mr. MCGOVERN, Madam Speaker, I yield an additional 15 seconds to the gentleman from California.

Mr. DESAULNIER, Two days before that, the President says that Article II of the Constitution says that he can do whatever he wants.

As Washington warned in his farewell address, foreign interference tampers with domestic factions and misleads public opinion. We must honor the Nation that our Founders envisioned and impeach this president for violating the law and betraying the American people.

□ 1045

Mr. COLE, Madam Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE), my very good friend, a distinguished member of the Armed Services Committee and a former member of the Rules Committee.

Mr. BYRNE, Madam Speaker, I rise in strong opposition to the rule and the underlying resolution to impeach President Trump.

When the Framers granted the House the power to impeach, they feared that it would be abused.

Today, those fears are realized. In record speed, this majority has assembled hearsay, speculation, and assumptions for the purpose of overturning the 2016 election.

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We are not here today, days before Christmas, because the majority has assembled a case against President Trump. No. We are here today because the Democrat majority believes getting impeachment done now will provide their vulnerable Members time to distance themselves from their vote.

But I assure you, Madam Speaker, the American people are watching.

Many of my colleagues have, from day one, rejected the people's choice of President Trump, but another President will come along more to the majority's liking. Our actions here today will be remembered and will set the standard.

The second Article of Impeachment seeks to remove President Trump for failure to produce certain requested witnesses and documents, but as the majority knows, every President in history has asserted executive privilege.

The House has a legal avenue to challenge the President: the courts. But the majority has skipped this step, showing that this is about impeachment as fast as possible, however possible.

Most of my friends on the other side of the aisle had no problem backing President Obama when he stonewalled the House for years to block our quest to find out the truth in the Fast and Furious investigation. That is why I filed an amendment to the resolution, rejected by the Rules Committee, saying, based upon the Democratic majority standard, they should have written Articles of Impeachment against President Obama and Eric Holder.

I wish my colleagues would think about the standard being set. I predict that they will very soon regret it.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Mrs. TORRES), a distinguished member of the Rules Committee.

Mrs. TORRES of California. Madam Speaker, the facts are clear. To quote the USA Today editorial board: "Trump used your tax dollars to shake down a vulnerable foreign government to interfere in a U.S. election for his personal benefit."

The rule of law is what gives our great country its strength.

The rule of law is what separates us from Third World countries, where dictators reign for decades on end.

The rule of law is what makes us the envy of the world, the place that other countries look to as they grow their own democracies.

It is the rule of law that brings us here today.

We never want to see the rule of law deteriorate or rampant corruption take hold.

We never want to see the day when future generations flee for refuge in another country, the way that others are seeking refuge on our southern border right now.

Madam Speaker, I urge my colleagues to vote "yes." American values

and our Constitution are worth fighting for.

Mr. COLE. Madam Speaker, I yield 2 minutes to the gentlewoman from Indiana (Mrs. WALORSKI), my very good friend, also a distinguished member of the Ways and Means Committee.

Mrs. WALORSKI. Madam Speaker, I rise today in direct opposition to this rule and in opposition to the divisive partisanship that is on display right now in this House of Representatives.

It is no secret Democrats have wanted to impeach President Trump from day one, regardless of any fact.

They knew the result they wanted; they just needed time to figure out how to get there.

So they began their impeachment inquiry behind closed doors, selective leaks instead of transparency, no due process.

Once they crafted their perfect narrative, they moved on to public hearings.

They hoped the American people wouldn't notice that they failed to uncover one piece of evidence to justify impeachment.

They failed to make the case for this drastic action, and yet here we are.

For the first time in history, a President is on the brink of being impeached with the votes of one single party.

But let's be clear about one thing: This impeachment obsession is not about accountability; it is not about justice; it is not even about the Constitution.

It is about pure partisan politics at its worst, and you are watching it right here.

The American people see right through this today. They have seen the rigged process; they have seen the lack of transparency and the complete absence of any supporting evidence.

They know that Washington is broken. That is why they sent us here: to fix it.

But instead, House Democrats are dividing the country and further shaking the people's trust in this Congress.

It is a sham impeachment. It has been carried out at the expense of hard-working Americans who just want us to move forward.

Madam Speaker, this charade should go no farther. We should stop wasting time and focus on what keeps our Nation moving forward: helping workers and families thrive, protecting the safety and security of our country.

Madam Speaker, I urge my colleagues to vote against the rule so we can get back to work for the American people.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. LUJAN), the Assistant Speaker.

Mr. LUJAN. Madam Speaker, no one came to Congress to impeach a President.

We came here to solve the mighty issues that impact the lives of the constituents we pledged to serve.

I am here because too many families in my district still rely on water trucked in from dozens of miles away.

I am here because too many New Mexican children still go to school hungry.

I am here because too many women in New Mexico drive for hours to find a doctor able to care for them.

But this moment has found us. We have reached a point in time where our love of country compels action, where our duty to this republic mandates that we do what is right.

The President's behavior is so blatantly wrong that ignoring his abuses of power would be abdicating the oath we made to protect this country and uphold our Constitution.

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

Madam Speaker, if we defeat the previous question, I will offer an amendment on the rule that the House shall not proceed to consideration of the underlying resolution until six conditions are met: all evidence in the possession of Chairman SCHIFF has been made available to the Judiciary Committee; that Chairman SCHIFF appear before the Judiciary Committee to testify to the report that he authored; that all underlying unclassified evidence has been made available to the public; minority members of the Judiciary Committee have received their right to a minority hearing day; minority witnesses requested by Ranking Member NUNES and Ranking Member COLLINS are called and allowed to be heard in accordance with H. Res. 660; and subpoenas requested by Ranking Member NUNES in the Intelligence Committee are issued and enforced.

Madam Speaker, to be clear, my amendment ensures that the majority does not proceed without providing a fair, equitable, and transparent process, one that respects minority rights, one that opens up the investigation to all Members of the House, and one that allows Republicans on the Judiciary Committee to examine the most relevant witnesses.

Perhaps most crucially, it will allow all Members to fully consider the information available to the committee that actually conducted the impeachment investigation, the Permanent Select Committee on Intelligence.

The process the House has followed has been abysmal. It was a closed, unfair process that did not respect minority rights and did not give the President due process. But we can change that today. If we defeat the previous question, the House will only move forward with a real, thorough, and ultimately fair process that all Members can be proud of. I urge a "no" vote on the previous question.

Madam Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Mr. COLE, Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. HICE), my good friend.

Mr. HICE of Georgia, Madam Speaker, I thank the gentleman for yielding. The majority has thrown almost every allegation imaginable against this President, and yet these Articles of Impeachment that have been submitted cannot name a single actual crime.

After all the drama, the majority has not found a single shred of evidence, only second-, third-, fourth-hand information, but the facts have remained the same. The transcript speaks for itself.

There was no quid pro quo. The Ukrainian Government said multiple times they felt no pressure whatsoever. The aid ultimately came. And even Speaker FLORES said that this whole thing would have compelling, overwhelming, bipartisan support.

None of those things exist. Madam Speaker, I urge my colleagues to stand against the rule and the forthcoming Articles of Impeachment. This is a disgrace and dangerous to America, and I urge a "no" vote.

Mr. MCGOVERN, Madam Speaker, I yield 1 minute to the distinguished gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts, Madam Speaker, to paraphrase one of our founding mothers, Abigail Adams:

A people may let a President fall, yet still remain a people, but if a President lets his people slip from him, he is no longer a President.

Just as Abigail Adams warned, Donald Trump has let the people slip from him. He works for himself, not us.

He tried to extort a foreign government into investigating a political rival, and he has unlawfully withheld witnesses and evidence.

If we want a democracy, today we must stand for the rule of law.

A vote to impeach is a vote to remain a government that is of, for, and by the people.

It is a vote born of great fear for our future, but also rooted in optimism: that if we stand for the truth, for our Constitution, we can continue to create a country of liberty, justice, and equality for all.

Mr. COLE, Might I inquire, Madam Speaker, how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 5¼ minutes remaining. The gentleman from Massachusetts has 13¼ minutes remaining.

Mr. COLE, Madam Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ZELDIN), my good friend.

Mr. ZELDIN, Madam Speaker, my colleagues on the other side of the aisle throughout this whole process, their allies in the media, they like to say that Republicans only want to talk about process, not substance, even though we continue to talk about substance as well.

They declare their facts are uncontested. They just did it again.

So just to, maybe, recap a few for everyone watching at home, as well as my colleagues on the other side of the aisle, and hopefully they will listen:

President Zelensky says there was no demand, no pressure, no quid pro quo.

Andriy Yermak said on December 10 that their whole story with regard to the December 1 meeting with Ambassador Sondland is completely refuted.

We heard from Ambassador Sondland himself, who admitted that he heard from President Trump that he didn't want any quid pro quo and that he was guessing when he stated otherwise. Ambassador Sondland, that is, said he was guessing and that no one on the planet had told him otherwise.

Ambassador Volker tells us that President Zelensky didn't know that there was a hold on aid on July 25. He didn't find out until after he read it in Politico on July 29.

The aid got released shortly thereafter, and Ukraine didn't have to do absolutely anything in order to get the hold released.

