

let Americans know when and how they consent to having their devices searched.

In my judgment, this is just common sense, particularly because the U.S. Supreme Court has already ruled that digital is fundamentally different. They did that when they ruled that law enforcement needs a warrant to search a phone after an arrest.

We are going to keep pushing for our bipartisan legislation. In the meantime, we need to work with this agency on this critical issue that ensures, once again, that this country recognizes that security and liberty are not mutually exclusive and that you can have policies that do both.

I want to continue to engage with him, if confirmed, to make sure that the constitutional rights of law-abiding Americans do not disappear at the border.

As I indicated, he is a public servant with many, many years of experience. I support his nomination.

I yield the floor.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kevin K. McAleenan, of Hawaii, to be Commissioner of U.S. Customs and Border Protection, Department of Homeland Security.

The PRESIDING OFFICER. Under the previous order, all postcloture time is expired.

The question is, Will the Senate advise and consent to the McAleenan nomination?

Mr. PORTMAN. 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 legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 56 Ex.]

### YEAS—77

Alexander	Cantwell	Coons
Baldwin	Capito	Corker
Barrasso	Carper	Cornyn
Bennet	Casey	Cortez Masto
Blunt	Cassidy	Cotton
Boozman	Cochran	Crapo
Brown	Collins	Cruz

Daines	Kennedy	Risch
Donnelly	King	Rounds
Enzi	Klobuchar	Rubio
Ernst	Lankford	Sasse
Fischer	Leahy	Scott
Flake	Lee	Shaheen
Gardner	Manchin	Shelby
Graham	McCaskill	Smith
Grassley	McConnell	Stabenow
Hassan	Moran	Sullivan
Hatch	Murkowski	Tester
Heitkamp	Murphy	Thune
Heller	Murray	Tillis
Hirono	Nelson	Warner
Hoeven	Paul	Whitehouse
Inhofe	Perdue	Wicker
Isakson	Peters	Wyden
Johnson	Portman	Young
Jones	Reed	

### NAYS—19

Blumenthal	Harris	Schatz
Booker	Heinrich	Schumer
Cardin	Kaine	Udall
Duckworth	Markey	Van Hollen
Durbin	Menendez	Warren
Feinstein	Merkley	
Gillibrand	Sanders	

### NOT VOTING—4

Burr	Roberts
McCain	Toomey

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The 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. 339, H.R. 1865, an act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

Mitch McConnell, John Kennedy, John Cornyn, Dan Sullivan, Joni Ernst, James Lankford, Richard Burr, Johnny Isakson, Thom Tillis, Mike Crapo, Steve Daines, John Hoeven, Tom Cotton, Roger F. Wicker, Patrick J. Toomey, Mike Rounds, Rob Portman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1865, an act to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. ROBERTS), and the Senator from Pennsylvania (Mr. TOOMEY).

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

The yeas and nays resulted—yeas 94, nays 2, as follows:

[Rollcall Vote No. 57 Leg.]

### YEAS—94

Alexander	Flake	Murphy
Baldwin	Gardner	Murray
Barrasso	Gillibrand	Nelson
Bennet	Graham	Perdue
Blumenthal	Grassley	Peters
Blunt	Harris	Portman
Booker	Hassan	Reed
Boozman	Hatch	Risch
Brown	Heinrich	Rounds
Cantwell	Heitkamp	Rubio
Capito	Heller	Sanders
Cardin	Hirono	Sasse
Carper	Hoeven	Schatz
Casey	Inhofe	Schumer
Cassidy	Isakson	Scott
Cochran	Johnson	Shaheen
Collins	Jones	Shelby
Coons	Kaine	Smith
Corker	Kennedy	Stabenow
Cornyn	King	Sullivan
Cortez Masto	Klobuchar	Tester
Cotton	Lankford	Thune
Crapo	Leahy	Tillis
Cruz	Lee	Udall
Daines	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Ernst	Merkley	Young
Feinstein	Moran	
Fischer	Murkowski	

### NAYS—2

Paul	Wyden
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### NOT VOTING—4

Burr	Roberts
McCain	Toomey

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 2.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## LEGISLATIVE SESSION

ALLOW STATES AND VICTIMS TO FIGHT ONLINE SEX TRAFFICKING ACT OF 2017—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Cloture having been invoked on the motion to proceed to H.R. 1865, the Senate will resume legislative session and consideration of the motion to proceed.

