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No. 30

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, a light to a dark world, we honor and praise Your Name.

Lord, continue to guide our Senators. Use them to bring a little more light and truth to our Nation. Help them to remember that Your timing is not their timing, but Your providence will prevail. May they embrace the demands of a life of integrity, a life that refuses to give in to fear, hypocrisy, and hatred. Lord, You are our strength and shield, and we trust You to guide our steps.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 13, 2020.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee, to perform the duties of the Chair.

CHUCK GRASSLEY,  
President pro tempore.

Mr. ALEXANDER thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### LEGISLATIVE SESSION

DIRECTING THE REMOVAL OF UNITED STATES ARMED FORCES FROM HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN THAT HAVE NOT BEEN AUTHORIZED BY CONGRESS—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S.J. Res. 68, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 68) to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

Pending:

Cramer (for Cruz) Amendment No. 1301, to amend the findings.

Cramer (for Reed) Amendment No. 1322, to amend the findings.

Cramer (for Cotton) Amendment No. 1305, to exempt from the termination requirement United States Armed Forces engaged in operations directed at designated terrorist organizations.

Cramer (for Risch) Amendment No. 1314, to amend the findings.

Cramer (for Rubio/Risch) Amendment No. 1320, to amend the findings.

Cramer (for Sullivan) Amendment No. 1319, to amend the rule of construction.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. BOOZMAN). The majority leader is recognized.

### TRIBUTE TO BOB SWANNER

Mr. MCCONNELL. Mr. President, earlier this week, I offered thanks to a long list of Senate officers and staff who helped this body fulfill our unique constitutional responsibilities in recent weeks, but we are soon saying goodbye to one of those distinguished servants of the U.S. Senate. So I would like to begin this morning by sharing my gratitude and the whole Senate's gratitude for Bob Swanner.

Bob first joined the staff of the Senate Recording Studio more than two decades ago. Back then, he was already somewhat of an expert in designing and constructing television and radio studios. In fact, I understand that his record was so impressive that he was offered the job on the spot, and as anyone knows who has worked with Bob for even a few minutes, he has spent every day since then demonstrating how lucky we were to have him on board.

By his second year on the job, Bob had already successfully spearheaded the transition of Senate broadcasts to high-definition TV, and he didn't stop there. Over the past two decades, Bob has guided the overhaul of the camera and audio systems in every Senate hearing room. He masterminded the design of the new Senate Recording Studio's facilities in the Capitol Visitor Center, and he has made sure that speeches here on the floor are delivered under only the best TV lighting.

Let's face it—Hollywood, this place is not. Frankly, capturing a U.S. Senator's "good side" is not always an easy assignment, but as Bob knows better than anyone, our audio-visual capabilities in this institution are not about glamor; they are about civics. They are about making sure the American people can look and listen to their government.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Oh, and I haven't even gotten to the small fact that Presidential inaugurations take place here on the Capitol grounds as well. Not long after Bob was promoted to general manager of the Recording Studio came the 2017 inauguration—one big professional challenge after another and one success after another on behalf of the institution that Bob has served.

It is no surprise that Bob's colleagues at the Recording Studio are sorry to see him go. The Senate is better for his dedicated efforts over these many years, but he will begin his well-deserved retirement with our sincere thanks for a job well done.

#### IMPEACHMENT

Mr. President, now on an entirely different matter, it has been 1 week since the Senate concluded the third Presidential trial in American history.

Things move quickly in Washington, as always, so it is natural that our focus is now shifting to the many policy subjects where we have more work to do for families all across our country.

But when the Senate acts, we do not only address the particular issue before us; we create lasting precedent. This is especially true during something as grave and uncommon as an impeachment trial. Just as citizens, scholars, and Senators ourselves studied the past precedents of 1868 and 1999, so will future generations examine what unfolded over the past few months.

So before we adjourn for the upcoming State work period and leave impeachment fully in the rearview mirror, I wanted to speak about it one more time—not about the particulars that have been so exhaustively discussed and debated but the deeper questions, to record some final observations for the future.

The Senate did its job. We protected the long-term future of our Republic. We kept the temporary fires of factionalism from burning through to the bedrock of our institutions. We acted as Madison wished—as an “impediment” against “improper acts.” The Framers’ firewall held the line.

But in this case, all is not well that ends well. We cannot forget the abuses that fueled this process. We cannot make light of the dangerous new precedents set by President Trump's opponents in their zeal to impeach at all costs. We need to remember what happened so we can avoid it ever happening again.

As we know, the leftwing drive to impeach President Trump predated—predated—any phone call to Ukraine—and, in fact, his inauguration. This isn't a Republican talking point; it is what was reported by outlets like *POLITICO* and the Washington Post. House Democrats barely tried to hide that they began with a guilty verdict and were simply shopping for a suitable crime.

So, unfortunately, it was predictable that the House majority would use the serious process of impeachment as a platform to politically attack the

President. It was less predictable that they would also attack our Nation's core institutions themselves. But that is what happened.

First, the House Democrats chose to degrade their body's own precedents. The majority sprinted through a slapdash investigation to meet arbitrary political deadlines. They trivialized the role of the House Judiciary Committee, the body traditionally charged with conducting impeachment inquiries. They sidelined their own Republican minority colleagues and the President's counsel to precedent-breaking degrees.

All of this was very regrettable, but from a purely practical perspective, breaking the House's own china was Speaker PELOSI's prerogative. What was truly outrageous is what came next—a rolling attack on the other institutions outside the House.

To begin with, the recklessly broad Articles of Impeachment were an attack not just on one President but on the Office of the Presidency itself.

Their first article criticized the alleged motivation behind a Presidential action but failed to frame their complaint as definable “high Crimes [or] Misdemeanors.” This House set out into uncharted constitutional waters by passing the first-ever Presidential impeachment that did not allege any violations of criminal statutes.

Clearly, they owed the Senate and the country a clear limiting principle to explain why removal on these grounds would be different from the malleable and subjective “maladministration” standard, which the Framers rejected as a ground for impeachment. But they offered no such thing.

And their second article sought to criminalize the normal and routine exercise of executive privileges that Presidents of both parties have rightly invoked throughout our history. This was, in effect, criminalizing the separation of powers themselves.

So the House articles would have sharply diminished the Presidency in our constitutional structure. To extract a pound of flesh from one particular President, House Democrats were willing to attack the office itself.

But it did not stop with the House and the Presidency. Next in the crosshairs came the Senate.

The very night the House passed the articles, the Speaker began an unprecedented effort to reach outside her own Chamber and dictate the contours of the Senate trial to Senators. The bizarre stunt of withholding the articles achieved, of course, nothing, but the irony was enormous.

The House had just spent weeks jealously guarding their “sole power” of impeachment and criticizing other branches for perceived interference. Indeed, this reasoning was the entire basis for their second Article of Impeachment, but their first act out of the gate was to try to bust constitutional guardrails and meddle in the Senate.

When that stunt went nowhere and the trial began, House Democrats brought their war on institutions over to this Chamber. From the very first evening, it was clear the House managers would not even try to persuade a supermajority of Senators but simply sought to degrade and smear the Senate itself before the Nation. Senators were called “treacherous” for not structuring our proceedings to the managers' liking.

Finally, when the trial neared its end and it became clear that bullying the Senate would not substitute for persuading it, the campaign against institutions took aim at yet another independent branch—the Supreme Court—in particular, the Chief Justice of the United States.

A far-left pressure group produced ads impugning him for presiding neutrally—neutrally—and not seizing control of the Senate. One Democratic Senator running for President made the Chief Justice read a pointless question gainsaying his own “legitimacy.”

So, in summary, the opponents of this President were willing to throw mud at the House, the Presidency, the Senate, and the Supreme Court—all for the sake of short-term partisan politics.

The irony would be rich if it were less sad. For years, this President's opponents have sought to cloak their rage in the high-minded trappings of institutionalism. The President's opponents profess great concern for the norms and traditions of our government. But when it really counted—when the rubber met the road—that talk proved cheap. It was they who proved willing to degrade public confidence in our government. It was they who indulged political bloodlust at the expense of our institutions: reckless—reckless—insinuations that our 2016 election was not legitimate; further insinuations—right here on the floor—that if the American people reelect this President in 2020, the result will be presumptively illegitimate as well; bizarre statements from the Speaker of the House that she may simply deny reality and refuse to accept the Senate's verdict as final.