When our colleagues on the other side of the aisle say that the July 25 call transcript says, "do me a favor," we have to correct them time and again that it says, "do us a favor." And if you look at that paragraph, it is only about Ukrainians interfering in the 2016 election.

Now, if you want to ignore the Chaly op-ed; Chalupa worked with the Ukrainian Embassy to dig up dirt; the black ledger to bring down the Trump campaign; whether it is Avakov's statement; or the origins of the Steele dossier—these are all examples. Look at Ken Vogel's reporting from January 2017. It is irrefutable.

These are all substance, so stop saying that the facts are uncontested.

Mr. MCGOVERN, Madam Speaker, I include in the RECORD page 69 of the Permanent Select Committee on Intelligence's November 20 open hearing where Deputy Assistant Secretary of Defense Laura Cooper testified that the Department of Defense was not able to distribute all of the aid, with \$35 million not provided, since it was released so late.

Quick question for you.

And I think just one question for you, Secretary Hale.

Ms. Cooper, was DOD able to put all the security assistance funds into contract before the end of the fiscal year?

Ms. Cooper, No, sir.

Mr. Maloney, And how much were they not able to obligate? What was left unobligated?

Ms. Cooper, I believe the figure was 35 million. It's—we were able to actually obligate 88 percent, total.

Mr. Maloney, And I think you mentioned that you were able because of legislation that Congress passed, continuing resolution, to do that. Is that right?

Ms. Cooper, So the remainder we are in the process of obligating—

Mr. Maloney, Excuse me. The remainder.

Ms. Cooper,—right now because of the provision in the continuing resolution.

Mr. Maloney, Right, So, but for literally an act of Congress, you couldn't have spent all the money.

Ms. Cooper, If we had not received the provision in the continuing resolution, we would

have obligated 88 percent but not the full amount.

Mr. Maloney, Right, Which, of course, would be a violation of law, to not spend money that Congress appropriated.

Ms. Cooper, Sir, I am not a lawyer, but that is my understanding.

Mr. Maloney, Sure, Thank you.

Secretary Hale, where were you born?

Mr. Hale, Ann Arbor, Michigan.

Mr. Maloney, And is your family from Ireland? Am I right about that?

Mr. MCGOVERN, Madam Speaker, I include in the RECORD a November 18 AP article entitled, "U.S. officials knew of Ukraine's Trump anxiety."

[From the Associated Press, Nov. 18, 2019]

U.S. OFFICIALS KNEW OF UKRAINE'S TRUMP ANXIETY

(By Desmond Butler and Michael Biesecker)

WASHINGTON (AP)—U.S. State Department officials were informed that Ukrainian President Volodymyr Zelensky was feeling pressure from the Trump administration to investigate former Vice President Joe Biden even before the July phone call that has led to impeachment hearings in Washington, two people with knowledge of the matter told The Associated Press.

In early May, officials at the U.S. Embassy in Kyiv, including then-Ambassador Marie Yovanovitch, were told Zelensky was seeking advice on how to navigate the difficult position he was in, the two people told the AP. He was concerned President Donald Trump and associates were pressing him to take action that could affect the 2020 U.S. presidential race, the two individuals said. They spoke on condition of anonymity because of the diplomatic and political sensitivity of the issue.

State Department officials in Kyiv and Washington were briefed on Zelensky's concerns at least three times, the two sources said. Notes summarizing his worries were circulated within the department, they said. The briefings and the notes show that U.S. officials knew early that Zelensky was feeling pressure to investigate Biden, even though the Ukrainian leader later denied it in a joint news conference with Trump in September.

Congressional Republicans have pointed to that public Zelensky statement to argue that he felt no pressure to open an investigation, and therefore the Democrats' allegations that led to the impeachment hearings are misplaced.

"Both presidents expressly have stated there was no pressure, no demand, no conditions, no blackmail, no corruption," one Republican lawmaker, John Hatch of Texas, argued on the first day of public hearings last week.

The central allegation in the impeachment inquiry is that Trump, through his allies, demanded that Ukraine, which is sending off Russian aggression, launch an investigation that would benefit him politically in exchange for crucial military and strategic support.

Witnesses have detailed, in closed-door depositions and public impeachment hearings, that allies of Trump pressed Ukraine to investigate Biden and his son while withholding military aid and a coveted meeting between the newly elected Zelensky and Trump.

The U.S. briefings—and contemporaneous notes on Zelensky's early anxiety about Trump's interest in an investigation—suggest that Democrats have evidence in reach to contradict Republican arguments that Zelensky never felt pressure to investigate Biden.

The Associated Press reported last month about Zelensky's meeting on May 7 with,

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two top aides, as well as Andriy Kobolyev, head of the state-owned natural gas company Naftogaz, and Amos Hochstein, an American who sits on the Ukrainian company's supervisory board. Ahead of the meeting, Hochstein told Yovanovitch, the U.S. ambassador, why he was being called in.

Zelenskiy's office has not replied to requests for comment about the May 7 meeting.

Notes circulated internally at the State Department indicated that Zelenskiy tried to mask the real purpose of his May 7 meeting—which was to talk about political problems with the White House—by saying it was about energy, the two people with knowledge of the matter said.

After the meeting with Zelenskiy, Hochstein separately briefed two U.S. Embassy officials, Suriya Jayanti and Joseph Pennington, about Zelenskiy's concerns, said the two people who spoke to the AP. Jayanti and Pennington took notes on the meeting, the people said.

Hochstein told the embassy officials about Zelenskiy's concerns and then traveled to Washington to update Yovanovitch on the meeting. The ambassador, who was facing a smear campaign, had just been called back to Washington, where she was informed that she no longer had the confidence of the president. She was relieved of her duties as ambassador on May 20.

Jayanti was also one of three witnesses to a phone call in which Trump discussed his interest in an investigation of Biden with his ambassador to the European Union, Gordon Sondland. The call occurred while Sondland was having lunch with three embassy officials in Kyiv, David Holmes, political counsel at the U.S. Embassy in Kyiv, has already detailed to House investigators what he overheard. Jayanti and the third witness, Tara Maher, have not been interviewed.

Hochstein, a former diplomat who advised Biden on Ukraine matters during the Obama administration, has also not been questioned in the impeachment proceedings.

The Republican arguments about Zelenskiy's lack of concern stem from a Sept. 25 joint media appearance by the American and Ukrainian leaders in which Zelenskiy discussed the July call with Trump that effectively launched the impeachment inquiry.

The appearance came shortly after Trump released a rough transcript of the call.

"You heard that we had, I think, good phone call. It was normal. We spoke about many things. And I—so I think, and you read it, that nobody pushed—pushed me," Zelenskiy said in the appearance with Trump on the sidelines of the U.N. General Assembly meeting in New York.

"In other words, no pressure," Trump spoke up to add.

In the impeachment hearings, Democrats have countered that Zelenskiy's public comments came when he was trying to calm the waters with the U.S. president in the immediate wake of the transcript's release. The burgeoning scandal has brought further uncertainty for Ukraine with its most important Western partner as the country faces simmering conflict with Russia. Zelenskiy's May 7 meeting suggests that he had been concerned about U.S. support from the start.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Madam Speaker, "Dear Ellie and James. This is a moment that you will read about in your history books.

"Today I will vote to impeach the President of the United States.

"I want you to know why. He broke our laws. He threatened our security.

He abused the highest, most sacred office in our land.

"I want you to know that it does not feel good. I can't stop thinking about the cost to our country. Not just the impeachable offenses, but the collateral damage of a President who uses power like a weapon against his own people, erodes our decency, degrades our dignity.

"I don't yet know how they will tell the story of this era, but I want to tell you the story of this day. Let the record show that today justice won, that we did our job, that we kept our word, that we stood our sacred ground.

"Let the record show that we did not let you down.

"I love you. Listen to Mom. Be home soon."

□ 1100

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Madam Speaker, first of all, let me just say, I taught my children that there are consequences if they break the law.

I am saddened, but I am not shocked, that we are here today considering Articles of Impeachment against President Trump. I am saddened, but I am not shocked because of the pattern of corruption we have seen from this President.

Yes, I am saddened, but I am not shocked because this President has routinely shown his disregard of Congress and the rule of law.

The facts are not in dispute. The President abused his power, defied the public's trust, and betrayed his oath of office. He undermined our elections by corruptly soliciting foreign interference in our elections to benefit his own future reelection efforts. Then he obstructed Congress every step of the way in an effort to cover it all up.

Donald Trump has been and remains a threat to our national security, a clear danger to our democracy, and wholly unfit to serve as President of the United States.

We have an obligation to act today to uphold the Constitution, but also to show our children and grandchildren that no one is above the law, and that includes the President of the United States.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. TRAHAN).

Mrs. TRAHAN. Madam Speaker, today, I rise to defend our democracy.

In this Chamber, we debate the Nation's most pressing issues, and often, reasonable people can draw different conclusions. But not today.

The facts are black and white. President Trump abused the power of his office for personal and political gain, and then he engaged in a coverup. It is up

to us to confront those facts and vote to preserve and protect our democratic Republic.