The Senator from Ohio.

Mr. PORTMAN. Mr. President, we just had a vote in this Chamber on a very significant piece of legislation. It was the motion to proceed to it. It was agreed to with good Republican and Democratic majorities, with both sides of the aisle supporting moving to this debate.

Because we have cosponsors from both sides of the aisle, I feel confident that we will get to an end point, and we

must. This issue of trafficking human beings is something the Senate must stand up against, particularly because there is a Federal law that now permits trafficking online that otherwise would be considered a criminal act. I want to talk a little about that legislation tonight.

We probably will not have the final vote until Wednesday, and some of the information I will provide tonight will be setting the reasons, the basis for doing this legislation. Then, between now and Wednesday, we will have to learn more about the specifics of it, what is happening online, and how the U.S. Senate can step in and provide the legislation to remediate what is an obvious problem to anyone who looks at this issue.

Human trafficking is such an egregious crime. We all, I hope, agree with that. It is also a very lucrative crime—\$150 billion a year is the estimate, and that is probably second only to the drug trade in terms of the amount of money involved. Think about this. This is selling human beings.

The Senate has taken steps in this body in a bipartisan way over the past 6 or 7 years to focus on this issue, and I certainly commend my colleagues for that. Senator RICHARD BLUMENTHAL, a Democrat, and I, as a Republican, started a bipartisan caucus to stop human trafficking about 6 years ago. We started with the two of us, and now there are a couple of dozen. There are many Members who are engaged and involved in this.

Over those past 6 years, the Senate has passed legislation to increase the penalties on those who buy children for sex. For the first time in a decade and a half, we increased the Federal penalties.

We have helped to stop international trafficking by U.S. Government contractors overseas with legislation that was signed into law.

We have helped with regard to finding missing children by requiring for the first time that those missing children have a photograph attached to them. Unbelievably, until that legislation, most kids in my home State of Ohio and other States who went missing did not have the information provided to law enforcement and others—people who work in shelters, people who are in the juvenile justice system—to be able to find those children. Why is that so important? Because, as you can imagine, kids who go missing are sometimes the most vulnerable to being trafficked.

We also passed legislation to improve the data on trafficking. There is legislation called the Sex Trafficking Data and Response Act, which we passed in this body to provide better information about this problem so we could come up with better solutions by understanding what is going on. Trafficking is in the shadows. It is very profitable, but it is an illicit activity. So that legislation was critical.

By the way, the primary author of that legislation was Senator RON

WYDEN of Oregon. Senator WYDEN will probably be on this floor over the next couple of days talking about some of the concerns he has about the online legislation we have, but I want you to know that Senator WYDEN has been out front on opposing trafficking through this Sex Trafficking Data and Response Act. I was the lead Republican on that legislation, so I worked with him, and I commend him for that.

We also passed legislation to change the paradigm in Federal law and treat these children who are trafficked as victims rather than as criminals. The key is to get these young people into treatment, longer term recovery, and deal with what is, as you can imagine, a very traumatic situation—often related to drugs as well, so drug treatment. Something that I think is perhaps the most important thing we can do is to understand that these are victims who, in order to get back on their feet, need to be taken from the criminal justice system and put into the kind of treatment they need.

Despite efforts here in the Senate—and by others around the country, by the way—to deal with this trafficking issue and raise an awareness of it, unbelievably today, as we stand here in this country, we are seeing an increase in one type of trafficking, and that is sex trafficking. You might ask, how could that be possible? We passed all this legislation to help. We have gotten increased consciousness about the issue. People are more aware of the problem, and certainly there is a consensus that this is something we ought to crack down on. Yet it is happening. I will tell you what the experts say. They say it is happening for one simple reason, and that is that more and more women and children are being sold online—the ruthless efficiency of the internet. So that is where this legislation focuses, and it focuses there because that is where we see the problem.

