

For months and months, people didn't have electricity or clean water or cell service. Far too many people are still waiting for relief. There are 120,000 people without electricity. Hundreds of thousands continue to lose power on a temporary basis. Calculating the hours of lost electricity service, Puerto Rico has experienced the longest blackout in the history of the United States.

Tens of thousands are still awaiting permanent shelter, and 10,000 small businesses are closed.

Puerto Rico struggled with a severe debt and healthcare crisis before Hurricane Maria came to its shores. The damage wrought by the hurricane has set the island even further back, despite the valiant efforts of its people.

Congress has passed significant relief as part of the bipartisan budget agreement earlier this year. We have to make sure that the aid goes to where it needs to go and that we provide additional aid if it is required.

To the long-suffering citizens of Puerto Rico, the Virgin Islands, and the thousands who have relocated to the mainland, we haven't forgotten you. We are here to help you. You are on our minds, and we are going to keep fighting to help you rebuild your homes, your communities, and your beloved islands.

REPUBLICAN TAX BILL

Mr. SCHUMER. Mr. President, finally, on the tax bill, I just note that, once again, every day the more people learn about this tax bill, the more they don't like it. Stock buybacks continue at a hugely rapid rate. Aid to workers is much, much smaller, and the American people are learning this bill was of, by, and for the wealthiest Americans and the most powerful corporations. That is wrong. We welcome the debate on the tax bill because the more people learn about it, the more they don't like it.

Since the beginning of the tax debate, Republicans have insisted their bill is about cutting taxes for working Americans. Even though the bill would direct 83 percent of the benefits to the top 1 percent, Republicans said workers were the focus. Even though they made corporate tax cuts permanent but let the individual tax cuts expire, they said the middle class would be the real winners.

Democrats warned that if you gave big corporations and the wealthiest Americans the lion's share of the tax cuts, those benefits wouldn't trickle down to employees and the middle class. We warned that corporations would do what they always do when they have profits—distribute them amongst themselves. Even though big companies like AT&T were already paying low effective corporate rates, they had been shedding jobs and investing for years even before the tax bill.

Unfortunately, our warnings proved prescient. Almost every day, we hear a new story about a corporation using

the savings from the Republican tax bill to purchase its own stock, called a stock buyback, which boosts the corporation's stock price to provide a reward for wealthy executives and shareholders.

Just this morning, the Kentucky-based chemical company Ashland announced a brand-new \$500 million share repurchasing program. And last night, the total amount of corporate share buybacks surpassed \$225 billion since the Republican tax bill became law.

Stock buybacks are a big reason why workers no longer see the benefits of record corporate profits. Why? Because instead of investing corporate profits in things that benefit the long-term health of the company and its workers—like higher wages, new equipment, research and development, or new hires—corporations spend the money on share buybacks.

In fact, stock buybacks were illegal until 1982, which is about the same time that wages stopped increasing with corporate profits.

Republicans dutifully remind us that companies are also handing out bonuses. Yes, a few. But let me highlight the disparity between buybacks and investment in workers: According to a recent analysis by Just Capital, only 6 percent of the capital allocated by companies from the tax bill's savings has gone to employees, while nearly 60 percent has gone to shareholders.

The theory behind the Republican tax bill was to allow corporations and the richest Americans to keep more of their already outrageous wealth, and maybe the benefits will trickle down to everyone else. As we are already seeing, that idea was a folly, and the American middle class will eventually pay the price.

Because of the enormous cost of the Republican tax bill, \$1.5 trillion, the deficit and debt will grow over the next several years and Republicans are already targeting Social Security, Medicaid, and Medicare for cuts to make up the difference. So on top of a tax cut that mostly goes to the folks who need it the least, the Republican tax bill is an excuse for Republicans to come after Social Security, Medicare, and Medicaid.

That is why the bill is so unpopular that Republicans have abandoned it in last two special elections in Virginia and Pennsylvania.