This is not a fight I or my colleagues sought out when we ran for Congress, but it is one we pledged when we raised our right hand and swore an oath to defend our Constitution.

Anything other than a vote to impeach will be read as a vote endorsing a future President without rules or consequences, an "anything goes, no holds barred" brand of executive branch authority that will leave us weaker and surely undermine what the Framers passed down.

We owe it to future generations to transcend personal interests and party loyalty and to vote our conscience for what is really at stake here today, the sanctity of our Constitution and the sanctity of our democracy.

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

Mr. MCGOVERN. Madam Speaker, I include in the RECORD an October 23, 2019, New York Times article entitled "Ukraine Knew of Aid Freeze by Early August, Undermining Trump Defense."

[From The New York Times, Oct. 23, 2019]

UKRAINE KNEW OF AID FREEZE BY EARLY AUGUST, UNDERMINING TRUMP DEFENSE
TOP OFFICIALS WERE TOLD IN EARLY AUGUST ABOUT THE DELAY OF \$391 MILLION IN SECURITY ASSISTANCE, UNDERCUTTING A CHIEF ARGUMENT PRESIDENT TRUMP HAS USED TO DENY ANY QUID PRO QUO.

(By Andrew E. Kramer and Kenneth P. Vogel)

KIEV, UKRAINE—To Democrats who say that President Trump's decision to freeze \$391 million in military aid was intended to bully Ukraine's leader into carrying out investigations for Mr. Trump's political benefit, the president and his allies have had a simple response: There was no quid pro quo because the Ukrainians did not know assistance had been blocked.

But then on Tuesday, William B. Taylor Jr., the top United States diplomat in Kiev, told House impeachment investigators that the freeze was directly linked to Mr. Trump's demand. That did not deter the president, who on Wednesday approvingly tweeted a quote by a congressional Republican saying neither Mr. Taylor nor any other witness had "provided testimony that the Ukrainians were aware that military aid was being withheld."

In fact, word of the aid freeze had gotten to high-level Ukrainian officials by the first week in August, according to interviews and documents obtained by The New York Times.

The problem was not bureaucratic, the Ukrainians were told. To address it, they were advised, they should reach out to Mick Mulvaney, the acting White House chief of staff, according to the interviews and records.

The timing of the communications, which have not previously been reported, shows that Ukraine was aware the White House was holding up the funds weeks earlier than acknowledged.

It also means that the Ukrainian government was aware of the freeze during most of the period in August when Mr. Trump's personal lawyer Rudolph W. Giuliani and two American diplomats were pressing President Volodymyr Zelenskiy of Ukraine to make a public commitment to the investigations.

The communications did not explicitly link the assistance freeze to the push by Mr. Trump and Mr. Giuliani for the investigations. But in the communications, officials from the United States and Ukraine discuss the need to bring in the same senior aide to Mr. Zelensky who had been dealing with Mr. Giuliani about Mr. Trump's demands for the investigations, signaling a possible link between the matters.

Word of the aid freeze got to the Ukrainians at a moment when Mr. Zelensky, who had taken office a little more than two months earlier after a campaign in which he promised to root out corruption and stand up to Russia, was off balance and uncertain how to stabilize his country's relationship with the United States.

Days earlier, he had listened to Mr. Trump implore him on a half-hour call to pursue investigations touching on former Vice President Joseph R. Biden Jr. and a debunked conspiracy theory about Ukrainian involvement in the 2016 hacking of the Democratic National Committee. Mr. Zelensky's efforts to secure a visit to the White House—a symbolic affirmation of support he considered vital at a time when Russia continued to menace Ukraine's eastern border—seemed to be stalled. American policy toward Ukraine was being guided not by career professionals but by Mr. Giuliani.

Mr. Taylor testified to the impeachment investigators that he was told it was only on the sidelines of a Sept. 1 meeting between Mr. Zelensky and Vice President Mike Pence in Warsaw that the Ukrainians were directly informed by Gordon D. Sondland, the United States ambassador to the European Union, that the aid would be dependent on Mr. Zelensky giving Mr. Trump something he wanted: an investigation into Burisma, the company that had employed Mr. Biden's younger son, Hunter Biden.

American and Ukrainian officials have asserted that Ukraine learned that the aid had been held up only around the time it became public through a news article at the end of August.

The aid freeze is drawing additional scrutiny from the impeachment investigators on Wednesday as they question Laura K. Cooper, a deputy assistant defense secretary for Russia, Ukraine and Eurasia. This month, Democrats subpoenaed both the Defense Department and the White House Office of Management and Budget for records related to the assistance freeze.

As Mr. Taylor's testimony suggests, the Ukrainians did not confront the Trump administration about the freeze until they were told in September that it was linked to the demand for the investigations. The Ukrainians appear to have initially been hopeful that the problem could be resolved quietly and were reluctant to risk a public clash at a delicate time in relations between the two nations.

"They didn't even know the money wasn't paid," Mr. Trump wrote on Twitter last month.

The disclosure that the Ukrainians knew of the freeze by early August corroborates, and provides additional details about, a claim made by a C.I.A. officer in his whistle-blower complaint that prompted the impeachment inquiry by House Democrats.

"As of early August, I heard from U.S. officials that some Ukrainian officials were aware that U.S. aid might be in jeopardy, but I do not know how or when they learned of it," the anonymous whistle-blower wrote. The complainant said that he learned that the instruction to freeze the assistance "had come directly from the president," and said it "might have a connection with the overall effort to pressure Ukrainian leadership."

Publicly, Mr. Zelensky has insisted he felt no pressure to pursue the investigations sought by Mr. Trump.

"There was no blackmail," Mr. Zelensky said at a news conference this month. He cited as evidence that he "had no idea the military aid was held up" at the time of his July 25 call with Mr. Trump, when Mr. Trump pressed him for investigations into the Bidens and a debunked conspiracy theory about Ukrainian involvement in the hacking of the Democratic National Committee in 2016.

Mr. Zelensky has said he knew about the holdup of the military aid before his meeting in Poland on Sept. 1 with Mr. Pence, but has been vague about exactly when he learned about it. "When I did find out, I raised it with Pence at a meeting in Warsaw," he said this month.

In conversations over several days in early August, a Pentagon official discussed the assistance freeze directly with a Ukrainian government official, according to records and interviews. The Pentagon official suggested that Mr. Mulvaney had been pushing for the assistance to be withheld, and urged the Ukrainians to reach out to him.

The Pentagon official described Mr. Mulvaney's motivations only in broad terms but made clear that the same Ukrainian official, Andriy Yermak, who had been negotiating with Mr. Giuliani over the investigations and a White House visit being sought by Mr. Zelensky should also reach out to Mr. Mulvaney over the hold on military aid.

A senior administration official who spoke on the condition of anonymity to speak publicly about the issue said on Monday that Mr. Mulvaney "had absolutely no communication with the Ukrainians about this issue."

Ukrainian officials had grown suspicious that the assistance was in jeopardy because formal talks with the Pentagon on its release had concluded by June without any apparent problem.

In talks during the spring with American officials, the Ukrainians had resolved conditions for the release of the assistance, and believed everything was on schedule, according to Ivanna Klymush-Tsintsadze, Ukraine's former vice prime minister for Euro-Atlantic Integration.

But by early August, the Ukrainians were struggling to get clear answers from their American contacts about the status of the assistance, according to American officials familiar with the Ukrainians' efforts.

In the days and weeks after top Ukrainian officials were alerted to the aid freeze, Mr. Sondland and Kurt D. Volker, then the State Department's special envoy to Ukraine, were working with Mr. Giuliani to draft a statement for Mr. Zelensky to deliver that would commit him to pursuing the investigations, according to text messages between the men turned over to the House impeachment investigators.

The text messages between Mr. Volker, Mr. Sondland and the top Zelensky aide did not mention the holdup of the aid. It was only in September, after the Warsaw meeting, that Mr. Taylor wrote in a text message to Mr. Sandland, "I think it's crazy to withhold security assistance for help with a political campaign."

After being informed on Sept. 1 in Warsaw that the aid would be released only if Mr. Zelensky agreed to the investigations, Ukrainian officials, including their national security adviser and defense minister, were troubled by their inability to get answers to questions about the freeze from United States officials, Mr. Taylor testified.

Through the summer, Mr. Zelensky had been noncommittal about the demands from Mr. Volker, Mr. Sandland and Mr. Giuliani for a public commitment to the investigations. On Sept. 5, Mr. Taylor testified, Mr. Zelensky met in Kiev with Senators Ron

Johnson, Republican of Wisconsin, and Christopher S. Murphy, Democrat of Connecticut.

Mr. Zelensky's first question, Mr. Taylor said, was about the security aid. The senators responded, Mr. Taylor said, that Mr. Zelensky "should not jeopardize bipartisan support by getting drawn into U.S. domestic politics."

But Mr. Sondland was still pressing for a commitment from Mr. Zelensky, and was pressing him to do a CNN interview in which he would talk about pursuing the investigations sought by Mr. Trump.

Mr. Zelensky never did the interview and never made the public commitment sought by the White House, although a Ukrainian prosecutor later said he would "audit" a case involving the owner of the company that paid Hunter Biden as a board member.