Traffickers are using the internet to sell women and children, and we have a responsibility to act. If we don't act, we will allow a Federal law that was passed by this body 21 years ago, which I think inadvertently has created part of the problem by shielding these websites, to remain.

I will talk more about this later in the week as we get into the specifics of our legislation and why it would address the problem, but the bottom line is that we have a real problem.

The anti-trafficking group Polaris—we recently received its 2017 report. The report illustrates the true nature of the crisis. This is the heat chart put up by Polaris. It shows the locations of cases reported to the National Human Trafficking Hotline last year alone, in 2017. As we can see—and this explains why we see such strong, bipartisan support for our legislation—this is happening everywhere, in every State in the Union. Unfortunately, it is increasing, not decreasing, despite all the efforts locally and even here at the Federal level.

The national hotline that Polaris runs—and I hope to be at that hotline, by the way, later this week, as they are opening a new facility and expanding what they are doing—experienced a 13-percent increase in reported cases nationwide just last year. So despite all the efforts, they are actually seeing an increase. In my home State of Ohio alone, 371 cases of human trafficking were reported to the hotlines. Across the country, their hotlines handled a record 8,759 cases in 2017, up from 7,737 reported cases in 2016. Again, these are only the cases that are reported. That doesn't mean there aren't many, many more cases out there that are not reported to the hotlines.

In the 10 years they have operated these hotlines, by the way, human trafficking reports have increased 842 percent. Again, it is unbelievable that this is happening in this country in this century and increasing.

I chair the Permanent Subcommittee on Investigations. A couple of years ago, being interested in this issue, we started to talk to some of the experts around the country. I met with people back home—particularly the victims of trafficking and some of the survivors—and I kept hearing the same thing from everybody, whether it was the advocacy groups for those being trafficked, law enforcement, or the social service agencies that are helping to treat these women and girls who are dealing with the trauma we talked about earlier. The one thing I kept hearing was the word “backpage.” That is just one website, but it seemed as though there were a lot of people being trafficked on that one website. I certainly heard it back home, where these women and girls said to me: Rob, this has moved from the street corner to the smartphone, and backpage is where I was trafficked.

Nearly 75 percent of all child trafficking reports that the National Center for Missing and Exploited Children receives from the public involved backpage—75 percent of the reports.

Another anti-trafficking organization called Shared Hope International says that service providers working with child sex-trafficking victims have reported that more than 80 percent of their clients were bought and sold on backpage.

We talked earlier about how lucrative this business is, but one website seems to have practically monopolized it.

With that knowledge, in 2015 the Permanent Subcommittee on Investigations, led by Ranking Member CLAIRE McCASKILL from Missouri and me, conducted an investigation. We spent 18 months researching this. We looked at every angle of this issue, and specifically we looked into how backpage operates. It wasn't easy because backpage was not willing to cooperate, as you can imagine. What we did find was that the company was far more complicit in these crimes than we had previously thought.

We subpoenaed backpage for their company documents, and they refused to comply. When you refuse to comply with a subpoena around here, normally we can kind of tell people: Well, if you don't comply, we will bring the full weight of the criminal law on you. They still wouldn't comply. So we had to come to the floor of the U.S. Senate to enforce the subpoenas, which hadn't been done in 21 years around here. Fortunately, when we made our case to our colleagues here in the Senate, everyone in the Senate said: Yes, let's be sure they do comply by taking this to the criminal justice system and allowing our lawyers here to take this case. So we did.

We thought, well, we will win a case at the district court level, which we did, and that will be it. No, they appealed that. We won a case at the circuit court level, and we thought that was it. No, they appealed that. Are you getting the drift here that they did not want to supply these documents and did not want to testify? Finally, we took it all the way to the Supreme Court of the United States, and the Supreme Court agreed with us and told them that they had to comply, with the threat of criminal sanctions if they did not.