The American people are already waking up to the reality that the Republican tax bill was not the middle-class miracle the Republicans promised, and in November, they will have the chance to move America in a dramatically different direction by voting for a party that actually wants to focus tax relief on working America, not corporate America.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1865, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 339, H.R. 1865, a bill 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.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

S.J. RES. 54—MOTION TO DISCHARGE

Mr. SANDERS. Mr. President, pursuant to section 1013 of the Department of State Authorization Act, fiscal years 1984 and 1985, and in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976, I make a motion to discharge S.J. Res. 54 from the Committee on Foreign Relations.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 4 hours of debate on the motion, equally divided between the proponents and the opponents.

Mr. SANDERS. Thank you, Mr. President.

Article I, section 8 of the Constitution states in no uncertain terms that "Congress shall have power to . . . declare war."

Let me repeat it. Article I, section 8 of the Constitution states it is Congress that has the power to declare war.

The Founding Fathers gave the power to authorize military conflicts to Congress, the branch most accountable—not to the President but to Congress—and that is the issue we are going to be debating today.

For far too long, Congress, under Democratic and Republican administrations, has abdicated its constitutional role in authorizing war. The time is long overdue for Congress to reassert that constitutional authority, and that is what today is about.

That is why I and 14 cosponsors of this resolution—Senators LEE, MURPHY, WARREN, BOOKER, DURBIN, LEAHY,

MARKEY, FEINSTEIN, WYDEN, MERKLEY, BLUMENTHAL, GILLIBRAND, SCHATZ, and BALDWIN—that is what we are doing with S.J. Res. 54.

What we are saying is, if Congress wants to go to war in Yemen or anyplace else, vote to go to war. That is your constitutional responsibility. Stop abdicating that responsibility to a President, whether it is a Republican President or, as in the past, Democratic Presidents.

I expect that colleagues today will be arguing about what the word “hostilities” means within the context of the 1973 War Powers Resolution. What does the word “hostilities” mean? Some will argue that American troops are not out there shooting and getting shot at, not exchanging gunfire with their enemies, and that we are not really engaged in the horrifically destructive Saudi-led war in Yemen. That is what some will argue on the floor today—that we are really not engaged in hostilities; we are not exchanging fire.

Well, please tell that to the people of Yemen whose homes and lives are being destroyed by weapons marked “Made in the USA” and dropped by planes being refueled by the U.S. military on targets chosen with U.S. assistance. Only in the narrowest, most legalistic terms can anyone argue that the United States is not actively involved in hostilities alongside Saudi Arabia in Yemen.

Let me take a minute to tell my colleagues what is happening in Yemen right now because a lot of people don’t know. It is not something that is on the front pages of the newspapers or covered terribly much on television.

Right now, in a very poor nation of 27 million people—that is the nation of Yemen—in November of last year, the United Nations Emergency Relief Coordinator told us that Yemen was on the brink of “the largest famine the world has seen for many decades.” That is from the United Nations. So far, in this country of 27 million people—this very poor country—over 10,000 civilians have been killed and 40,000 civilians have been wounded. Over 3 million people in Yemen, in a nation of 27 million, have been displaced—driven from their homes. Fifteen million people lack access to clean water and sanitation because water treatment plants have been destroyed. More than 20 million people in Yemen—over two-thirds of the population of that country—need some kind of humanitarian support, with nearly 10 million in acute need of assistance. More than 1 million suspected cholera cases have been reported, representing potentially the worst cholera outbreak in world history. That is what is going on in Yemen today as a result of the Saudi-led war there.

Here is the bottom line: If the President of the United States or Members of Congress believe that support for this war is in the U.S. interests—and I think some do—if you think that the

United States right now, for our own interests, should be involved in the civil war in Yemen, being led by Saudi Arabia, then Members of the U.S. Senate should have the courage to vote for U.S. participation in that war. It is nothing more complicated than that.

If you want to come to the floor of the Senate and make the case as to why you think it is good public policy for us to be involved in the civil war in Yemen, come to the floor and oppose our resolution, but what I hope very much that we will not see today is the tabling of this motion and the refusal by Members of the Senate to vote up or down as to whether we wish to continue aiding Saudi Arabia in this humanitarian disaster.