Mr. Giuliani has said he had nothing to do with the assistance freeze and did not talk to Mr. Trump or "anybody in the government" about it. "I didn't know about it until I read about it in the newspaper," he said in an interview last week.

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

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

Madam Speaker, I rise today in support of the two Articles of Impeachment against President Trump for abuse of power and obstruction of Congress.

Voting to impeach the President is a weighty decision. It is not something you reach for; it is something you are brought to reluctantly when the evidence presented can no longer be denied.

In this sober and historic moment, Members of Congress are called upon to uphold our oath of office and our duty to the Constitution. Today, we answer that call.

The President's actions compromised the national security of the United States, undermined the integrity of our democratic process, and betrayed the trust of the American people.

In soliciting foreign interference, President Trump took direct aim at the heart of our democracy. The American people should decide our elections, not a foreign country. As long as the President continues to invite foreign interference into our democracy, the integrity of the 2020 election remains at risk.

The question is: Will Congress allow the President to place his personal interests above those of his country?

Madam Speaker, I urge my colleagues in the House to join me in answering that question with a resounding "no" because no one, not even the President of the United States, is above the law.

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

Mr. MCGOVERN. Madam Speaker, I include in the RECORD an October 9, 2019, a Politico magazine article entitled "This Is What a Legitimate Anticorruption Effort in Ukraine Would Look Like," which explains that legitimate requests are made through the DOJ's Office of International Affairs

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and pursuant to the United States Mutual Legal Assistance Treaty.

(From *POLITICO Magazine*, October 9, 2019)
THIS IS WHAT A LEGITIMATE ANTI-CORRUPTION EFFORT IN UKRAINE WOULD LOOK LIKE
 (By Samantha Vinograd)

President Donald Trump insists there's an innocent explanation for the July 25 phone call in which he asked Ukraine's president to investigate political rival Joe Biden. "I don't care about Biden's campaign," he told reporters on Friday, "but I do care about corruption." Now, congressional Republicans seem to be bolstering that defense. Sen. Lindsey Graham said on Tuesday that he will invite Rudy Giuliani, a key player in Trump's dealings with Ukraine, to testify on corruption in the country—an odd choice when Graham could have asked, for example, a U.S. government official who is an authorized expert on corruption in Ukraine.

When it comes to the Bidens, asking a foreign country to investigate an American, when there is no domestic criminal investigation into him, is a non-starter. We have domestic law enforcement avenues for that. But there is no evidence of wrongdoing by Biden and no criminal investigation into his activities.

If Trump were really, legitimately focused on rooting out corruption in Ukraine, however—whether at companies like Burisma, which employed Hunter Biden, or within the government—there are U.S. government processes for doing so, when there is a credible case. Here's what they are:

STEP 1: STOP CUTTING STATE DEPARTMENT ANTI-CORRUPTION FUNDING

There is an entire State Department bureau—the Bureau of International Narcotics and Law Enforcement (INL)—focused on law enforcement efforts overseas, including investigating corruption. INL is headquartered in Washington, but it has experts serving at many U.S. missions overseas. The officials at INL work with their foreign diplomatic counterparts—some willing and some less so—as well as non-governmental organizations and law enforcement agencies at the local, national and international level to support foreign governments' efforts to build sound institutions by sharing best practices, training and giving grants. In Ukraine, that work has included supporting the establishment of the National Anti-Corruption Bureau of Ukraine and the Special Anti-Corruption Prosecutor's Office. INL and its partners can investigate and report on corruption and even take actions to punish it, like barring entry to the United States for certain foreigners.

Strangely, while Trump has a new-found interest in fighting "corruption"—at least that associated with his political rivals—his administration has requested less money for INL, not more. In fiscal year 2019, the bureau was granted \$5 million, but State requested \$3 million for fiscal year 2020. If the president were really concerned about corruption in Ukraine, he and Secretary of State Mike Pompeo should have requested more resources for INL work there.

STEP 2: ALERT THE UKRAINE AMBASSADOR, AND LET HIM DEAL WITH IT

If Trump and Pompeo really wanted to police corruption in Ukraine, they would have first alerted the acting U.S. ambassador there to specific concerns, like Ukrainian executives laundering money or a Ukrainian official misusing his or her position (such as the former prosecutor general mentioned in Trump's phone call). Ambassadors can't interfere in a corruption investigation or direct that one be opened, but they can pass information along to experts at the em-

bassy—including INL experts and Department of Justice personnel.

Those U.S. law enforcement professionals in the foreign country could see if there were a basis for them to open a criminal investigation based on that concern, and U.S. anti-corruption experts there could review suspect activity and decide how best to address them with the relevant Ukrainian officials. If there were law enforcement concerns about an American's involvement, DOJ could coordinate on that with Ukraine's Ministry of Justice.

For instance, the chargé d'affaires in Kiev, Ambassador William Taylor, and his team could send a "demarche"—an official statement of U.S. policy with respect to a corrupt activity or individual—to Ukrainian officials at the Ministry of Justice or in Ukrainian President Volodymyr Zelenskyy's office and try to sort out ways to address them. EU Ambassador Gordon Sondland and former special envoy for Ukraine Kurt Volker had to have been aware of these official channels for addressing corruption.

STEP 3: REQUEST COOPERATION (OFFICIALLY)

Trump and his team have another tool at their disposal to investigate corruption in Ukraine related to an ongoing criminal case: the United States' Mutual Legal Assistance Treaty (MLAT) with the country. MLATs are international agreements that establish a formal process for one country to gather evidence in another country for a criminal investigation.

If there were an actual U.S. government investigation into alleged criminal activity by Americans in Ukraine, or foreigners suspected of violating U.S. laws, a request for cooperation could have been made through a formal process that's run by DOJ's Office of International Affairs. Once MLAT requests are vetted by the DOJ, they are transmitted to a foreign country's "central authority"—in this case, Ukraine's Ministry of Justice. If granted in the foreign country, this arrangement could allow the DOJ to obtain documents, locate people, take testimony, request searches and seizures, freeze assets and more. If the United States were actually pursuing criminal investigations into corruption in Ukraine, U.S. officials would have made a request under our MLAT for cooperation.

The United States even has a Mutual Legal Assistance Agreement (MLAA) with China, the country that Trump called on last week to investigate Biden, after the whistleblower complaint was made public.

There is no shortage of official options when it comes to cooperation on criminal matters and fighting corruption with a foreign country—whether it be with the Ukrainians or the Chinese or anyone else. If the president actually cared about addressing corruption in Ukraine more broadly, he would ensure that experts like INL staffers at the State Department have the resources they need to do their jobs. The fact that Giuliani was his answer suggests that something very different is going on here.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR. of Florida. Madam Speaker, the President abused his power. He violated his oath of office. He sought to elevate himself as a dictator or king. But we are not a monarchy. We are the United States of America. We are a republic, a democracy, where the executive does not have absolute power. America was founded on a system of checks and balances.

When the President withheld military aid to vulnerable Ukraine and pressed for a personal favor to manufacture dirt against a political opponent, he went too far. He undermined America's national security. He sought to sabotage our elections. He elevated his personal interests over the interests of America. Then, he tried to cover up his scandalous behavior, and he obstructed the investigation.

He violated his oath of office, but I intend to uphold mine to protect and defend the Constitution of the United States of America. The President must be impeached today.

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

Mr. MCGOVERN. Madam Speaker, I include in the RECORD a December 5, 2019, Boston Globe editorial entitled "Impeach the President."

[Editorial: Boston Globe, December 5, 2019]

IMPEACH THE PRESIDENT

From the founding of this country, the power of the president was understood to have limits. Indeed, the Founders would never have written an impeachment clause into the Constitution if they did not foresee scenarios where their descendants might need to remove an elected president before the end of his term in order to protect the American people and the nation.

The question before the country now is whether President Trump's misconduct is severe enough that Congress should exercise that impeachment power, less than a year before the 2020 election. The results of the House Intelligence Committee inquiry, released to the public on Tuesday, make clear that the answer is an urgent yes. Not only has the president abused his power by trying to extort a foreign country to meddle in US politics, but he also has endangered the integrity of the election itself. He has also obstructed the congressional investigation into his conduct, a precedent that will lead to a permanent diminution of congressional power if allowed to stand.

The evidence that Trump is a threat to the constitutional system is more than sufficient, and a slate of legal scholars who testified on Wednesday made clear that Trump's actions are just the sort of presidential behavior the Founders had in mind when they devised the recourse of impeachment. The decision by House Speaker Nancy Pelosi to proceed with drafting articles of impeachment is warranted.

Much of the information in the Intelligence Committee report, which was based on witness interviews, documents, telephone records, and public statements by administration officials, was already known to the public. The cohesive narrative that emerges, though, is worse than the sum of its parts. This year, the president and subordinates acting at his behest repeatedly tried to pressure a foreign country, Ukraine, into taking steps to help the president's reelection. That was, by itself, an outrageous betrayal: In his dealings with foreign states, the president has an obligation to represent America's interests, not his own.