Having won that, we then found ourselves in possession of over 1 million pages of documents. In other words, they flooded us with documents, and our lawyers did a good job going through them. Through this investigation, we found what some of us had kind of thought might be the case, which was that this company was actually complicit. In other words, they knew what they were doing, and they were knowingly facilitating criminal sex trafficking of vulnerable women and children. They actually coached traffickers on how to edit the adult classified ads to post so-called clean ads for these illegal transactions. Then, of course, they would cover up evidence of those crimes in order to increase their own profits.

In 2006, as an example, backpage executives instructed staff to edit the text of adult ads—not to take them down, mind you, but to edit them—which is exactly how they facilitated this type of trafficking. By October 2010, backpage executives had a formal process in place, we learned through all these documents, of both manual and automated deletion of incriminating words and phrases in ads.

This is an email from one of backpage's executives in 2010. It says:

I'm attaching a spreadsheet with the most current list of coded items to be stripped out. Email your lists to me by the end of the day. . . . Thanks.

In other words, they were telling these people who were posting ads: Oh, you can't say this word or that word because then law enforcement will know that we are engaged in selling underaged girls online. So they told them to take out those words. It is unbelievable.

What kinds of words were stripped out of the ads, allowing sex trafficking posts to stay up without violating the posting words? These are the kinds of words they took out: "teenage," "little girl," "school girl," "Cheerleader" was one of them. For those of you who are literary types, one was "Lolita," which is a novel about an underaged girl and an older man, and also "fresh" and "AMBER Alert."

These are the kinds of people we are dealing with here. Once these incriminating words were removed, the posts could then go on the website. That is how backpage coached the traffickers on how to get away with their crimes. Again, this filter didn't stop the ads, even though they knew it was illegal activity; they only edited them to try to hide that. So it didn't change what was advertised—the fact that these were underaged girls; they only edited the way it was advertised. Of course, this did nothing to stop the criminal activity, but it facilitated it knowingly.

The incentive? Why would backpage go through all of this? Quite simply, profits. This is a very profitable enterprise.

What is the cost of these crimes? It is very profitable, but the cost is human dignity, trauma. The cost is far more than money; it is suffering and sometimes human life. I have heard stories about this. I know my colleagues in the Senate have heard stories about it, and that is why there is so much support for this legislation across the country. These individual stories are compelling, they are powerful, and they are heartbreaking.

Imagine for a moment that your daughter is missing. She has been gone for several weeks. She is 14 years old. Someone says: You ought to look on this website called backpage. So you do. You look on backpage—you are a mom—and you find your daughter.

This is the story of Kubiiki Pride and M.A. She told her story bravely before our Permanent Subcommittee on Investigations. She told us the details, and we were able to use that as part of our investigation and to come up with a legislative response. She said she actually told backpage—she called them and said: I found my daughter. She has been missing for weeks. She is on your website. Thank you for taking down the ad and helping me to connect with my daughter.

As you can imagine, these were sexually explicit photographs of a 14-year-old girl. She didn't know whether she was alive or dead, so she was excited to find her but appalled by what she saw, as any of us would be.

What did backpage say? We can't take down the ad because you didn't pay for it, did you?

She said: Of course, I didn't pay for it; she is my daughter.

That is the level of evil we are talking about.

This is another story of another brave individual who has come forward.

This is Nacole, the mom, and J.S. Nacole also bravely testified in front of the Permanent Subcommittee on Investigations. J.S. was a 15-year-old when she ran away. She loved her family, and she wrote them a 5-page letter saying how much she loved them, but she chose to leave the safety of her family and home, and she ended up in a homeless shelter for teens. A 22-year-old woman who was posing as a teen there approached her and said, "I can help you make some money" and then introduced her to a pimp, who then sold her on backpage. For more than 3 months, she was sold online multiple times a day.

Finally, an undercover police officer posing as a customer rescued her. Thankfully, he did, because for some many of the girls, the story goes on and sometimes ends in a very tragic way.

This is Yvonne Ambrose. Yvonne actually testified before the Commerce Committee. She and her mom did a beautiful job talking about her heartbreak and her tragic encounter with backpage. Yvonne got a call on Christmas Eve in 2016 that every parent dreads. It was about her daughter Desiree. They said in the call that her 16-year-old daughter had been murdered after being exploited and sold for sex on backpage.com. One of the backpage customers apparently was the one who murdered her beautiful daughter.