There has been much discussion about the foreign adversaries who seek to reduce the American people's faith in our democracy and cause chaos and division in our country—rightly so—but we must also demand that our own political leaders exercise some self-restraint and not do the work of our adversaries for them.

The critics of our Constitution often say that because our Framers could not have imagined modern conditions, their work is outmoded. We hear that the First Amendment or the Second Amendment or the separation of powers must be changed to suit the times.

But the geniuses who founded this Nation were actually very prescient. Case in point: The reckless partisan crusade of recent weeks is something they predicted more than two centuries

ago. Hamilton predicted “the demon of faction will, at certain seasons, extend his scepter” over the House of Representatives. He predicted that partisan anger could produce “an intemperate or designing majority in the House of Representatives,” capable of destroying the separation of powers if left unchecked.

The Framers predicted overheated House majorities might lash out at their peer institutions and display “strong symptoms of impatience and disgust at the least sign of opposition from any other quarter; as if the exercise of . . . rights, by either the executive or judiciary, were a breach of their privilege and an outrage to their dignity.” They knew the popular legislature might be “disposed to exert an imperious control over the other departments.”

They predicted all of this. They predicted it all.

So they did something about it. They set up a firewall. They built the Senate.

This body performed admirably these past weeks. We did precisely the job we were made for.

We did precisely the job we were made for, but impeachment should never have come to the Senate like this. This most serious constitutional tool should never have been used so lightly—as a political weapon of first resort, as a tool to lash out at the basic bedrock of our institutions because one side did not get their way.

It should never have happened, and it should never happen again.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HYDE-SMITH). Without objection, it is so ordered.

#### MARCH FOR LIFE

Mr. THUNE. Madam President, on January 24, tens of thousands of pro-life Americans filled the streets of Washington, DC, for the annual March for Life. Unfortunately, I couldn't come down to the floor to talk about the march because the Senate was tied up with the impeachment trial, although I did get the opportunity to meet with some marchers from Rapid City, SD. Now that the floor is open again, I wanted to come down to recognize this year's marchers, including those from my home State of South Dakota, and talk about why they march.

Every year in this country, hundreds of thousands of babies are killed by abortion—hundreds of thousands. That is not some number the pro-life movement has cooked up. That is straight from the pro-abortion Guttmacher Institute, formerly affiliated with Planned Parenthood, which reports that “approximately 862,320 abortions

were performed in 2017.” That is 862,320. Most of us can't even fathom what a number that big looks like, but that is a lot of babies, because, of course, that is what we are talking about—babies, human beings.

Proponents of abortion try to deny the humanity of the unborn child, but science and ultrasound and common sense all make it very clear that when we talk about unborn children, we are talking about human beings, with their own fingerprints and their own DNA. Human beings deserve to be protected, even when they are small and weak and vulnerable—especially when they are small and weak and vulnerable.

Stick around politics long enough and you are sure to hear someone talking about the importance of being on the right side of history. It is a common trope, but it is no less true for that. The truth is, we should think about being on the right side of history. When people look back at us, we want to be remembered for standing up for what is right, not for going along with injustice.

Abortion repeats a tired pattern. One group of people or society decides that another group of people is less valuable. They advance plausible-sounding reasons why it is legitimate to deprive these people of their human rights, and for various reasons people in that society go along with it. It is a story that has been repeated too many times, and the judgment of history never looks kindly on these societies.

The United States was founded to safeguard human rights. We haven't always lived up to that promise, but we have never stopped trying. It is time for America to start standing up for the rights of unborn humans.

Last week, in his State of the Union Address, the President called for a ban on late-term abortions. In 2016, somewhere around 11,000 babies were aborted at or after the 21-week mark in pregnancy—11,000 in 1 year. That is a lot of babies.

As neonatal science advances, we have been able to save babies born at earlier and earlier stages of pregnancy. Babies have survived after being born at 25 weeks, at 24 weeks, at 23 weeks, and, like Ellie Schneider, who attended the State of the Union Address with her mom, at 21 weeks. Yet, in this country it is legal to kill babies at 40 weeks, right up until the very last moment of pregnancy. That makes no sense.

How can a child born at 23 weeks be regarded as a human being, deserving of care, and yet an unborn child who is that very same age be regarded as less than human? The moment of birth does not magically confer humanity, and yet our law acts like it does.

I would like to think that a bill to ban late-term abortions like the President proposed would be a no-brainer in Congress. At the very, very least, we should all be able to agree that we shouldn't be aborting babies who can live outside their mothers. But, unfor-

tunately, abortion extremism has grown to such an extent that leading Democrats, including a Democrat Presidential candidate, not only rule out banning late-term abortions, but they actually refused to rule out infanticide.

Last year, after the Democrat Governor of Virginia implicitly endorsed infanticide, the Senate took up legislation that simply stated that a baby born alive in an abortion clinic is entitled to the same protection and medical care that a baby born in a hospital is entitled to, and 44 Democrats, almost the entire Democrat caucus here in the Senate, voted against that legislation. It was a grim day for human decency and for human rights.

Although we have a long way to go to protect unborn babies in this country, I remain hopeful, and I am never more hopeful than when I see tens of thousands of Americans—so many of them young people—descend on our Nation's Capital every year to march for life. We may not win this battle today or tomorrow, but we are turning the tide. The arc of the moral universe is long, but I believe that it does bend toward justice and in the end right will prevail. I look forward to the day when every child born and unborn is protected in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

S.J. RES. 68

Mr. SCHUMER. Madam President, today the Senate will vote on a bipartisan War Powers Resolution offered by Senator KAINE directing the President to terminate the use of U.S. Armed Forces for hostilities against the Islamic Republic of Iran.

The Constitution is clear: Congress has the power to declare war. The President has no authority to enter the United States into another endless conflict in the Middle East, but I fear that the President's erratic decision-making, his lack of strategy, his inability to control his impulses may bumble us into a war nonetheless, even if he doesn't intend it.

With this bipartisan resolution, the Senate will assert its constitutional authority and send a clear bipartisan message that the President—this President or any President—cannot sidestep Congress when it comes to matters of war and peace. It is important to do this now.

The President's actions in the Middle East have escalated the confrontation. Before the State of the Union, the President himself said that war with Iran was “closer than you thought”—

his words. Now, let me be clear, nobody in this Chamber will shed a single tear over the death of Iranian General Soleimani, but that doesn't mean that we disregard the potential consequences of the strike or any comparable action. It is more than appropriate for Congress to affirm that it has authority over any major long-term hostilities with Iran, as the Constitution prescribes.

Yet, still, some on the other side have claimed that this War Powers Resolution is nothing more than an attempt by Democrats to embarrass President Trump. The Founding Fathers would laugh at that assertion. One of the great powers they gave Congress—not the executive—was the power to declare war. This resolution is partisan? Well, then, why are a good number of Republicans supporting it?

Let me say this again. This resolution is going to pass with a bipartisan majority of Senators in support—a rarity these days. If this is purely an attempt to embarrass the President, well, it is going to be a bipartisan one.

We need to stop pretending as if both sides of the aisle aren't concerned about the President having too much leeway over matters of war and peace. That is why this resolution is bipartisan, because both sides of the aisle agree that for too long Congress has ceded our constitutional authority to the executive branch, and we are taking an important step today to claim that authority back.

Now, today there will be amendments offered that will seek to do one thing and one thing only: undermine what we are trying to achieve today and provide the President's lawyers with get-out-of-jail free cards. My colleague from Arkansas has an amendment that will create an exception for operations against foreign terrorist organizations. It sounds reasonable at first, but any enterprising lawyer in the administration could use this amendment to justify the type of unilateral escalation of hostilities that this legislation would prohibit. My colleague from Florida has an amendment that seeks a similar outcome. My friends on both sides who wish this resolution to pass should vote down these amendments. They cut against the core of the legislation. Senator KAINE told me that if this amendment passed, the Cotton amendment, he would be forced to vote against his own bill. What good would that do for those of us who want to pass it anyway?