But the president also betrayed the US taxpayer to advance that corrupt agenda. In order to pressure Ukraine into acceding to his request, Trump's administration held up \$391 million in aid allocated by Congress. In other words, he demanded a bribe in the form of political favors in exchange for an official act—the textbook definition of corruption. The fact that the money was ultimately paid, after a whistle-blower complained, is

immaterial: The act of withholding taxpayer money to support a personal political goal was an impermissible abuse of the president's power.

Withholding the money also sabotaged American foreign policy. The United States provides military aid to Ukraine to protect the country from Russian aggression. Ensuring that fragile young democracy does not fall under Moscow's sway is a key US policy goal, and one that the president put at risk for his personal benefit. He has shown the world that he is willing to corrupt the American policy agenda for purposes of political gain, which will cast suspicion on the motivations of the United States abroad if Congress does not act.

To top off his misconduct, after Congress got wind of the scheme and started the impeachment inquiry, the Trump administration refused to comply with subpoenas, instructed witnesses not to testify, and intimidated witnesses who did. That ought to form the basis of an article of impeachment. When the president obstructs justice and fails to respect the power of Congress, it strikes at the heart of the separation of powers and will hobble future oversight of presidents of all parties.

Impeachment does not require a crime. The Constitution entrusts Congress with the impeachment power in order to protect Americans from a president who is betraying their interests. And it is very much in Americans' interests to maintain checks and balances in the federal government; to have a foreign policy that the world can trust is based on our national interest instead of the president's personal needs; to control federal spending through their elected representatives; to vote in fair elections untainted by foreign interference. For generations, Americans have enjoyed those privileges. What's at stake now is whether we will keep them. The facts show that the president has threatened this country's core values and the integrity of our democracy. Congress now has a duty to future generations to impeach him.

Mr. MCGOVERN. Madam Speaker, I include in the RECORD the December 11, 2019, USA Today editorial entitled "Impeach President Trump: The President's Ukraine shake-down and stonewalling are too serious for the House to ignore."

[From USA Today, Dec. 12, 2019]

USA TODAY'S EDITORIAL BOARD: IMPEACH PRESIDENT TRUMP
(The Editorial Board)

"Put your own narrow interests ahead of the nation's, flout the law, violate the trust given to you by the American people and recklessly disregard the oath of office, and you risk losing your job."

USA TODAY'S Editorial Board wrote those words two decades ago when it endorsed the impeachment of President Bill Clinton, a Democrat. Now, in graver circumstances with America's system of checks and balances at stake, they apply to another president facing impeachment, Republican Donald Trump.

The current board has made no secret of our low regard for Trump's character and conduct. Yet, as fellow passengers on the ship of state, we had hoped the captain would succeed. And, until recently, we believed that impeachment proceedings would be unhealthy for an already polarized nation than simply leaving Trump's fate up to voters next November.

TRUMP LEAVES DEMOCRATS' LITTLE CHOICE

Unless public sentiment shifts sharply in the days and weeks ahead, that is the likely outcome of this process—impeachment by

the Democratic-controlled House of Representatives followed by acquittal in the GOP-controlled Senate. So why bother? Because Trump's egregious transgressions and stonewalling have given the House little choice but to press ahead with the most severe sanction at its disposal.

Clinton was impeached by the House (but not removed by the Senate) after he tried to cover up an affair with a White House intern. Trump used your tax dollars to shake down a vulnerable foreign government to interfere in a U.S. election for his personal benefit.

GOP leader on House Judiciary Committee: Articles establish nothing impeachable and allege no crime

In his thuggish effort to trade American arms for foreign dirt on former Vice President Joe Biden and his son Hunter, Trump resembles not so much Clinton as he does Richard Nixon, another corrupt president who tried to cheat his way to reelection.

This isn't partisan politics as usual. It is precisely the type of misconduct the framers had in mind when they wrote impeachment into the Constitution. Alexander Hamilton supported a robust presidency but worried about "a man unprincipled in private life desperate in his fortune, bold in his temper" coming to power. Impeachment, Hamilton wrote, was a mechanism to protect the nation "from the abuse or violation of some public trust."

APPROVE ARTICLES OF IMPEACHMENT

Both articles of impeachment drafted by the House Judiciary Committee warrant approval:

Abuse of power. Testimony before the House Intelligence Committee produced overwhelming evidence that Trump wanted Ukraine's new president to announce investigations into the Bidens and a debunked theory that Ukraine, not Russia, interfered in the 2016 U.S. election.

To pressure the Ukrainian leader, Trump withheld a White House meeting and nearly \$400 million in congressionally approved security aid, funding that was released only after an unnamed official blew the whistle.

To former national security adviser John Bolton, the months-long scheme was the equivalent of a "drug deal." To Bolton's former aide Fiona Hill, it was a "domestic political errand" that "is all going to blow up." To Bill Taylor, the top U.S. diplomat in Ukraine, "it's crazy to withhold security assistance for help with a political campaign." And to Ukrainian soldiers, fighting to fend off Russian aggression in the eastern part of their country, the money was a matter of life and death.

Obstruction of Congress. Trump has met the impeachment investigation with outright and unprecedented defiance. The White House has withheld documents, ordered executive branch agencies not to comply with subpoenas and directed administration officials not to testify.

Allowing this obstruction to stand unchallenged would put the president above the law and permanently damage Congress' ability to investigate misconduct by presidents of either party.

The president's GOP enablers continue to place power and party ahead of truth and country. Had any Democratic president behaved the way Trump has—paying hush money to a porn star, flattering dictators and spewing an unending stream of falsehoods—there's no doubt congressional Republicans would have tried to run him out of the White House in a New York minute. Twenty-seven Republicans who voted to impeach or convict Clinton remain in Congress. If they continue to defend Trump, history will record their hypocrisy.

Our support for Trump's impeachment by the House—we'll wait for the Senate trial to

render a verdict on removal from office—has nothing to do with policy differences. We have had profound disagreements with the president on a host of issues, led by his reckless deficits and inattention to climate change, both of which will burden generations to come.

Policy differences are not, however, grounds for impeachment. Constitutional violations are.

Bill Clinton should be impeached and stand trial "because the charges are too serious and the evidence amassed too compelling" to ignore, the Editorial Board wrote in December 1998.

The same can be said this December about the allegations facing Donald Trump. Only much more so.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Madam Speaker, throughout this process, I listened, as a member of the House Committee on Oversight and Reform, to career diplomats testify in depositions and found myself contemplating the gravity of this decision.

One of my daughters asked then how I would make my decision about impeachment. I told her that, when her future children learn about President Trump's impeachment, they may ask: "Mommy, what did Grandma do?" I want my daughter to be able to tell her children Grandma did the right thing because, in America, no one is above the law.

With his conduct around Ukraine, President Trump corruptly abused his power for his own interests, at direct odds with our national welfare and our Constitution. This President put his interests before those of this Nation. Left unchecked, he would do it again and has said so.

The actions and ongoing schemes that led us to this moment are severe threats to our national security and democracy that we cannot defend or dismiss.

With history watching, I must fulfill my constitutional duty and vote to impeach this President. His corrupt conduct and assault on our Constitution leave no other choice.

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. KHANNA).

Mr. KHANNA. Madam Speaker, today, the House is voting to affirm a conservative principle. What makes America the strongest and most prosperous nation in the world is our reverence for the rule of law. It is our love of the law that protects our freedoms, our private property, and our families from the exercise of arbitrary power.

The real threat to American leadership in the 21st century is internal decline. We choose not to stand idly by while we see the corrupting of our body politic with an attitude that might makes right, that winners don't have to follow the rules.

In voting to impeach, we remember Lincoln's Lyceum Address: "Let every

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American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. . . . Let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in the courts of justice. And, in short, let it become the political religion of the Nation."

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

Just to advise, through the Chair, my friend, I am waiting for one additional speaker, but I reserve my time at this time.

Mr. MCGOVERN, Madam Speaker, I include in the RECORD a December 17 CNN article entitled "Fact check: Trump's wild letter to Pelosi is filled with false and misleading claims."

[From CNN, December 17, 2019]

FACT CHECK: TRUMP'S WILD LETTER TO PELOSI IS FILLED WITH FALSE AND MISLEADING CLAIMS

(By Daniel Dale and Tara Subramanian, CNN)

Washington (CNN)—It was on White House letterhead. It read like a string of President Donald Trump's tweets.

And it was just as dishonest.

On Tuesday afternoon, Trump released a six-page letter to House Speaker Nancy Pelosi in which—employing his distinctive vocabulary and punctuation—he blasted Democrats' push to impeach him, defended his dealings with Ukraine and touted his accomplishments in office.

Like much of his previous rhetoric about Ukraine and impeachment, much of the letter was false or misleading.

Trump repeated multiple false claims that have been debunked on numerous occasions. He also delivered some new claims that were false, misleading or lacking in context.

We're not finished going through all of Trump's claims in his letter, but here are some early fact checks.

DEALINGS WITH UKRAINE

Trump denied "the so-called whistleblower who started this entire hoax with a false report of the phone call that bears no relationship to the actual phone call that was made."

Facts First: The whistleblower's account of Trump's July call with Ukrainian President Volodymyr Zelensky has been proven highly accurate. In fact, the rough transcript released by Trump himself showed that the whistleblower's three primary allegations about the call were correct or very close to correct. You can read a full fact check here.