Yvonne is honoring Desiree's memory by working with us to try to hold these websites accountable, and Kubiiki and Nacole are fighting for justice.

These are only three examples tonight, but there are so many others and so many I have experienced back home. Again, these are heartbreaking stories. One girl told me she started to be trafficked at age 9 by her father. Some others have told me of not having parents at home, being in foster homes and leaving the foster homes either when they were emancipated at age 18 or earlier and the horrible situation they found themselves in.

I have had the opportunity to meet with survivors in cities around Ohio—in Dayton at Oasis House, in Columbus at Alvis, in Akron, Toledo, Cincinnati, and Cleveland. The majority of these young women tell me the same thing about backpage. Usually there are drugs involved as well that create a dependency.

Unbelievably, for years, these websites have gotten away with this because when parents like Yvonne, Kubiiki, or Nacole file a lawsuit for damages to try to stop what is going on, they are told: We are immune. When the prosecutors in these local communities step up and ask: "How could this illegal activity be going on? This is illegal to do on the street corners, certainly it is illegal to do online," the judges say: We are immune.

We will get into this later as to why that happens, how it happens, and what

we are doing about it in this legislation. I look forward to that discussion. I look forward to the debate on the Senate floor as to how we came up with a very targeted and very specific approach to this that doesn't interfere with the freedom of the internet at all, but it does stop activity that never was imagined. When Congress passed a law 21 years ago, it never imagined it would permit this kind of criminal activity online.

Tonight I thank those families who had the courage to step forward, tell their stories publicly, and channel their grief into something constructive, which is to come up with a legislative solution that helps address this problem so the next 14-year-old daughter or 16-year-old daughter does not find herself in these same horrible situations, with all the trauma and all the heartbreak that occurs.

Justice cannot be seen, but its absence can be felt, and that is what is happening now, an absence of justice. Those who have been trafficked online only see the websites that knowingly facilitated it to prosper and escape legal consequences. That has to stop. That is an injustice to me.

I look forward to further debate again this week. I look forward to the vote on Wednesday. If we can pass the Stop Enabling Sex Traffickers Act, we will make a difference. We will save lives. We will save women, girls, and boys from going through this traumatic experience and instead enable them to achieve their God-given potential in life.

I yield back.

The PRESIDING OFFICER. The Senator from Oregon.

#### YEMEN WAR POWERS RESOLUTION

Mr. MERKLEY. Mr. President, I come to the floor tonight to discuss America's role in the crisis in Yemen.

I have here a picture of the fractured remains of buildings, people fleeing from those buildings, and a small child, probably in her father's arms. This represents the challenge of the bombing that is going on in that nation. I am here tonight to discuss America's role in that bombing and the fact that here in the Chamber we need to debate how it is we have come to the point of supporting this bombing when the War Powers Act clearly says we should not be.

When our Founding Fathers wrote our Constitution, they designated the President as the Commander in Chief, but they gave Congress, the House, and the Senate the sole power to declare war. Article I, section 8 states unequivocally: "The Congress shall have the power . . . to declare war."

It is only Congress that can take our Nation from peace to war. If one has any doubt about that, consider the words of James Madison himself, the father of our Constitution. He said: "In no part of the constitution is more wisdom to be found, than in the clause which confides the question of war or peace to the legislature, and not to the executive department."

Now, the clearly stated responsibility in our Constitution was reinforced by the 1973 War Powers Resolution, often referred to as the War Powers Act. That particular piece of legislation stated as its purpose the following: "It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities." It goes on to say: "The constitutional powers of the President as Commander-in-chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only"—and that is a critical word—"pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States."

The picture I showed you showing the fractured remains of buildings and people fleeing that bombing in Yemen, that activity is not taking place subject to a declaration of war by this body—we have done no such thing—nor is there any specific statutory authorization for our assistance in that, nor is there a national emergency created by an attack upon the United States where that is justified.