One final point. With respect to the situation in Iran, we still don't have a clear picture from the administration about our strategy in the region. The only gesture of transparency that this administration has been able to muster was a classified all-Members briefing conducted more than a week after the strike. There were 97 Senators who attended, but only 15 Members got to ask questions before the administration, led by Secretary Pompeo, practically sprinted out the door with a less-than-

genuine commitment to return. Our demands for a followup briefing have been ignored by the White House, Secretary Esper, and Secretary Pompeo. Those briefings should have occurred before the action. I learned about what we were doing in the news, and 2 hours later got a call from the administration.

I fear that by keeping Congress and the American people in the dark, President Trump may be directing military operations in a manner that doesn't stand up to public scrutiny. When you are forced to consult with Congress and when Congress has the power to declare war, quick and sloppy thinking evaporates because people have to at least examine the issues in some detail, and the American public has some say.

That is why Senator KAINE's War Powers Resolution is a matter of necessity. I commend Senator KAINE and his colleagues on the job he has done, including my colleague from Illinois, sitting right here, and I urge my colleagues to vote in favor of it.

#### DEPARTMENT OF JUSTICE

Madam President, now on the Department of Justice. In the short week since the conclusion of the President's impeachment trial, the President has reminded us of all the reasons why Congress must serve as the check on the Executive.

The President has dismissed members of his administration who testified in the House impeachment inquiry, including, for no reason, the twin brother of one of the witnesses. The administration has reportedly withdrawn the nomination of a senior Pentagon official who merely advised her colleagues about the legal implications of delaying assistance to Ukraine. Truth—when the President doesn't like the truth, it has no place in this administration, and people who speak truth to power are summarily dismissed.

On Tuesday, after career prosecutors made sentencing recommendations for Roger Stone, who was found guilty of witness tampering and lying to Congress, the President tweeted that his former colleague and confidant was being unfairly treated. Soon afterward, it appears the Attorney General or other political appointees at DOJ countermanded the sentencing recommendation and will instead advise a more lenient sentence for the President's friend. As a result, all four career prosecutors connected to the Stone case withdrew from the case or resigned from the Justice Department entirely—a clear signal they believed the revised sentencing conflicted with their professional and ethical obligations as prosecutors.

Of course, it was not enough for the President to just lean on the Justice Department to make it easy on his old pal. The President went on publicly to attack the judge who would decide Mr. Stone's fate—another example of the President's blatant contempt for the independence of the judiciary.

In the past, Chief Justice Roberts has spoken out in defense of the independ-

ence of the judicial branch. When the President, during his campaign, attacked Judge Curiel, the Chief Justice released a statement saying:

We do not have Obama judges or Trump judges, Bush judges or Clinton judges. We have an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. The independent judiciary is something we should all be thankful for.

That is what Chief Justice Roberts said.

Well, President Trump is once again attacking a Federal judge—in this case, Judge Amy Berman Jackson, who is presiding over the Stone case. The Nation now looks again to Chief Justice Roberts to make clear to President Trump that these attacks are unacceptable. Speaking of the independence of the judiciary in broad and general terms is well and good. It is a good thing to do, but to not speak up now, when in the middle of this brouhaha a judge is being attacked by the President before she makes a sentencing decision, that is when we really need the Chief Justice to speak up. Now would be the time for Chief Justice Roberts to speak up. Now would be the time for the Chief Justice to directly and specifically defend the independence of this Federal judge. I hope he will see fit to do that and to do it today.

I have also called on the inspector general of the Justice Department to investigate the Roger Stone matter. The Judiciary Committee in the Senate should do the same, but even without formal investigation, it is abundantly clear that something is rotten in the Justice Department.

The President can corrupt our Justice Department in two major ways: pressuring it to investigate his opponents or using its power to reward his friends. The impeachment of the President concerned the first abuse: The President wanted a foreign power to announce an investigation into one of his political opponents or funnel allegedly incriminating information to our Justice Department. The President explicitly mentioned the Attorney General during his phone call with the Ukrainian President. More recently, Attorney General Barr has publicly said that the Justice Department has now set up a channel to receive information from the President's personal attorney, Rudy Giuliani, about the Ukraine scandal. It seems to be an attempt to accomplish the same goals the President was just impeached over.

The events surrounding Mr. Stone's more lenient sentencing recommendations are an example of the second way Presidents can corrupt the Justice Department: improperly rewarding the President's friends. In the wake of Watergate, Congress passed laws and made crucial reforms so this kind of abuse of the levers of power will not happen again, but here, right now, the President is using the hallowed Justice Department—the only Cabinet agency named for an ideal, Justice—as his personal law firm. He is using the Justice

Department named for an ideal, Justice, as his personal law firm.

What a shame. What a defamation of what the Constitution is all about.

My Senate colleagues who believed the President would be chastened by impeachment have been completely and disastrously wrong. The only lesson the President has learned is that there is nothing he can do that Senate Republicans will not forgive or rationalize or simply ignore. The lesson the President has learned is that the courts are unlikely to stop him, too, because the Senate Republican caucus has voted to confirm virtually every judge he has nominated, no matter how unqualified or ill-suited to the bench.

We are staring at a crisis of the rule of law. The institutions designed to check Executive power are crumbling before our very eyes. The crisis was the President's own making, but it was enabled and emboldened by every Senate Republican who has been too afraid to stand up to the President and say no.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent to speak for up to 3 minutes in debate.

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

S.J. RES. 68

Mr. MENENDEZ. Madam President, I rise in strong support of S.J. Res. 68. Senator Kaine, a distinguished member of the Foreign Relations Committee, has done an extraordinary job here in riveting our attention to a congressional responsibility that is paramount. It calls for the removal of U.S. troops from hostilities against Iran that Congress has not authorized.

One of the most consequential decisions we make as Members of Congress—I have been called on on more than one occasion between the House and the Senate—is whether to send our sons and daughters into battle. It is a decision that is about life and death and national security. The Constitution delegated that power to only one institution of the entire Federal Government—the Congress of the United States—to declare war, because of the severity of the consequences of the decision. It is up to the Congress to ensure that the executive branch, whoever sits there at any given time, utilizes all the tools of diplomacy it has to keep Americans safe and that there is an effective check on executive power before we send our children off to war.

I stand in strong support of the resolution. This body must assert its congressional privilege.

Of course, the President has the right to take action to defend against imminent threats to the homeland and to Americans abroad. No one disputes that. Senator Kaine doesn't dispute that. None of us do. But the President does not have the authority to engage in any military action he likes.

We have been hearing from this administration that there is a redline—

Iran cannot have a nuclear weapon. I agree. But if, at the end of the day, that means that to enforce your redline, you are going to take America to war, then you must come to the Congress of the United States and seek that authorization for war.

What I hear from the administration: Oh, no, we have article II powers. Oh, no, the 2002 resolution—which had nothing to do with Iran. Never envisioned. It is so tortured to suggest that is authorization for us. Can we sit back and contemplate that possibility? We cannot. We cannot.

So as someone who voted against the war in Iraq and served in Congress during the debate on whether to authorize military action, I can assure you that the 2002 resolution—that was not its intention, and it doesn't comport with the history, the use, or the plain reading of the text.

I am gravely concerned about the administration's efforts to build a shaky legal foundation for the explicit purpose of carrying us into ever-longer wars, including potentially against Iran.

Before we vote to ultimately decide that, it should be the Congress of the United States that should make that decision on behalf of the American people, looking our sons and daughters in the eyes and saying, yes, this is worthy of the national security of the United States.

I will vote to send my son and daughter if the cause is right, but if the cause is not right, I will not vote to send my son and daughter or anyone else's sons and daughters. That is the debate that should be had here. That is what Senator Kaine is trying to do with this resolution. I am concerned that some of the amendments being offered are simply to undermine that.

I look forward to joining with Senator Kaine to pass that resolution, as well as oppose some of the amendments.

I will submit a longer statement for the RECORD on this resolution, S.J. Res. 68, and the War Powers Resolution more broadly when we return on Monday, February 24. I urge my colleagues to read that statement.