Trump claimed the whistleblower "disappeared" because "they got caught, their report was a fraud."

Facts First: There is no evidence the whistleblower has disappeared, let alone that they have vanished because they were shown to be inaccurate. Whistleblowers do not have an obligation to speak publicly after filing their anonymous complaints.

Trump wrote, "Ambassador Sondland testified that I told him: 'No quid pro quo, I want nothing. I want nothing. I want President Zelensky to do the right thing, do what he ran on.'"

Facts First: Sondland, Trump's ambassador to the European Union, did testify that

Trump told him this—but Sondland nonetheless said that, in his own opinion, there was indeed a quid pro quo.

Trump wrote that the rough transcript of his call with Zelensky "was immediately made available."

Facts First: The call occurred in July. Trump released the rough transcript in September, after the public learned of the existence of the whistleblower complaint about the call.

Trump wrote, "President Zelensky has repeatedly declared that I did nothing wrong, and that there was No Pressure. He further emphasized that it was a 'good phone call,' that 'I don't feel pressure,' and explicitly stressed that 'nobody pushed me.'"

Facts First: Zelensky did say there had been "no pressure" from Trump and made other statements to that effect, but he has not gone so far as to say Trump did nothing wrong.

In an interview published by Time magazine in early December, Zelensky did say, "Look, I never talked to the President from the position of a quid pro quo. That's not my thing." But Zelensky continued: "I don't want us to look like beggars. But you have to understand, we're at war. If you're our strategic partner, then you can't go blocking anything for us. I think that's just about anything. It's not about a quid pro quo. It just goes without saying."

Trump wrote, "I said to President Zelensky: 'I would like you to do us a favor, though, because our country has been through a lot and Ukraine knows a lot about it.' I said do us a favor, not me, and our country, not a campaign. I then mentioned the Attorney General of the United States."

Facts First: It's worth noting that Trump only adopted this explanation for his "favor" comments more than two months after he released the rough transcript of the July call. Trump quoted himself accurately here—but in between his "favor" sentence to Zelensky and his mention of the attorney general, he had asked Zelensky to look into a debunked conspiracy theory about Democratic computer servers. In his next series of comments to Zelensky, after Zelensky spoke, Trump asked Zelensky to look into former vice president and current Democratic presidential candidate Joe Biden.

JOE BIDEN AND UKRAINE

Trump wrote that Biden "used his office and \$1 billion dollars of U.S. aid money to coerce Ukraine into firing the prosecutor who was digging into the company paying his son millions of dollars."

Facts First: There is a lot wrong with this claim. The \$1 billion in question was a loan guarantee, not an aid payment. The prosecutor, Viktor Shokin, was widely viewed by American diplomats and in the international community as corrupt; Biden was pursuing official policy in pushing for Shokin's ouster. And the prosecutor's former deputy has said that the investigation into the company where Biden's son, Hunter Biden, sat on the board of directors was dormant at the time Joe Biden applied the pressure.

Trump wrote, "Biden openly stated: 'I said, 'I'm telling you, you're not getting the billion dollars' . . . I looked at them and said: 'I'm leaving in six hours. If the prosecutor is not fired, you're not getting the money.' Well, son of a bitch. He got fired.'" Even Joe Biden admitted just days ago in an interview with NPR that it "looked bad."

Facts First: Trump was not entirely clear on what he meant by "it," but he left open the impression that Biden had recently told NPR that his effort to oust Shokin, or the 2018 video of him telling the story of his effort to oust Shokin, "looked bad." In fact, Biden's "looked bad" comment was about

something different: Hunter Biden's position on the board. Specifically, Biden said "the appearance" of Hunter Biden's presence on the board "looked bad and it gave folks like Rudy Giuliani an excuse to come up with a Trumpian kind of defense."

Trump wrote, "Now you are trying to impeach me by falsely accusing me of doing what Joe Biden has admitted he actually did."

Facts First: Democrats are accusing Trump of abuse of power for soliciting foreign interference in the presidential election and for trying to use official acts to pressure the Ukrainian government into doing something that would help him personally. Biden has not been admitted to anything of the sort.

THE IMPEACHMENT PROCESS

Trump wrote, "I have been denied the most fundamental rights afforded by the Constitution, including the right to present evidence, to have my own counsel present, to confront accusers, and to call and cross-examine witnesses."

Facts First: The constitutional rights of criminal defendants do not apply to public officials in a House of Representatives impeachment process, though Trump is free to argue that they should. Trump's counsel was denied the opportunity to participate in House Intelligence Committee impeachment hearings but was invited to participate in House Judiciary Committee hearings; Trump's counsel declined that opportunity. House Republicans were allowed to have their lawyer question witnesses at the House Intelligence Committee.

Trump wrote, "More due process was afforded to those accused in the Salem Witch Trials."

Facts First: Trump might have meant this as a non-literal figure of speech, but as a factual matter, the claim is absurd. Salem's current mayor told Trump to "learn some history." Nineteen innocent people were hanged after they were accused of witchcraft in the trials of the late 1690s. The courts accepted "spectral evidence" from dreams. Some of the accused were tortured into confessions.

DEMOCRATS

Trump wrote of Hillary Clinton: "Your chosen candidate lost the election in 2016. In an Electoral College landslide (306-227)."

Facts First: Leaving aside Trump's characterization of the result as a "landslide," he got the numbers wrong—again. If he was going by the number of electoral votes each candidate earned in the voting, the result was 306 for him to 232 for Clinton. If he was going by the final result, after some "faithless electors" defected from both him and Clinton, the result was 304 for him to 227 for Clinton. This was not a one-time slip; Trump is habitually inaccurate about this.

Trump said Pelosi has a policy of "open borders."

Facts First: While Pelosi wants a more liberal immigration policy than he does, she does not support completely unrestricted migration. She has repeatedly endorsed funding for border security measures aside from the President's proposed wall.

THE MUELLER INVESTIGATION

Trump again claimed the cost of the Mueller investigation was "45 million dollars."

Facts First: The investigation cost \$32 million, according to figures released by the Justice Department, and the government is expected to recoup about \$17 million as a result of the investigation, most from former Trump campaign chairman Paul Manafort, according to a CNN analysis of the sentences handed out to people charged by Mueller.

Trump said that the world now knows that former FBI Director James Comey is "one of the dirtiest cops our Nation has ever seen."

Facts First: We give Trump wide latitude to express opinions about public figures, but the December report from Justice Department Inspector General Michael Horowitz presented no evidence that Comey was corrupt in any way. Horowitz found significant errors in FBI work connected to the Russia investigation, and rejected Comey's claim of vindication, but he did not make any finding accusing Comey of deliberate malfeasance.

SUPPOSED ACCOMPLISHMENTS

Trump claimed "a colossal reduction in illegal border crossings."
Facts First: While there has been a reduction since May, it is only a reduction from the high point of the Trump era; the total number of people apprehended at the southern border, a proxy measure for the number of actual crossings, has been higher under Trump than it was in the late Obama era.

Trump boasted of the US "becoming the world's top energy producer."

Facts First: The US became the world's top energy producer in 2012, according to the government's Energy Information Administration—under Obama, whom Trump has repeatedly accused of perpetrating a "war on American energy."

Trump claimed "a completely reformed VA with Choice and Accountability for our great veterans."

Facts First: The Veterans Choice program was signed into law by Obama in 2014. Trump signed a law in 2018 to expand and modify the Choice program, the VA MISSION Act, but he did not create Choice.

Trump touted "the building of the Southern Border Wall."

Facts First: As of December 6, the date of the latest official update from Customs and Border Protection, no miles of border wall had been constructed where barriers did not previously exist. (Construction had started on some new barriers, the government said.) Trump has argued that the replacement of old barriers with newer barriers should count as the building of his wall; as of December 6, 90 miles of replacement barriers had been erected.

Jamie Ehrlich contributed to this article.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. Madam Speaker, I rise on this solemn occasion as we, the House of Representatives, exercise the power given to us by the United States Constitution.

The original Constitution was flawed in some respects, but with respect to Presidential misconduct, it was unmitigable. The Framers knew that Presidents could be corrupt or abusive with their power so impeachment was written into our organic law.

Since taking office nearly 3 years ago, President Trump has consistently and intentionally divided this country. He has consistently encouraged foreign actors to interfere in our elections. He has thumbed his nose, Madam Speaker, at the legislative branch.

Enough is enough. We must protect our Constitution, our democracy. I will vote today to prefer serious charges against President Trump and deliver the charges to the Senate for trial, a place where President Trump can defend himself and attempt, if he chooses, to convince the Senate and the American people that his conduct does not violate the Constitution.

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

(Mr. BAIRD), my good friend, a distinguished combat veteran for our country.

Mr. BAIRD. Madam Speaker, today marks a sad day for America. Instead of getting to work to solve the issues of our time, the House Democrats have decided to try to discredit President Trump and undo the results of the 2016 election.

The facts here are clear. The President did not commit any crimes. He did not break any laws. And there was no quid pro quo.

This has been a secretive, misdirected process from the very beginning, and the American people see right through it.