Tomorrow this Chamber will take up this issue. We will be voting on a resolution put forward by our colleagues Senator SANDERS, Senator LEE, and Senator MURPHY calling for the removal of our Armed Forces in this role of supporting Saudi Arabia in this war against the Houthis.

There are two basic components of our presence in Yemen, and those are very distinct and not to be confused. The first is counterterrorism efforts in which we are directly engaged against associated forces of al-Qaida. This is a role that stems from the authorization for the use of military force that we passed in this Chamber in 2001. Members may come to the floor and argue about whether that initial authorization for use of military force involving al-Qaida in Afghanistan has been stretched beyond recognition. I would argue it has been stretched substantially and perhaps beyond recognition, but that is not the issue we are debating this week.

This week we are addressing the central issue of whether our involvement in supporting Saudi Arabia in its role in war against the Houthis in Yemen has violated our Constitution and the War Powers Act, and we have to confront and face how our assistance is contributing to a vast humanitarian crisis in that country. We may not have boots on the ground in support of the Saudi war against the Houthis, but we are very involved.

As we judge whether this involvement is violating the Constitution and the War Powers Act, we should turn to

section 8, the interpretation of the joint resolution. It says:

Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred—

(1) from any provision of law . . . including any provision contained in any appropriation Act, unless—

This is the key—

such provision specifically authorizes the introduction of the United States Armed Forces into hostilities.

It is very clear. The interpretation of this joint resolution says there is no room here to be participating in hostilities—that is a war—even in a supporting role, unless it has been specifically authorized by Congress. This interpretation of the joint resolution section of the War Powers Act goes on to say:

(c) For purposes of this joint resolution, the term "introduction of United States Armed Forces" includes—

You see the language here—

the assignment of member of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged.

There is the key fact that was laid out when we passed the War Powers Act. This War Powers Act doesn't just address us directly engaging in hostilities or directly confronting an enemy on the battlefield, it includes these provisions of commanding, coordinating, participating in the movement of, or accompanying military forces of a foreign country.

There is no question that we are coordinating and participating in the movement of the Saudi forces, so let's take a look at exactly how we are involved. The administration comes back and says: Yes, but we are not directly bombing the Houthis. We are not directly putting boots on the ground and shooting them.

It is clear the War Powers Act includes coordinating with, participating with, supporting, and partnering, if you will, with a foreign country involved in such a war. We are very involved.

First, we are involved by refueling Saudi planes en route to bombing the forces of the Houthis in Yemen. That is pretty direct involvement, and it goes to that language which says "participate in the movement of" those foreign forces. If we are refueling their planes en route to bombing the Houthis, we are participating in the movement of their military forces. A plane, a bomber, is a part of a military force.

Second, we are providing intelligence and thus very directly supporting this war of the Saudis.

Third, we are selling the weapons to them that they are using in this war on the Houthis.

Fourth, we are providing targeting assistance. We have even established a

joint combined planning cell, an operation center, to conduct military intelligence activities in partnership with Saudi Arabia.

Here is why this matters so much: It has a huge impact on the lives of the people in Yemen. It is very possible the planes we refueled are responsible for conducting a series of three airstrikes in Saada last month, killing 5 civilians and wounding 14 more, including 4 children, as well as paramedics trying to pull survivors out of the rubble after that first strike, or that the planes we refueled played a role in striking a hotel last August that turned the building's ceiling black with the charred blood of 50 farmers who were staying in that building. We know that the bombs we have sold to the Saudis are killing many civilians. It is time for us here to reckon with that fact.

A lot of Americans may not even know we are involved in this war. It has not been widely discussed. There are so many things going on across the planet at this time—so much going on in Syria, for example, that perhaps Americans in general are not paying attention. But we should be paying attention because of the carnage that is occurring: 10,000 civilians have been killed since this conflict began. The great, vast bulk of those civilians are dying from air strikes conducted by Saudi Arabia that we are supporting through intelligence and target assistance and refueling. Then there are the consequences of that bombardment. The result is just a tremendous humanitarian crisis.