With that, I yield back.

VOTE ON AMENDMENT NO. 1301

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to Cruz amendment No. 1301.

Who yields time?

Mr. Kaine. Madam President.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Madam President, I rise to speak in opposition to the Cruz amendment.

The Cruz amendment is contrary to the purpose of the resolution before the body. The resolution before the body is to make sure that Congress is involved in decisions about war. The Cruz amendment is contrary to that purpose by praising the President for a military action taken not only without congress-

sional approval but without notification to Congress.

Second, we are all glad General Soleimani is dead. That is good for the world. But there are legitimate questions about the mission—particularly, should it have been taken out on Iraqi soil over the objection of the Iraqi Government? That has now led the Iraqi Parliament to ask U.S. troops to withdraw from the region, which would empower Iran and empower ISIS.

Finally, the Cruz amendment talks about President Trump. This resolution is not about President Trump. I had an original version of it that referenced activities of the administration, but my Republican colleagues—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. Kaine. Asked me to remove those.

I ask for a vote against the amendment.

The PRESIDING OFFICER. Does anybody want to use time in favor of the amendment?

Mr. Risch. Madam President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. Risch. Madam President and fellow Senators, I rise in support of Senator Cruz's amendment.

This is just a continuation of this animosity toward this President. This President did a great service to the United States of America, to the people of America, and to the world by dispatching General Soleimani as he did.

All of us listened to the intelligence. We had the secret and top-secret briefings on this. In addition to that, those of us on the Intelligence Committee actually got information that was compartmented. They had very clear information, proof to a very high degree that he was imminently attacking—he was imminently planning to attack Americans and American forces.

This was the right thing to do. It rid the world of a person who really rose to the same level as Osama bin Laden and some of the other people who have done these awful things to Americans. We should congratulate this President—

The PRESIDING OFFICER. All time has expired.

Mr. Risch. Just as we did with President Obama.

Thank you. I urge an affirmative vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. Risch. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. Durbin. I announce that the Senator from Massachusetts (Mr. Markey) and the Senator from Vermont (Mr. Sanders) are necessarily absent.

The PRESIDING OFFICER (Mr. Scott of Florida). Are there any other

Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—64

Alexander	Graham	Portman
Barraso	Grassley	Risch
Blackburn	Hassan	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rosen
Braun	Hyde-Smith	Rounds
Burr	Inhofe	Rubio
Capito	Johnson	Sasse
Carper	Jones	Scott (FL)
Cassidy	Kennedy	Scott (SC)
Collins	King	Shaheen
Cornyn	Lankford	Shelby
Cortez Masto	Lee	Sinema
Cotton	Loeffler	Stabenow
Cramer	Manchin	Sullivan
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Moran	Toomey
Enzi	Murkowski	Wicker
Ernst	Paul	Young
Fischer	Perdue	
Gardner	Peters	

NAYS—34

Baldwin	Gillibrand	Schatz
Bennet	Harris	Schumer
Blumenthal	Heinrich	Smith
Booker	Hirono	Tester
Brown	Kaine	Udall
Cantwell	Klobuchar	Van Hollen
Cardin	Leahy	Warner
Casey	Menendez	Warren
Coons	Merkley	Whitehouse
Duckworth	Murphy	Wyden
Durbin	Murray	
Feinstein	Reed	

NOT VOTING—2

Markey Sanders

The amendment (No. 1301) was agreed to.

VOTE ON AMENDMENT NO. 1322

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to Reed amendment No. 1322.

The majority whip.

Mr. THUNE. Mr. President, I ask unanimous consent that the remaining votes in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Senator REED.

Mr. REED. Mr. President, I rise to offer my amendment noting that as a result of Iran's recent ballistic missile strike against U.S. air bases in Iraq, over 100 servicemembers have sustained traumatic brain injuries, or TBIs, as a result of their proximity to the blasts.

It is vitally important that all U.S. Government personnel—military and civilian—who incur such injuries be given the care they deserve and that their medical records be properly annotated to ensure they receive the care they are entitled to in the future.

My amendment recognizes the seriousness of these injuries and honors those who will now have to deal with these wounds, possibly for the rest of their lives.

I urge my colleagues to adopt this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. RISCH. Mr. President, colleagues, I urge an affirmative vote on this. Just as we congratulated the President on the last amendment—the Commander in Chief, who made the very difficult decision to do what needed to be done to rein up the terrorists and the people who are operating out of Iran—we also need to recognize the people on the frontlines, our brave young men and women who are in Iraq, pushing back on Iran's attempt to influence and to infiltrate the country of Iraq. They are doing our work for us. We need to recognize that.

I urge an affirmative vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The yeas and nays appear to be in order.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. MARKEY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—99

Alexander	Gardner	Peters
Baldwin	Gillibrand	Portman
Barraso	Graham	Reed
Bennet	Grassley	Risch
Blackburn	Harris	Roberts
Blumenthal	Hassan	Romney
Blunt	Hawley	Rosen
Booker	Heinrich	Rounds
Boozman	Hirono	Rubio
Braun	Hoeven	Sanders
Brown	Hyde-Smith	Sasse
Burr	Inhofe	Schatz
Cantwell	Johnson	Schumer
Capito	Jones	Scott (FL)
Cardin	Kaine	Scott (SC)
Carper	Kennedy	Shaheen
Casey	King	Shelby
Cassidy	Klobuchar	Sinema
Collins	Lankford	Smith
Coons	Leahy	Stabenow
Cornyn	Lee	Sullivan
Cortez Masto	Loeffler	Tester
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Menendez	Udall
Daines	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Warren
Enzi	Murphy	Whitehouse
Ernst	Murray	Wicker
Feinstein	Paul	Wyden
Fischer	Perdue	Young

NOT VOTING—1

Markey

The amendment (No. 1322) was agreed to.

VOTE ON AMENDMENT NO. 1305

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to the vote in relation to Cotton amendment No. 1305.

The Senator from Virginia.

Mr. KAINE. Mr. President, I rise in opposition to the amendment and will be making a motion to table it following Senator COTTON's presentation.

The Cotton amendment would establish a very dangerous precedent. I say that with all respect. It would basically allow military action against actors on the designated list of foreign terrorist organizations without there being a declaration of war against them.

There are currently 69 FTOs on the list, including the Basque Fatherland and Liberty, the Kurdistan Workers' Party, the Irish Republican Army, and the Communist Party of the Philippines.

The FTO list has never been a war authorization. The FTO list is created by the administration. It adds the names to it. This would suggest that, by being on the FTO, the U.S. military could take action against you even without there being congressional authorization. The list is so long, and it can be added to by a President. This would basically destroy the underlying bill by allowing a President to add to the FTO list rather than coming to Congress and then taking military action.

I know the speaker's intention is that this goes to the IRGC. If we need to defend ourselves under article II, we can or we can declare war.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, this is not about the Basque, and this is not about the IRA. This resolution applies only to the Government of Iran. This is, indeed, only about the Islamic Revolutionary Guard Corps.

Let me tell you a story about the last 17 years in Iraq.

For 17 years, the most deadly weapon our troops have faced has been something called an explosively formed penetrator. It takes a slug of copper, superheats it into a ball of magma, and sends it hurtling through the air at 6,000 feet per second at our troops. I will spare you the graphic details of what a liquid ball of copper magma does when it travels at 6,000 feet per second into the human body, but I will tell you that those were smuggled into Iraq by, yes, the Islamic Revolutionary Guard Corps.

The vote here is simple: Do you want to vote to stand with our troops, hundreds of whom have died at the hands of Iran, or do you want to vote to be a lawyer for Iranian terrorists?

The PRESIDING OFFICER. The Senator from Virginia.

MOTION TO TABLE

Mr. KAINE. Mr. President, I move to table Cotton amendment No. 1305, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 48 Leg.]

## YEAS—54

Alexander	Harris	Peters
Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Sinema
Carper	Leahy	Smith
Casey	Lee	Stabenow
Cassidy	Manchin	Tester
Collins	Markey	Udall
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murkowski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	Wyden
Gillibrand	Paul	Young

## NAYS—46

Barrasso	Gardner	Risch
Blackburn	Graham	Roberts
Blunt	Grassley	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Sullivan
Crapo	Loeffler	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Perdue	
Fischer	Portman	

The motion is agreed to; the amendment is tabled.