I look forward to voting against this impeachment charade and getting back to work to support the efforts of President Trump to continue growing our economy, creating jobs, and improving the lives of all Americans.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE).

Mr. BRENDAN F. BOYLE of Pennsylvania. Madam Speaker, this is the fourth impeachment proceeding against an American President and the most serious.

The President committed numerous crimes, threatening the national security.

Ultimately, the matter before us today is not a question of fact, for the evidence is undisputed, nor is it a question of law, as the Constitution is clear.

The heart of the matter is this: Will Members of this House have the courage to choose fidelity to the Constitution over loyalty to their political party?

For the sake of our Constitution and our country, for Americans today and tomorrow, I urge all Members to summon the courage to uphold the rule of law and vote "yes."

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

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the distinguished gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Madam Speaker, I rise today to hold Donald John Trump accountable for his repeated abuse of power, his deliberate obstruction of the House's constitutionally mandated oversight responsibilities, and his unprecedented misuse of the Presidency to weaken the separation of powers and subvert our Constitution by dangling \$391 million in congressionally appropriated tax dollars over the head of an embattled ally in order to coerce a fraudulent investigation into a potential political opponent.

□ 1115

Our Founders feared a lawless, amoral President would willfully put national security at risk for his own personal gain.

In 1974, Republicans made it clear that their ultimate loyalty was not to

one man, but to upholding the Constitution. Today, the uncontested evidence shows Donald Trump violated his oath of office. My friends on both sides of the aisle can either defend him or defend the Constitution. History will not permit you to do both.

Mr. COLE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, before I begin my formal remarks in closing, I want to say one thing for the record.

I have great respect for all of my friends on the other side of the aisle, and I am sure they are voting their convictions; so when I vote mine, please don't imply I am doing it for my political party. I am doing it because it is what I believe is right. I do believe I can defend both the President and the Constitution of the United States, and I think that is exactly what I am doing.

Madam Speaker, I cannot oppose this rule strongly enough. The process we saw leading up to it today was a complete charade. It was a closed process, an unfair process, and a rushed process, and it could only have ever had one logical, predetermined ending.

Throughout it all, the majority trampled on minority rights; They refused to call witnesses with relevant, firsthand knowledge; they relied on hearsay news reports to make their case; they denied Republicans the right to hold a minority hearing day; and they refused the President of the United States his due process rights in the committee that was actually conducting the impeachment process and investigating him.

In the end, what was the result? Articles of Impeachment based on an event that never happened, a purported quid pro quo that did not exist, aid that was allegedly withheld that, in reality, was never withheld at all; and a narrative of intent based on nothing more than fantasy.

Madam Speaker, we deserve better than this. Impeachment is the most consequential act the House of Representatives can undertake. It must not and cannot be based on a flawed process. It cannot come at the expense of minority rights or due process to the accused. It cannot be based on a vendetta against the President that the majority has pursued since the day he was elected, and it cannot be based on nothing more than spin and hearsay. I oppose this rule, and I opposed the flawed and unfair process.

Madam Speaker, it is a very solemn vote that all of us will cast.

I want to end by, number one, thanking my good friend, the chairman of the Rules Committee, for conducting the kind of hearing he conducted yesterday; but I also want to underscore, again, that we are very violently opposed to the process and very strongly opposed to the rule. We think this is a charade and has been very unfair.

Madam Speaker, I urge my colleagues to vote "no" on the previous question, "no" on the rule, "no" on the

underlying measure, and I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me thank my friend, Mr. COLE, for his kind words, and I appreciate his leadership on the Rules Committee and the fact that he respects this institution.

But, Madam Speaker, let me say again what happened here: The President withheld congressionally approved military aid to a country under siege to extract a personal, political favor. That is a cold, hard fact.

The question before us comes down to this: Should a President be allowed to ask a foreign nation to interfere in an American election?

I remember my first political experience as a middle schooler in 1972, leaving leaflets at the homes of potential voters urging them to support George McGovern for President—no relation, by the way. I remember what an honor it was to ask people to support him, even though I was too young to vote myself, and what a privilege it was later in life to ask voters for their support in my own campaigns.

I have been part of winning campaigns, and I have been part of losing ones, too. People who I thought would be great Presidents, like Senator McGovern, were never given that chance. Make no mistake: I was disappointed, but I accepted it.

I would take losing an election any day of the week when the American people render that verdict, but I will never be okay if other nations decide our leaders for us. The President of the United States is rolling out the welcome mat for that kind of foreign interference.

To my Republican friends: Imagine any Democratic President sitting in the Oval Office—President Obama, President Clinton, any of them. Would your answer here still be the same? No one should be allowed to use the powers of the Presidency to undermine our elections, period.

This isn't about siding with your team. I didn't swear an oath to defend a political party. I took an oath to uphold the Constitution of the United States of America. And when I vote "yes" on this rule and the underlying articles, my conscience will be clear.

I ask all of my colleagues to search their souls before casting their votes. I ask them all to stand up for our democracy, to stand up for our Constitution.

Madam Speaker, I urge a "yes" vote on the rule and the previous question. The material previously referred to by Mr. COLE is as follows:

AMENDMENT TO HOUSE RESOLUTION 787

Notwithstanding the first section of this resolution, the House shall not proceed to consideration of H. Res. 755, impeaching Donald John Trump, President of the United States, for high crimes and misdemeanors, until such time as the Chairman of the House Judiciary Committee notifies the House that:

(a) All evidence in possession of Chairman Schiff of the House Permanent Select Com-

mittee on Intelligence has been made available to the House Judiciary Committee.

(b) All members of the House Judiciary Committee have been given the opportunity to ask questions of the Chairman of the House Permanent Select Committee on Intelligence with regards to his report titled "The Trump-Ukraine Impeachment Inquiry Report."

(c) All underlying, unclassified, evidence used to create the report described in subsection (b) has been made available to the public.

(d) Minority members of the House Judiciary Committee have received their right to a minority hearing day.

(e) Minority witnesses requested by Ranking Member Nunes at the House Permanent Select Committee on Intelligence and Ranking Member Collins at the House Judiciary Committee are called and allowed to be heard in accordance with H. Res. 692.

(f) Subpoenas requested by Ranking Member Nunes at the House Permanent Select Committee on Intelligence pursuant to H. Res. 690 are issued and enforced.

Mr. MCGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 229, nays 197, not voting 4, as follows:

[Roll No. 693]
YEAS—229

- | | | |
|----------------|-------------------|-----------------|
| Adams | Cooper | Garcia (TX) |
| Aguilar | Correa | Golden |
| Alfred | Costa | Gomez |
| Amodei | Courtney | Gonzalez (TX) |
| Amodei | Cox (CA) | Gottheimer |
| Armstrong | Craig | Green, Al (TX) |
| Arrington | Crist | Grjvalva |
| Babin | Crow | Haaland |
| Balderson | Cuellar | Harder (CA) |
| Banks | Cunningham | Hastings |
| Barr | Davids (KS) | Hages |
| Bergman | Davis (CA) | Hoek |
| Biggs | Davis, Donny K. | Higgin (NY) |
| Bilirakis | Dean | Himes |
| Bishop (NC) | DeFazio | Horn, Kendra S. |
| Bishop (UT) | DeCete | Horford |
| Blunt | DeLauro | Houlihan |
| Boyd | DellBene | Hoyer |
| Boyer, Brendan | Delgado | Huffman |
| F. | Demings | Jackson Lee |
| Brindisi | Deshaunier | Jayapal |
| Brown (MD) | Deutch | Joffe |
| Brownley (CA) | Dingell | Johnson (GA) |
| Bustos | Doggett | Johnson (TX) |
| Butterfield | Doyle, Michael P. | Kaptur |
| Caraballo | E. | Kasting |
| Cardenas | Eengel | Kelly (IL) |
| Carson (IN) | Escobar | Kennedy |
| Cartwright | Eshoo | Khanna |
| Caspe | Espallat | Kildee |
| Casten (IL) | Evans | Kilmer |
| Castro (FL) | Flake | Kinzie |
| Chu, Judy | Flintkammer | Kim |
| Ciampi | Fletcher | Kind |
| Cisneros | Foster | Kirkpatrick |
| Clark (MA) | Frankel | Krisnamoorthi |
| Clarke (NY) | Fudge | Kuster (NH) |
| Cleaver | Gallego | Lamb |
| Clyburn | Garamendi | Langevin |
| Cohen | Garcia (IL) | Larsen (WA) |
| Connelly | | |