The Saudis have been involved in blockading the ability to get humanitarian supplies into Yemen—food and medicine and fuel. This has resulted in what the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, has warned could become “the largest famine the world has seen for many decades.” Seven million Yemenis are on the verge of starvation because of this war that we are involved in and the related Saudi blockade of food and medicine.

About every day, 130 Yemeni children die from extreme hunger and disease—130 a day. One of the factors that is killing people is cholera. Since October of 2016—so roughly a little less than a year and a half ago—1 million Yemenis have contracted cholera. More than 2,000 have died from it. It is the largest cholera outbreak in recorded history. Let me say that again: 1 million Yemenis have contracted cholera, and it is the largest cholera outbreak in recorded history. So 7 million Yemenis are on the verge of starvation, 1 million have contracted cholera, and so many are dying because of this war we are involved in.

The death and destruction in Yemen is unimaginable, and the United States needs to take a hard look at the role we are playing—a role we are playing in violation of our Constitution and in violation of the War Powers Act of

1973. That is the issue we are going to be discussing here on the floor.

I know there is some popularity in saying: Let's not look at that humanitarian crisis and our role in it; let's just look at the relationship we have with Saudi Arabia and know that they have helped us in other cases—for example, the war on ISIS. Let's know that they are a good customer for many of our products and for many of our military products. But I say to my colleagues: This issue is bigger than simply a good marketplace or a good relationship with Saudi Arabia. This goes to our involvement, our culpability in the deaths of thousands of Yemenis and 130 children a day through bombs falling on them, through hunger, starvation, through cholera.

It is hard for me to think about this young child in this picture, this young Yemeni, who clearly is the victim either of cholera or starvation or some other consequence of this conflict. But imagine 130 of these children dying every day.

It is our responsibility to honor the Constitution, and it is our responsibility as humans on this planet to wrestle with the fact that our involvement is contributing to this vast humanitarian disaster. Let us not abdicate our responsibility on the basis of friendship with another nation based on the fact that they are a good market for our products or that we think they may be future partners in some other agenda. We have a direct responsibility in war and peace that we have not fulfilled, and this week, with this coming resolution tomorrow, is a point that we must wrestle with this. Let us wrestle with it and honor the Constitution and give some integrity to the 1973 War Powers Resolution.

Thank you.

The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent that cloture on the motion to proceed to H.R. 1865 be vitiated, and that at a time to be determined by the majority leader in consultation with the Democratic leader, on Wednesday, March 21, the Senate proceed to the consideration of H.R. 1865; further, that the only amendments in order be Wyden amendments Nos. 2212 and 2213; finally, that there be up to 4 hours of debate concurrently on the amendments, and that following the use or yielding back of that time, the Senate vote in relation to the amendments in the order listed, with a 60-vote affirmative threshold required for adoption of each amendment, the bill be read a third time, and the Senate vote on passage of the bill, as amended, if amended, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 54

Mr. McCONNELL. Mr. President, I ask unanimous consent that following

the resumption of the motion to proceed to H.R. 1865, on Tuesday, March 20, Senator SANDERS, or his designee, be recognized to offer a motion to discharge S.J. Res. 54; further, that there be up to 4 hours of debate, equally divided between the opponents and the proponents of the resolution, and that following the use or yielding back of that time the Senate vote in relation to the motion to discharge.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session for the consideration of the following nomination: Executive Calendar No. 471.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The legislative clerk read the nomination of Nazakhtar Nikakhtar, of Maryland, to be an Assistant Secretary of Commerce.

Thereupon, the Senate proceeded to consider the nomination.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the nomination with no intervening action or debate; that if confirmed, the motion to reconsider be considered made and laid upon the table; that the President be immediately notified of the Senate's action; that no further motions be in order; and that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Nikakhtar nomination?

The nomination was confirmed.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate resume legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

### 50TH ANNIVERSARY OF THE VERMONT STATE HOUSING AUTHORITY

Mr. LEAHY. Mr. President, for 50 years, the Vermont State Housing Authority, VSHA, has helped make available secure, safe, and affordable housing in my home State of Vermont.