If you believe, as I do, that we should not get sucked into this civil war, which has already caused so much human suffering, please vote against tabling the motion to discharge and vote with us on final passage. If you believe the United States should continue to assist Saudi Arabia in this war, I urge you to have the courage to tell your constituents that is your decision and why you have made that decision when you vote against final passage. In other words, if you support the war, have the courage to vote for it; if you don’t, support the resolution Senator LEE, Senator MURPHY, and I have introduced.

Let me give my colleagues at least two reasons why Congress must reassert its constitutional authority over the issue of war and why we cannot continue to abdicate that responsibility to the President, and those have everything to do with the two most significant foreign policy disasters in the modern history of the United States—the war in Iraq and the war in Vietnam. In both of these cases, Congress sat back and failed to ask the hard questions as two administrations—one Republican, one Democratic—led us into conflicts with disastrous consequences.

Interestingly, today is a historically significant day for us to debate this resolution. Fifteen years ago today, on March 20, 2003, the war in Iraq began, and the bombs started falling in Baghdad—15 years ago today. I was one of those who opposed the Iraq war in the beginning, and today it is now broadly acknowledged that the war—that war—was a foreign policy blunder of enormous magnitude. That war created a cascade of instability around the region that we are still dealing with today in Syria and elsewhere and will be for many years to come. Indeed, had it not been for the war in Iraq, ISIS would almost certainly not exist.

That war deepened hostilities between Sunni and Shia communities in Iraq and elsewhere. It exacerbated a regional conflict for power between Saudi Arabia and Iran and their proxies in places like Syria, Lebanon, and Yemen, and it undermined American diplomatic efforts to resolve the Israeli-Palestinian conflict.

The devastation experienced by Iraq’s civilians was enormous. A recent academic study by U.S., Canadian, and Iraqi researchers found that over 400,000 Iraqi civilians—nearly half a million people—were killed directly or indirectly as a consequence of that war.

That war led to the displacement of nearly 5 million people, both inside and outside Iraq, putting great stress on the ability of surrounding countries to deal with these refugee flows.

We have also seen this more recently in Europe as the large numbers of people fleeing the Syrian war have generated a backlash in European countries, giving rise to anti-Muslim and anti-immigrant sentiments.

The war in Iraq led to the deaths—to the deaths—of some 4,400 American troops and the wounding, physical and emotional, of tens of thousands of others, not to mention the pain inflicted on family members. By the way, that war in Iraq cost us trillions of dollars—money that could have been spent on healthcare, education, infrastructure, and environmental protection.

The Iraq war, like so many other military conflicts, had unintended consequences. It ended up making us less safe, not more safe.

It must be said that the Bush administration and the President lied when he told the American people: “[Saddam’s] regime is seeking a nuclear bomb, and with fissile material could build one within a year.” That was not true.

Vice President Dick Cheney lied when he told us:

There is no doubt that Saddam Hussein now has weapons of mass destruction. There is no doubt he is amassing them to use against our friends, against our allies, and against us.

Dick Cheney—not true.

No one disagrees that Saddam Hussein was a brutal, murderous dictator, but it is now known he had nothing to do with 9/11. The Bush administration lied to the American people. Iraq had no weapons of mass destruction. It was not connected to 9/11.

The American people were misled by the Bush administration into believing that the Iraq war was necessary to prevent another 9/11, and Congress did not challenge them on those claims in a way that Congress should have—with disastrous consequences.

That was a Republican administration. Now let me tell you about a Democratic administration where, once again, Congress refused to assert its constitutional responsibility.

Let us go back to 1964, to a conflict that began under similarly false premises. President Lyndon Johnson cited an attack on a U.S. ship in the Gulf of Tonkin as a pretext for escalating the U.S. intervention in Vietnam and sending more and more and more troops into that quagmire.