- | | | |
|---------------|---------------|----------------|
| Larson (CT) | Narrows | Shalala |
| Lawrence | O'Halleran | Sherman |
| Lawson (FL) | Ocasio-Cortez | Sheriff |
| Lee (CA) | Omar | Sires |
| Lee (NV) | Pallone | Siskin |
| Leahy (CA) | Perkins | Smith (WA) |
| Levin (MI) | Pappas | Soto |
| Lewis | Pascrell | Spanberger |
| Lujan, Ted | Payne | Spicer |
| Lipinski | Perlmutter | Stanton |
| Liu | Peters | Stevens |
| Lofgren | Phillips | Suozzi |
| Lowenthal | Pingree | Swalwell (CA) |
| Lowe | Pocan | Takano |
| Lujan | Porter | Thompson (CA) |
| Lujan | Pressley | Thompson (MS) |
| Lynch | Price (NC) | Titus |
| Mallinowski | Quigley | Tlaib |
| Maloney | Raskin | Torko |
| Maloney, Sean | Rise (NY) | Torres (CA) |
| Matsui | Richmond | Torres Small |
| McAdams | Rose (NY) | TRAM |
| McBach | Rouder | (NH) |
| McCaul | Roybal-Allard | Tracy |
| McClintock | Roy | Underwood |
| McEachin | Ruppersberger | Vargas |
| McGovern | Rush | Venoy |
| McNerney | Ryan | Vela |
| Mesko | Sánchez | Velasquez |
| Meng | Sarbanes | Vlaskovsky |
| Moore | Scanlon | Wasserman |
| Morelle | Schakowsky | Schultz |
| Moulton | Schiff | Waters |
| Murphy (CA) | Schneider | Watson Coleman |
| Murphy (FL) | Schrier | Welch |
| Nadler | Scott (VA) | Weston |
| Napolitano | Scott, David | Wild |
| Neal | Sewell (AL) | Wilson (FL) |
| Neguse | | Yarmuth |

NAYS—197

- | | | |
|----------------|-----------------|---------------|
| Abraham | Gaetz | McCaull |
| Aderholt | Ollahager | McClintock |
| Allen | Glavin | McHenry |
| Amodei | Gooden | McKinley |
| Armstrong | Gohmert | Meadows |
| Arrington | Gonzalez (OH) | Meuser |
| Babin | Gooden | Miller |
| Balderson | Gosar | Mitchell |
| Banks | Granger | Moakley |
| Barr | Graves (GA) | Mooney (WV) |
| Bergman | Graves (LA) | Mullin |
| Biggs | Graves (MO) | Murphy (NC) |
| Bilirakis | Grassley (IA) | Neuhouse |
| Bishop (NC) | Griffith | Norman |
| Bishop (UT) | Grothman | Nunes |
| Blunt | Gutierrez | Olsen |
| Boyd | Hagood | Palazzo |
| Boyer, Brendan | Harris | Palmer |
| F. | Hartzer | Pence |
| Brindisi | Hern, Kevin | Perry |
| Brown (MD) | Herrera Beutler | Peterson |
| Brownley (CA) | Hies (GA) | Posey |
| Bustos | Higgin (NY) | Ratcliffe |
| Butterfield | Hill (AR) | Reed |
| Caraballo | Holding | Reichert |
| Cardenas | Hollingsworth | Rice (SC) |
| Carson (IN) | Hudson | Riggleman |
| Cartwright | Huelskamp | Roby |
| Caspe | Huelskamp | Rodgers (WA) |
| Casten (IL) | Hurd (TX) | Roe, David P. |
| Castro (FL) | Johnson (IA) | Rogers (AL) |
| Chu, Judy | Johnson (OH) | Rogers (KY) |
| Ciampi | Johnson (SD) | Roney (FL) |
| Cisneros | Jordan | Rose, John W. |
| Clark (MA) | Joyce (OH) | Rouzer |
| Clarke (NY) | Joyce (PA) | Roys |
| Cleaver | Katko | Rutherford |
| Clyburn | Comer | Scott |
| Cohen | Conaway | Scott, Austin |
| Connelly | Cook | Senenbrenner |
| | Crawford | Shapiro |
| | Crenshaw | Smith (MO) |
| | Curtis | Smith (NJ) |
| | Davidson (OH) | Smith (NY) |
| | Davis, Rodney | Smucker |
| | Deshaunier | Steno |
| | Diaz-Balart | Steno |
| | Duncan | Stuber |
| | Durn | Stefaniak |
| | Emmer | Steube |
| | Engel | Steube |
| | Escobar | Stewart |
| | Ferguson | Stivers |
| | Fitzpatrick | Thornley |
| | Fleischmann | Thompson (PA) |
| | Flowers | Thornberry |
| | Fortenberry | Timmons |
| | Fox (NC) | Tipton |
| | Fulcher | |
| | McCarthy | |

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Turner
Upton
Van Drew
Wagner
Walberg
Walgren
Walker
Walorski

Waltz
Watkins
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)

Wittman
Wornaok
Woodall
Wright
Yoho
Young
Zelinski

NOT VOTING—4

Gabbard
Hunter

Serrano
Shimkus

□ 1146

Ms. BASS changed her vote from "nay" to "yea."

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. MCGOVERN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 197, not voting 5, as follows:

[Roll No. 694]

AYES—228

Adams
Aguiar
Alfred
Amash
Axne
Barragan
Bass
Beatty
Bera
Boyer
Bishop (GA)
Blumenauer
Blunt
Boehner
Bonamic
Boyle, Brendan
F.
Brindisi
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carballo
Cardenas
Carson (IN)
Cartwright
Case
Carter (IL)
Caator (FL)
Castro (TX)
Chu, Judy
Cicilline
Clawson
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Cooper
Correa
Costa
Courtney
Cox (GA)
Craig
Crist
Crow
Cusler
Cunningham
Davide (KS)
Davis (CA)
Davis, Danny K.
Dean
DeFazio
DeGette
DeLauro
DeLencastre

Price (NC)
Quigley
Raskin
Riseo (NY)
Richmond
Rose (NY)
Rouda
Roybal-Allard
Ruiz
Rubenberger
Rush
Ryan
Sánchez
Sarbanes
Scanlon
Schakowsky
Schiff
Schneider
Schroder
Schrier
Scott (VA)

Scott, David
Sowell (AL)
Shalala
Sherrman
Sherrill
Sirota
Slorkin
Smith (WA)
Soto
Spahnberger
Speier
Stanton
Stevens
Suozzi
Surrell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tlaib
Tenko

Torres (CA)
Torres Small
(NM)
Trahan
Trone
Underwood
Yarose
Velasquez
Vielosky
Wasserman
Schultz
Waters
Watson Coleman
Welch
Weston
Wild
Wilson (FL)
Yarmuth

NOES—197

Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green (TN)
Griffith
Grochman
Bacon
Baird
Balderson
Banks
Barr
Berman
Biggs
Bilirakis
Bishop (NC)
Bishop (UT)
Bost
Brady
Brooks (AL)
Brooks (IN)
Buchanan
Buchanan
Bucshon
Buckley
Burchett
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Cheney
Cline
Cloud
Cole
Collins (GA)
Comer
Conaway
Cook
Crawford
Crenshaw
Curtis
Davidson (OH)
Davis, Rodney
DesJarlais
Diaz-Balart
Duncan
Dunn
Emmer
Estes
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fulcher
Gaetz
Gallagher
Gianforte
Gibbs
Gohmert
Gonzalez (OH)
Gooden
Gosar
Olson

Palazzo
Pence
Pence
Perry
Petersen
Poosey
Rohrabacher
Roed
Roemer
Roe (SC)
Rohrabacher
Rouzer
Roy
Rutherford
Schalick
Schweikert
Scott, Austin
Sensenbrenner
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Spaulo
Staubert
Stefanik
Steil
Stenbe
Stewart
Stivers
Taylor
Thompson (PA)
Thornberry
Timmons
Tipton
Turner
Upton
Van Drew
Wagner
Walberg
Walden
Walker
Walorski
Waltz
Watkins
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Woolen
Wittman
Womack
Woodall
Wright
Yoho
Young
Zelinski

NOT VOTING—5

Gabbard
Hunter
Gallego
Serrano

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1155

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

STATED FOR:

Mr. GALLEGO. Madam Speaker, had I been present, I would have voted "YEA" on rollcall No. 694.

IMPEACHING DONALD JOHN TRUMP, PRESIDENT OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS

The SPEAKER pro tempore. Pursuant to House Resolution 767, the House will proceed to the immediate consideration of House Resolution 755.

The Clerk will report the resolution. The Clerk read the resolution as follows:

H. RES. 755

Resolved, That Donald John Trump, President of the United States, is impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the United States Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of the people of the United States of America, against Donald John Trump, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I: ABUSE OF POWER

The Constitution provides that the House of Representatives "shall have the sole Power of Impeachment" and that the President "shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors". In his conduct of the office of President of the United States—and in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed—Donald J. Trump has abused the powers of the Presidency, in that:

Using the powers of his high office, President Trump solicited the interference of a foreign government, Ukraine, in the 2020 United States Presidential election. He did so through a scheme or course of conduct that included soliciting the Government of Ukraine to publicly announce investigations that would benefit his reelection, harm the election prospects of a political opponent, and influence the 2020 United States Presidential election to his advantage. President Trump also sought to pressure the Government of Ukraine to take these steps by conditioning official United States Government acts of significant value to Ukraine on its public announcement of the investigations. President Trump engaged in this scheme or course of conduct for corrupt purposes in pursuit of personal political benefit. In so doing, President Trump used the powers of the Presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States democratic process. He thus ignored and injured the interests of the Nation. President Trump engaged in this scheme or course of conduct through the following means: (1) President Trump—acting both directly and through his agents within and outside the United States Government—corruptly solicited the Government of Ukraine to publicly announce investigations into—