## VOTE ON AMENDMENT NO. 1314

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to the Risch amendment, No. 1314.

The Senator from Idaho.

Mr. RISCH. Mr. President, I want to be very clear. I oppose this resolution, as it is misguided and it sends a terrible, confusing message to Iran and to our allies in the region.

The purpose of my amendment is to make clear to Iran and to our allies that, under the Constitution, the President of the United States has a constitutional responsibility to take actions to defend the United States, its Territories, possessions, citizens, servicemembers, and diplomats from attack.

Who could disagree with that?

Let's make this clear to Iran and to our allies that that is the state of play—notwithstanding the fact, of course, that this resolution will not become law. It is going to get vetoed, and the veto is going to be sustained.

The clear language of this is very short:

The President has a constitutional responsibility to take actions to defend the United States, its territories, possessions, citizens, servicemembers, and diplomats from attack.

Senators, make this clear. Vote yes on this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, though my friend from Idaho opposes my resolution, I do not oppose his amendment. I view the Risch amendment as a basic restatement of constitutional law, and it is essentially the same concept as the rules of construction in the resolution, so I do not oppose it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1314.

Mr. RISCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 93, nays 7, as follows:

[Rollcall Vote No. 49 Leg.]

## YEAS—93

Alexander	Feinstein	Perdue
Baldwin	Fischer	Peters
Barrasso	Gardner	Portman
Bennet	Graham	Reed
Blackburn	Grassley	Risch
Blumenthal	Harris	Roberts
Blunt	Hassan	Romney
Booker	Hawley	Rosen
Boozman	Heinrich	Rounds
Braun	Hirono	Rubio
Brown	Hoeven	Sasse
Burr	Hyde-Smith	Schatz
Cantwell	Inhofe	Schumer
Capito	Johnson	Scott (FL)
Cardin	Jones	Scott (SC)
Carper	Kaine	Shaheen
Casey	Kennedy	Shelby
Cassidy	King	Sinema
Collins	Klobuchar	Smith
Coons	Lankford	Stabenow
Cornyn	Lee	Sullivan
Cortez Masto	Loeffler	Tester
Cotton	Manchin	Thune
Cramer	McConnell	Tillis
Crapo	McSally	Toomey
Cruz	Menendez	Van Hollen
Daines	Merkley	Warner
Duckworth	Moran	Whitehouse
Durbin	Murkowski	Wicker
Enzi	Murray	Wyden
Ernst	Paul	Young

## NAYS—7

Gillibrand	Murphy	Warren
Leahy	Sanders	
Markey	Udall	

The amendment (No. 1314) was agreed to.

## VOTE ON AMENDMENT NO. 1320

The PRESIDING OFFICER (Mrs. FISCHER). There will now be 2 minutes of debate, equally divided, prior to the vote in relation to the Rubio amendment No. 1320.

The Senator from Florida.

Mr. RUBIO. Madam President, this amendment is a statement of three facts: No. 1, that we are not engaged at this moment in hostilities with Iran—we are not at war with Iran; No. 2, that the actions that were taken against Soleimani were, frankly, lesser in scope, nature, and duration than what the previous administration did and the way they behaved in their exercise of war powers, also a statement of fact; and No. 3, that the maximum pressure of strategy against Iran has reduced Iran's resources that they can use to sponsor terrorism and proxy groups, also a statement of fact. Whether you agree with maximum pressure or not, it is a fact that this year, and last year, Iran has billions of dollars less than they otherwise would have, had it not been for the maximum pressure campaign.

Those three things are statements of fact, and I think if we are going to have a resolution like this, it should

accurately describe the situation, and that is why I urge your support and a negative vote against any effort to table.

The PRESIDING OFFICER. The Senator from Virginia.

## MOTION TO TABLE

Mr. KAINE. Madam President, I ask my colleagues to vote to table the Rubio amendment No. 1320. Let me explain why. The gist of the amendment is basically to say that we are not in hostilities with Iran. If you read the newspaper, we now see that 100 American troops are suffering from concussions—closed-head injuries—that could potentially lead to other significant consequences because of the Iranian attack on the Al-Asad Air Base.

The United States sent the military strike that killed Iran's key military leader and Iraqi militia leader. The United States took a previous strike a week before that killed 25 Iranian-connected militia members in 5 sites in Iraq and Syria. The War Powers Act has a definition of what armed conflict and hostilities are, and it is clear that Congress was meant to be able to file this exact motion either during armed conflict or even before armed conflict if it were imminent.

I would argue that the 100 servicemembers who are suffering from head injuries and the American contractor who was killed is definitely proof that there are hostilities. I ask to table.

I now move that Rubio amendment No. 1320 be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 50 Leg.]

## YEAS—54

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Rosen
Booker	Jones	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lee	Smith
Cassidy	Manchin	Stabenow
Collins	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Moran	Warner
Durbin	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden
Harris	Paul	Young

## NAYS—46

Alexander	Enzi	McConnell
Barrasso	Ernst	McSally
Blackburn	Fischer	Perdue
Blunt	Gardner	Portman
Boozman	Graham	Risch
Braun	Grassley	Roberts
Burr	Hawley	Romney
Capito	Hoeven	Rounds
Cornyn	Hyde-Smith	Rubio
Cotton	Inhofe	Sasse
Cramer	Johnson	Scott (FL)
Crapo	Kennedy	Scott (SC)
Cruz	Lankford	
Daines	Loeffler	



Shelby  
Sullivan

Thune  
Tillis

Toomey  
Wicker

The motion is agreed to; the amendment is tabled.

#### AMENDMENT NO. 1319

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote in relation to Sullivan amendment No. 1319.

Mr. SULLIVAN. Madam President.

The Senator from Alaska.

Mr. SULLIVAN. Madam President, no one wants war with Iran, but while I respect Senator Kaine and my other colleagues who are supporting the broader AUMF, it has fatal flaws.

First, it says the United States should cease its hostilities against Iran. This is completely backward. The United States is not actively conducting hostilities against Iran, but Iran has been actively conducting hostilities against us and our troops for decades. Just look at the long, bloody list: thousands of Americans dead and wounded, Marine barracks in Lebanon, Khobar Towers in Saudi Arabia, Soleimani, and deadly IEDs in Iraq.

Second, the broader AUMF of Senator Kaine dramatically limits our ability to protect these very forces from future attacks, which we know the Iranians are planning. Close to half of the forces in Iraq right now are Alaska-based military forces, our friends and neighbors in Alaska. I want to make sure they are protected.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SULLIVAN. My amendment does that by making sure the President has clear authority to protect our troops.

The PRESIDING OFFICER. The Senator's time has expired.

Who requests time in opposition?

Mr. LEE. Madam President.

The PRESIDING OFFICER. The Senator from Utah.

#### MOTION TO TABLE

Mr. LEE. Madam President, I have great respect for my distinguished colleague from Alaska, and I appreciate his service to our country and his thoughts today.

I stand in opposition to his amendment because, if there is one thing we don't need right now, it is anything else that would give more authority to the military-industrial complex to start and finish wars without authorization from Congress.

Anytime we introduce additional ambiguity into a field that is already ripe with ambiguity, given the inherent tension between ambiguities surrounding the inherent article II Commander in Chief power and the article I power that Congress has to declare war, we run into problems. This would open up that ambiguity.