But we now know from declassified recordings that Johnson himself doubted that the USS *Maddox* had come

under fire on August 4, 1964. As we all know, that alleged attack was used to push for the Gulf of Tonkin resolution authorizing Johnson to escalate U.S. military involvement in Vietnam, and we now know that the Secretary of Defense, Robert McNamara, misled Congress and the public in order to generate support for that resolution.

You don't have to believe me. This is what LCDR Pat Paterson wrote in a paper for the U.S. Naval Institute: "The evidence suggests a disturbing and deliberate attempt by Secretary of Defense McNamara to distort the evidence and mislead Congress."

Paterson, interestingly enough, also quotes another author who wrote:

To enhance his chances for election, [Johnson] and McNamara deceived the American people and Congress about events and the nature of the American commitment in Vietnam. They used a questionable report of a North Vietnamese attack on American naval vessels to justify the president's policy to the electorate and to defuse Republican senator and presidential candidate Barry Goldwater's charges that Lyndon Johnson was irresolute and "soft" in the foreign policy arena.

Interestingly enough, that author is H.R. McMaster, President Trump's current National Security Advisor.

Lyndon Johnson's administration misled both Congress and the American people into that war, just as the Bush administration misled us into the war in Iraq, and what disasters both of those wars were. The war in Vietnam nearly destroyed an entire generation of young people. Almost 60,000 died in that war, and God knows how many came back wounded in body and in spirit. It almost destroyed an entire generation. Yet Congress abdicated its responsibility in Vietnam, as it did in Iraq.

The truth about Yemen is that U.S. forces have been actively engaged in support of the Saudi coalition in this war, providing intelligence and aerial refueling of planes whose bombs have killed thousands of people and made this humanitarian crisis far worse. U.S. involvement in the Yemen war has also proved counterproductive to the effort against al-Qaida's affiliates. The State Department's "Country Reports on Terrorism 2016" found that the conflict between Saudi-led forces and the Houthi insurgents has helped al-Qaida's and ISIS's Yemen branch to "deepen their inroads across much of the country." In other words, as we see again, when there is chaos, when there is mass confusion, ISIS and their allies are able to jump in.

Furthermore, while Iran's support for Houthi insurgents is of serious concern for all of us, the truth is that this war has increased, not decreased, the opportunities for Iranian interference.

The Trump administration has tried to justify our involvement in the Yemen war as necessary to push back on Iran. Well, another administration told us that invading Iraq was necessary to confront al-Qaida, and another told us that the Vietnam war was

necessary to contain Communists. None of that turned out to be true.

The Congress, at those times, should have asked the hard questions, which they didn't ask. The Congress should have taken its constitutional role seriously and should have done what the Constitution demands that it do, and that is what my cosponsors and I are doing today.

I see my colleague Senator LEE here. He has been very active in standing up for the Constitution on this issue, and I will yield to him in a minute. But here is the bottom line—and it is not a complicated line; the Constitution is clear: The U.S. Congress decides whether we go to war. There is no question in my mind that by aiding Saudi Arabia in the way that we are doing, we are assisting in war. We are in a conflict.

If Members of the Senate think that conflict makes sense and is good public policy for the United States of America, vote down our resolution. If you agree with Senator LEE and me that it is a bad idea, support us. But what I would urge in the strongest possible terms is that Members of the Senate have to end the abdication of our constitutional responsibility. Accept it; vote yes or vote no. Do not vote to table this resolution and duck the constitutional responsibility that we have.

I yield the floor to my colleague, Senator MIKE LEE.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, the issue we are confronting today is one that deals with the separation of powers outlined in the U.S. Constitution.

Our system of government was set up in such a way as to protect the people from the dangers associated with the excessive accumulation of power in the hands of a few. We knew from our experience under British rule that bad things happen, especially at a national level, when too few people exercise too much of the power. Nowhere is this more evident than in the case of the war power. In fact, much of the Revolutionary struggle that led to the creation of our Nation resulted from wartime activities undertaken by a monarch thousands of miles and an ocean away. It is important today that we remember those same concerns and the constraints placed in our Constitution as we run our government nearly 2½ centuries later.