The legislation we are addressing here, this resolution, is bipartisan. It has as its object to clarify that, for future, offensive action, we need congressional authorization. We have been lied to by the Pentagon for years regarding a war that has gone on for two decades. That is long enough. We don't want to

create additional ambiguities. We don't want any more wars without the people's elected representatives being able to debate it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEE. Madam President, I move to table the Sullivan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

#### [Rollcall Vote No. 51 Leg.]

##### YEAS—51

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Rosen
Booker	Jones	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Lee	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Udall
Duckworth	Merkley	Van Hollen
Durbin	Moran	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Harris	Paul	Wyden

##### NAYS—49

Alexander	Fischer	Risch
Barrasso	Gardner	Roberts
Blackburn	Graham	Romney
Blunt	Grassley	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Cornyn	Kennedy	Sullivan
Cotton	Lankford	Thune
Cramer	Loeffler	Tillis
Crapo	McConnell	Toomey
Cruz	McSally	Wicker
Daines	Murkowski	Young
Enzi	Perdue	
Ernst	Portman	

The motion is agreed to; the amendment is tabled.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think President Trump's decision to take out General Soleimani was the boldest defense policy decision of his Presidency to date. Even in a single strike, the President defended American lives and showed Iran that terrorism and, most importantly, spilling American blood is something that will come at a price, unlike what we have gone through with the predecessor, when the redline didn't mean anything. It means something now. Everybody knows it.

The result is that we are now in the best negotiating position with Iran since 1979, and Iran's escalation, which includes attacks on tankers, Saudi Arabia's oil facilities, and the killing of an American citizen, has ended, at least for now.

Yet some Democrats would have you believe in a vote for a War Powers Resolution, pretending as though the President is rushing to war. It is just

not happening. The facts are not there. There is no war with Iran. An airstrike is not a war. Punishing Iran for killing an American citizen is not a war, nor has the Soleimani strike started a new war, as Democrats would have you believe. It just hasn't happened.

It has been 3 weeks now since the Democrats first tried to vote on this resolution, and during those 3 weeks, nothing has happened. Let me just repeat that. Nothing has happened. There have been no new Iranian attacks against us, and we have not attacked them. How can anyone claim that we are at some kind of a war?

Moreover, nobody wants war with Iran. The President has made it very clear that he doesn't want war with Iran. In fact, the President's decision to eliminate Soleimani has made war much less likely because it showed Iran that its terrorism would come at a price. That wasn't the case before.

Despite this success, today we are debating whether we want to tie the hands of our Commander in Chief—or any Commander in Chief—to respond when American lives are put at risk, as the Constitution gives them the authority to do.

I want to be sure that all of my colleagues are crystal clear on what exactly this War Powers Resolution means, what it will actually do. The resolution calls on the President to terminate the use of American Armed Forces for hostilities against Iran. But there are no hostilities against Iran. There is no war with Iran.

The resolution calling for the termination of hostilities against California would have the same effect. Practically speaking, this vote will do nothing. It is nonsense, but we should be very concerned about the symbolic effect this vote will have.

This will send a very damaging message to Iran. The Iranians will interpret a vote in favor of this resolution as tying the President's hands, and that would lead Iran to believe, once again, that it can get by with anything.

Remember, it wasn't that long ago that they really believed that. Nobody wants that. Congress doesn't want it. The White House doesn't want it and certainly not the American people. So I don't know why we are even debating a resolution that could make war more likely, when we are trying to do just the opposite.

If the Democrats insist on tying the President's hands, the least we can do is minimize the damage. While I urge my colleagues to vote against this resolution, I also urge them to support amendments to minimize the damage.

I want to comment briefly on the amendment offered by the ranking member of the Senate Armed Services Committee, my friend the Senator from Rhode Island. He is correct to highlight the traumatic brain injuries that a number of our troops suffered during the January 8 Iranian strike on Iraq. We understand that.



However, I would like to clarify: I believe we were not misled in this at all. Mild TBIs can only be confirmed through MRI scans. The Department of Defense implemented its screening procedure properly and made sure that all troops in the vicinity of the strike were screened. I think we need to understand that. All of this was done, and it is as if that wasn't done at all.

Once those results were made available, the Department of Defense notified the public in a press release. It then briefed our committee, the committee that I chair. I therefore want to commend the Department of Defense for taking all the right measures to protect our forces during the Iranian strikes and for appropriately screening our forces for aftereffects.

This is why I think it is extremely important that we vote this resolution down. Even as it is amended now, it will signal to the Iranians that there is no price for aggression. It will undermine deterrence, and it will leave our troops, diplomats, and citizens vulnerable. Nobody wants that.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Virginia.

Mr. KAINE. Mr. President, I rise to speak with respect to final passage of S.J. Res. 68, which will be the next item of business before us. I will speak briefly because I have been on the floor about this a few times in the last week or two.

First, I want to thank my colleagues for this process, including the President. It has been a very collaborative process, with a lot of dialogue, a lot of listening, a lot of changes in amendments, and back and forth since early January. My colleagues, however they voted on things that I hoped they might support me on, were very willing to dialogue and ask hard questions. I understood why people were where they were. I just want to thank the body for it.

I also note what a cool thing it is to actually have a bunch of amendment votes on the floor. I hope we might do more on other items.

This is an issue that is extremely important to this body, and it is extremely important to me. Of the variety of issues—I didn't serve in the military—why would it be important to me? Having a child in the military and coming from a State that is so connected to the military, I have been nearly obsessed with this issue since about 2002.

I never knew I would have an opportunity to work on it as a U.S. Senator, but when I came here in 2012, I started to look for colleagues on both sides of the aisle and in both Houses who would stand for the proposition that war is the most solemn responsibility we have, and it cannot be outsourced to anyone.

I was willing to stand up to a friend—a Democratic President—and challenge him when he was undertaking military action without coming to Congress. I

have done the same with President Trump, but with no disrespect to the office. I want an article II President who will inhabit fully the article II powers of the office of Commander in Chief. But what I have hoped for since I came is an article I branch that would fully inhabit the article I powers that are vested only in Congress.

For that reason, I put the resolution forward and worked with you and others to make sure the resolution was bipartisan. It is not only bipartisan, but folks from different parts of the political spectrum and from different parts of the country and new Members and veteran Members have come together to say—after many decades of abdicating responsibility, under Presidents of both parties and under majorities of both parties in both Houses—it is time for Congress to take this very seriously. That is why I will be voting in favor of the resolution and encouraging other colleagues to do the same.

The last thing I want to say is this. I talked about these two young men briefly yesterday on the floor. I am struck by their stories. The last two men who were killed in combat for the United States in the 19-yearlong war against terrorists that was sparked by America's righteous outrage over the attack of 9/11 were two sergeants first class, Javier Gutierrez and Antonio Rodriguez. They are both from the Southwest, one from San Antonio and one from Las Cruces, NM.

They were both killed last week in Afghanistan by an insider attack. It was somebody who was wearing a uniform—potentially, a member of the Afghan National Security Forces or posing as one. These are the security forces that we have invested billions and billions of dollars in training and equipping—\$45 billion this year alone. Someone wearing that uniform of an ally of the United States turned a weapon on these two gentlemen and killed them.

I read their bios, and I was just so struck by their stories. They were 28 years old, which means they were 9 years old when 9/11 happened and when Congress passed the war authorization under whose terms they were then serving when they lost their lives in Afghanistan. They really never knew in their life anything but war.

By the time they were 9 years old the Nation was at war. Nineteen years later, we are still in the same war, and that authorization has been used now all over the globe to engage in military activity virtually in so many countries and so many continents. They never knew anything but war.

I just want to say a word about each of them.

Sergeant Gutierrez was a young man, a 28-year-old from San Antonio. Sergeant Gutierrez's grandfather was an aviator in World War II who was shot down and imprisoned in a POW camp in Germany. His name was Mr. Ortiz. He was then liberated when the Russians liberated that POW camp. That was the

grandfather. Sergeant Gutierrez's dad was a marine during the Vietnam era.

Sergeant Gutierrez was born in Jacksonville, NC, near the Lejeune base in North Carolina. All he wanted to do was serve his country. He joined the Junior ROTC Program at his local high school because, he said, "I want to be like my grandfather and I want to be like my dad." By all accounts, he served in such a wonderful way.

This was his third deployment. He had one in Iraq and one in Afghanistan previously. This was his third deployment.

He leaves behind a wife, Gabby, and four children ages 2 to 7.

Sergeant Rodriguez was from Las Cruces, NM. He also leaves behind a wife, Ronaleen, no children, but a lot of devoted family.