I am happy to be here with my colleague, Senator SANDERS, to file a discharge motion for our resolution, S.J. Res. 54.

Whether you are present in the Chamber today, physically with us, or whether you are tuning in at home, I hope you will listen closely so that we can fill you in on the unauthorized Middle East war that your government—the government of the United States of America—is supporting and actively participating in as a cobelligerent.

This war in Yemen has killed tens of thousands of innocent civilians—

human beings, lest we forget—each one of them possessing innate, immeasurable worth and dignity. This war has created refugees, orphans, widows; it has cost millions of dollars; and, believe it or not, at the end of the day, it actually has, quite arguably, undermined our fight against terrorist threats such as ISIS. I will expand on these unfortunate facts in a moment, but for now, let's just focus on one thing. Our military's involvement in Yemen has not been authorized by Congress as required by the Constitution.

Article I, section 8 of the Constitution states that the Congress shall have the power to declare war—Congress, not the President, not the Pentagon, not someone else within the executive branch of government, but Congress. Yet in 2015, then-President Obama initiated our military involvement in Yemen and did so without authorization from Congress.

The current administration has continued Obama's war. Senator SANDERS, Senator MURPHY, our cosponsors, and I are now giving Congress a chance to fix this error by debating and voting on our Nation's continued involvement in this unauthorized, illegal war in Yemen.

If, as our opponents claim, this war is necessary, then surely they can defend that argument before this body and before the House of Representatives and, ultimately, secure authorization from Congress, just as the Constitution demands under article I, section 8. But if, on the other hand, they cannot defend this war and they cannot persuade a majority of the Members of this body and a majority of the Members of the House of Representatives that this is a war that needs to be fought, then it needs to end. Let's have an honest reckoning about this war today.

Before this debate gets underway in earnest, there are a few points that I would like to clarify.

First, let's talk about Iran for just a moment. Yes, the Houthis did fire on a U.S. Navy vessel. This only reinforces the fact that Yemenis view the United States as a participant in this war, regardless of whether or not Congress wants to acknowledge that participation or approve it, as the Constitution requires. But overall, there are conflicting reports about the extent of Iranian support for the Houthi rebels.

What we do know is this: The Houthis are a regional rebel group that does not itself threaten the United States. While the Houthis are no friends of ours, neither are they a serious threat to American national security. The longer we fight against them, the more reason we give them to hate America and embrace the opportunists who are our true enemy in the region—Iran. And the more we prolong activities that destabilize the region, the longer we harm our own interests in terms of trade and broader regional security.

The bottom line is this: We are spending a great deal of time and treasure to defeat a regional rebel group

with no desire to attack the homeland and unclear ties to Iran. Iran's influence is much clearer in other parts of the Middle East with other groups—for example, with the murderous terrorist group, Hezbollah.

If we want to counter Iran, let's have that debate in Congress and vote to equip this administration with the necessary authorization to use our vast and fearsome military resources to defeat its proxies—not to create new proxies by turning rebel groups against us.

Let's talk about ISIS for a moment. Our resolution would not impede the military's ability to fight terror groups, like ISIS, inside Yemen. The resolution itself requires the removal of U.S. forces from hostilities in Yemen, except—except, and I quote—“United States Armed Forces engaged in operations directed at Al Qaeda or associated forces.” That is a direct quote from the text of the resolution itself. It should put to rest the notion that this would somehow jeopardize our ability to fight terrorists.

The Pentagon and the executive branch have long insisted that they have adequate authority under the authorization for the use of military force enacted in 2001—adequate authority under the 2001 AUMF to fight against ISIS.

If those at the Pentagon and elsewhere in the executive branch or any of my colleagues now claim that this resolution specifically needs to exempt operations against ISIS, then what are we to make of their previous confidence in the 2001 AUMF? Have they suddenly lost faith in that document overnight or are they merely using this argument as a pretense to oppose our resolution?