When I read this in the news, I thought it was a misprint. This was Sergeant Rodriguez's 11th deployment to Afghanistan. He was only 28 years old. He probably didn't go into the military until he was 18, but he was Special Forces. Those deployments tend to be often, more frequent and maybe not as long in duration. But think about it—10 times in Afghanistan, and on the 11th deployment, he gave his life. The sacrifices are just kind of staggering for me to contemplate.

I will just conclude and say this: I know that everybody in this Chamber goes to VA hospitals to visit. I have three VA hospitals in Virginia. I was in one in Hampton last Friday. We do this because we want to see our great care providers. We talk to our veterans. We get inspired by stories of resilience and see cutting-edge treatments and technologies.

Often, those visits are empowering and inspiring. One thing you will always feel when you leave after a visit to a VA hospital—and I felt this way when I left the VA in Hampton last Friday afternoon—is the enduring consequences of war. When I was visiting a mental health unit, when I was visiting the women's clinic that now deals with the increasing number of women veterans, what you grapple with are the enduring consequences of war.

Under the best of circumstances, when we get it right and we win, there are still horrible consequences of war—people's health and people's lives and then the lives and health of the caregivers and friends of those who serve. Because those consequences are so momentous and so enduring, those of us in this body—and maybe especially those of us in this body who didn't wear the uniform and didn't serve—we have a special obligation to make sure that we deliberate and deliberate carefully before we send troops into harm's way.

The President of the United States—this President and every President—always needs the ability to defend the United States against imminent attack without asking for anybody's permission. I think the world knows we will do that. This body, though, is a body

that needs to decide if we go on offense and engage in military action. Guess what. The world knows we will do that too.

We took that vote on the war authorization in 2001, and 18 years later, we have tens of thousands of troops deployed and people still losing their lives. We are spending \$45 billion a year in Afghanistan to preserve the gains that we won. No one can question America's resolve. But this resolution is about a level of deliberation to match the sacrifice that we expect. The sacrifice is momentous, so our deliberation should be careful. That is what this bill is designed to do. That is why I am so proud to have worked on it with my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, fellow Senators, we are about to vote on an important piece of legislation. Of course, it is a piece of legislation that will never become law, but nonetheless it deserves our attention, and certainly it deserves serious consideration.

We know two things as we approach this. No. 1, under the Constitution, it is absolutely crystal clear that only Congress can declare war. No. 2, which is crystal clear, we know the President of the United States has the authority to defend the country. Finally, No. 3—and this is very important, as it relates to this—no one wants war with Iran. No one agrees that we should proceed to war with Iran. That is simply not the situation here today.

There are constitutional questions here that we know we have to wrestle with, and they are difficult ones.

It is important to note here, first of all, that the dispute that has been going on with Iran for a long, long time has really nothing to do with the Iranian people. We support the Iranian people. They have a long history, a proud tradition, and they deserve substantially better than what they are getting in leadership today.

This is an important debate we are going to have today about war powers and the use of military force.

One thing also that is clear but that muddies the water is that there is no clear line of delineation between actual war and the use of kinetic force.

As I said, it is important to have this debate. I really believe it should not be held in this context. It should be a policy that we are debating that is useable in all contexts. I have sat through dozens of hours of debate on war powers, the war powers of the President. It is an age-old debate that has gone on since George Washington was President. It is a hard debate because all these words were written in the 18th century, and things were a lot clearer then. Things are much less clear today. These debates were long. There were many lawyers involved. Indeed, no conclusion can be reached.

It is one of those areas where I have come to the conclusion that the words

that need to be written in order to clearly specify the place that the President occupies and the place that the Congress occupies is a very, very difficult one.

There are things on this Earth—and I really believe this may be one of them—where we know it when we see it, but we can't define it. We know war when we see it. We also know what kinetic action is, in order to protect the people of the United States, that is more isolated in the hands of the President doing the defensive measure. We know that when we see it. But defining the distinction between the two when one blurs into the other is very, very difficult.

The President needs the authority that he has to defend the United States, and it is clear that authority comes from three buckets: No. 1, it comes from article II of the U.S. Constitution; No. 2, it comes from the War Powers Act; and No. 3, it comes from the AUMFs that have been passed by this body for some time.

Iran, as you are listening, understand that the President has that authority. He has specific authority from all of those buckets. Notwithstanding the arguments that have been made here by some Members of this body, the President unquestionably has those powers. This power has been used very sparingly by this President. Compared to the last administration, the numbers are really, indeed, striking. The drone action, drone strikes that have been taken then and now—during the Obama administration, there were 540 of them over 8 years. In this particular administration, they are very, very few and far between and can only be described as a handful.

This is a President who abhors the use of military force. I have had the opportunity to discuss it with him at length. I have actually been in the room when he has been confronted with these questions and had to make the decisions. He is deeply moved by these kinds of questions and understands how difficult they are. When he talks about how he has to write letters to the families of the men and women who didn't come home, about having to make those phone calls, about having to go to Dover to receive the remains of our brave men and women who didn't make it home alive, he is deeply, deeply disturbed by these matters. I can tell you, as I said, having been there, when he has had to make these decisions, they weigh heavily on him.

So what are we doing here today? It certainly isn't to rein in this President. He has not used his power willy-nilly, as I have indicated. It has been used very, very sparingly, and it has been used in great contrast to the previous administration.

Well, what we are doing here today is we are trying to get our arms around the question of, when is it appropriate for the President to use military force? We all have our ideas on that. We have the words that the Founding Fathers

left us, so we are going to debate it here today. And it is important.

The unfortunate part about this is that we are also sending a message to Iran. Iran is listening. There is no question that they are listening to this debate. They are listening to what people are saying here on the floor of the Senate.

One of the messages that will come out of this and the way this is drawn is that the drafters of this want to send a message of appeasement to Iran. This has been tried. It hasn't worked. The last administration bent over backward to offer appeasement to Iran. They were greatly betrayed by it. It was tried with the JCPOA, and it didn't work. The reason it didn't work is that we are not dealing with people here who are acting in good faith.

What we need to do is to send a message of firmness and not weakness. At the end of the day, when we are all done with this, there will be such a message. It needs to be a consistent and a uniform message when it comes to messaging to Iran and when it comes to the messaging of our foreign policy as it relates to Iran. It will not be this law that is before us, because it is going to be vetoed. We all know it is going to be vetoed. It takes a two-thirds majority to override that. It is not going to happen.

So the mixed message is there. Iran will listen to it. The hard-liners will take it one way, and other people will take it the other. That is not a good situation. Hopefully, we will be able to lay this out in a way in which they can read between the lines and get the message that is important.

The President took an action that people have criticized here that was difficult. It was a tough decision. He was a really bad guy—a guy who was worse than Osama bin Laden. He was the person who was executing Iran's malign policies in the world and in the region. His killings and loss of limbs have become legendary in the world today. Whenever I see one of our young men or women who is missing an arm or a leg, he or she owes that to General Soleimani. He killed hundreds of people. He was responsible for the IED program that took the lives of so many and maimed so many of our men and women who were fighting in the Middle East. It got to the point at which he was wandering around, really, with impunity and was not worried about what he was doing or that anybody was going to take any action against him.

Let's look at the timeline over the last year.

The Iranians started by blowing up oil tankers, and nothing was done about it. They attacked the Saudi oil fields, where 100 Americans were working, and nothing was done about it. They took down a drone of ours over international space, and nothing was done about it. Finally, over the fall, they ratcheted it up with 13 attacks on U.S. soldiers at U.S. bases in Iraq. These were our men and our women

whom we had asked to go over there and push back against Iran's attempt at infiltration into Iraq. They took 13 attacks. Finally, on one of those attacks, somebody was killed. The President laid down a redline that, if an American were killed, there was going to be a price to pay. They finally killed that person. They attacked our Embassy in Baghdad and attempted to set it on fire.

Eventually, the President made the choice to do what he did. This was in response to Iran's continual pushing of the envelope and the miscalculations that Iran made. General Soleimani had been traveling from place to place, putting in place the final plans of coordination for the execution of an attack against the American people. It was imminent.

You have heard my friends here say: Oh, no. It was not imminent. We listened to the intelligence.

I sit on the Intelligence Committee. I sat through all of the briefings that were given that were at the secret level and at the top secret level that were given to the people who are here in the body. I also sat through the ones that were given to the Intelligence Committee, which were compartmented and much more granular. There was no doubt that this man was planning an imminent attack to kill Americans. He didn't get the chance.

Thank you, Mr. President. Thank you for what you did.

We have heard the argument here that it was not imminent. This person was substantially more of an imminent danger to the United States of America and to Americans than Osama bin Laden was. Yet, when the President of the United States, Barack Obama, took out Osama bin Laden, we all cheered it. In fact, we passed a resolution here—100 to 0—commending the President of the United States for what he did.

Mr. President, you heard us today pass such a resolution that thanks you. Thank you, Mr. President, and farewell, General Soleimani.

Iran, do not miscalculate and read what is happening here as being capitulation or weakness or appeasement. It is not. It is a disagreement between this branch of government, the legislative branch, and our second branch of government, the executive branch, as to how we should defend ourselves. Make no mistake about it: We will defend ourselves.

In America, we operate under the rule of law. This joint resolution that is in front of us that we are debating today will not become law. It will not be part of the body of law by which we live. It will be vetoed.

Iran, take note: If you continue on the path that you are on with your malign activities, it is going to take you to a very bad place.

I urge a "no" vote. I understand how it is going to come out. I will be standing here again to sustain the President's veto, and it will be sustained.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I ask unanimous consent that the scheduled 1:45 p.m. vote commence now.

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

The clerk will read the joint resolution for the third time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution, as amended, pass?

Mr. ROBERTS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 52 Leg.]

#### YEAS—55

Alexander	Hassan	Reed
Baldwin	Heinrich	Rosen
Bennet	Hirono	Sanders
Blumenthal	Jones	Schatz
Booker	Kaine	Schumer
Brown	King	Shaheen
Cantwell	Klobuchar	Sinema
Cardin	Leahy	Smith
Carper	Lee	Stabenow
Casey	Manchin	Tester
Cassidy	Markey	Udall
Collins	Menendez	Van Hollen
Cooms	Merkley	Warner
Cortez Masto	Moran	Warren
Duckworth	Murkowski	Whitehouse
Durbin	Murphy	Wyden
Feinstein	Murray	Young
Gillibrand	Paul	
Harris	Peters	

#### NAYS—45

Barrasso	Fischer	Portman
Blackburn	Gardner	Risch
Blunt	Graham	Roberts
Boozman	Grassley	Romney
Braun	Hawley	Rounds
Burr	Hoeven	Rubio
Capito	Hyde-Smith	Sasse
Cornyn	Inhofe	Scott (FL)
Cotton	Johnson	Scott (SC)
Cramer	Kennedy	Shelby
Crapo	Lankford	Sullivan
Cruz	Loeffler	Thune
Daines	McConnell	Tillis
Enzi	McSally	Toomey
Ernst	Perdue	Wicker

The joint resolution (S.J. Res. 68), as amended, was passed, as follows:

#### S.J. RES. 68

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Congress has the sole power to declare war under article I, section 8, clause 11 of the United States Constitution.

(2) The President has a constitutional responsibility to take actions to defend the United States, its territories, possessions, citizens, service members, and diplomats from attack.

(3) Congress has not yet declared war upon, nor enacted a specific statutory authorization for use of military force against, the Islamic Republic of Iran. The 2001 Authorization for Use of Military Force (Public Law

107-40; 50 U.S.C. 1541 note) against the perpetrators of the 9/11 attack and the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 50 U.S.C. 1541 note) do not serve as a specific statutory authorization for the use of force against Iran.

(4) The conflict between the United States and the Islamic Republic of Iran constitutes, within the meaning of section 4(a) of the War Powers Resolution (50 U.S.C. 1543(a)), either hostilities or a situation where imminent involvement in hostilities is clearly indicated by the circumstances into which United States Armed Forces have been introduced.

(5) Members of the United States Armed Forces and intelligence community, and all those involved in the planning of the January 2, 2020, strike on Qasem Soleimani, including President Donald J. Trump, should be commended for their efforts in a successful mission.

(6) Section 5(c) of the War Powers Resolution (50 U.S.C. 1544(c)) states that "at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs".

(7) More than 100 members of the United States Armed Forces sustained traumatic brain injuries in the Iranian retaliatory attack on the Ain al-Assad air base in Iraq despite initial reports that no casualties were sustained in the attack.

(8) Section 8(c) of the War Powers Resolution (50 U.S.C. 1547(c)) defines the introduction of the United States Armed Forces to include "the assignment of members of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged in, hostilities".

(9) The United States Armed Forces have been introduced into hostilities, as defined by the War Powers Resolution, against Iran.

(10) The question of whether United States forces should be engaged in hostilities against Iran should be answered following a full briefing to Congress and the American public of the issues at stake, a public debate in Congress, and a congressional vote as contemplated by the Constitution.

(11) Section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a) provides that any joint resolution or bill to require the removal of United States Armed Forces engaged in hostilities without a declaration of war or specific statutory authorization shall be considered in accordance with the expedited procedures of section 601(b) of the International Security and Arms Export Control Act of 1976.

#### SEC. 2. TERMINATION OF THE USE OF UNITED STATES FORCES FOR HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN.

(a) TERMINATION.—Pursuant to section 1013 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (50 U.S.C. 1546a), and in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, Congress hereby directs the President to terminate the use of United States Armed Forces for hostilities against the Islamic Republic of Iran or any part of its government or military, unless explicitly authorized by a declaration of war or specific authorization for use of military force against Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prevent the United States from defending itself from imminent attack.

The PRESIDING OFFICER. The majority leader is recognized.

MAKING TECHNICAL CORRECTIONS—S.J. RES. 68

Mr. McCONNELL. Mr. President, I ask unanimous consent that the clerks be allowed to make technical corrections to the engrossing of the amendments to S.J. Res. 68.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 384.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Robert Anthony Molloy, of the Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Robert Anthony Molloy, of the Virgin Islands, to be Judge for the District Court of the Virgin Islands for a term of ten years.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Rob Portman, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

## LEGISLATIVE SESSION

Mr. McCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 491.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Silvia Carreno-Coll, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Silvia Carreno-Coll, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mitch McConnell, Mike Crapo, Thom Tillis, Mike Rounds, Lamar Alexander, John Hoeven, Roger F. Wicker, Rob Portman, John Thune, Cindy Hyde-Smith, John Boozman, Tom Cotton, Chuck Grassley, Kevin Cramer, Steve Daines, Todd Young, John Cornyn.

## LEGISLATIVE SESSION

Mr. McCONNELL. I move to proceed to legislative session.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

### AMENDING TITLE 18, UNITED STATES CODE, TO PROTECT PAIN-CAPABLE UNBORN CHILDREN—Motion to Proceed

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 420.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 420, S. 3275, an act to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 420, S. 3275, an act to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

Mitch McConnell, Tim Scott, Joni Ernst, Roy Blunt, Tom Cotton, Kevin Cramer, Cindy Hyde-Smith, Chuck Grassley, Marsha Blackburn, Richard Burr, Mike Rounds, Mike Lee, John Hoeven, Shelley Moore Capito, Mike Braun, Steve Daines, Lindsey Graham.

#### WITHDRAWAL OF MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

### BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to Calendar No. 17.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 17, S. 311, an act to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 17, S. 311, an act to amend title 18, United States Code, to prohibit a health care practitioner from failing to exercise the proper degree of care in the case of a child who survives an abortion or attempted abortion.

Ben Sasse, John Boozman, Cindy Hyde-Smith, David Perdue, Tim Scott, Joni Ernst, Lindsey Graham, John Cornyn, James Lankford, Mike Rounds, John Hoeven, Mike Crapo, Thom Tillis, Roger F. Wicker, John Thune, Mike Braun, Mitch McConnell.

#### WITHDRAWAL OF MOTION TO PROCEED

Mr. McCONNELL. I withdraw the motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 569.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Katharine MacGregor, of Pennsylvania, to be Deputy Secretary of the Interior.

#### CLOTURE MOTION

Mr. McCONNELL. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the