I personally believe that the 2001 AUMF has been stretched too far. Our resolution, however, is completely agnostic on this point. It is entirely agnostic about whether counterterror operations against al-Qaida and ISIS can proceed in the wake of the resolution. Our resolution is specific, and our resolution relates specifically to the Houthis. Nothing in this bill may be interpreted as an AUMF.

Lastly, with regard to Saudi Arabia and the ongoing visit of Crown Prince Mohammad bin Salman in Washington, DC, at the moment, I have been deeply concerned about our illegal war in Yemen since its inception and have taken steps to end our involvement in that war. I presented questions to our combatant commanders on the topic, just as I have for other unauthorized operations in the past. I had hoped the new administration might take prompt action to end our unauthorized activities in Yemen. Sadly, that has not occurred.

Last fall, after countless missed opportunities and some broken assurances, my colleagues and I decided it was time to take matters into our own hands. By “matters,” I mean those matters that are specifically already in

our hands, those matters that are already granted to the Congress and to no other branch of government.

There may be some short-term impact on the U.S.-Saudi relationship, but overall the Crown Prince should understand that this protracted and clearly nonconclusive war only hurts his government's stability and legitimacy. He, too, should want a quick end to this conflict. Saudi Arabia is an indispensable partner in the region, without which the United States would be less successful. But the Saudis themselves are at an inflection point within their own government. Working with the United States should be a goal for the Crown Prince and should be a credibility-lending endeavor.

The resolution before you is the product of years of effort. It was not timed in any way, shape, or form to coincide with the Crown Prince's visit. It was drafted with one thing in mind, which is to make sure that before we put U.S. blood and treasure on the line, before we put the sons and daughters of the American people who have served in harm's way into an area in which hostilities are ongoing, to get involved in combat capacities in an area where conflict is brewing, we owe it to them, we owe it to their parents, we owe it to their families, and we owe it to ourselves, having taken an oath to uphold, protect, and defend the Constitution of the United States, to do it the right way—not just because the Constitution requires that but also because of the reasons the Constitution requires that.

It makes sense that when we are doing something that has a greater capacity to impact our government, our standing in the world, our own security, and the lives of those who were sworn to protect us, we do it in the right way, not just through the appropriate branch of government but through the appropriate branch of government in part because that is the only place where an open, honest, public debate can occur.

It is one thing to make a decision somewhere within the military chain of command on whether to undertake a particular action, but this is one of the reasons why, in order to declare war, in order to get us involved in a war in the first place, it requires action by Congress, because this is the branch of the Federal Government most accountable to the people at the most regular intervals.

Over the course of many decades, under the leadership of Congresses and White Houses of every conceivable partisan combination, we have seen a gradual shift of power in a number of areas—including regulatory policy, trade policy, and the exercise of the war power—over to the executive branch of government. When we don't exercise that power, it starts to atrophy; the Constitution means less, and it is less able to protect the American people. That is why this resolution matters. That is why I urge my colleagues to support this resolution. Let's do this the right way.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Vermont.

Mr. SANDERS. Mr. President, may I ask my colleague from Utah a very simple question? Whether or not he agrees with me that we are talking about two separate issues.

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

Mr. SANDERS. It seems to me we are talking about two separate issues, one of which is really a no-brainer. The no-brainer is that the Constitution is very clear that it is the Congress, not the President, that determines whether we go to war; that we are currently in an unauthorized war in Yemen; and that the first vote—if there is an attempt to table this, that would be absolutely unacceptable because we would be abdicating our decisionmaking. And then the second vote is the vote on whether we think it is a good idea to be in Yemen.

Would the Senator agree with me that at least on the motion to table, every Member of the Senate should allow us to go forward and vote against tabling so that people in the Senate accept their constitutional responsibility to vote yes or no on the war in Yemen?

Mr. LEE. I would certainly agree that the answer is yes in response to that question. It is Congress that gets to decide whether we go to war; it is not the executive branch.

For that very same reason, when we have brought up this resolution calling into question whether we have authorized that war and whether we should continue in the absence of an authorization for that war—if we are asked to table that, that very request amounts to a request for abdication of our constitutional responsibility.

A favorite song of mine called “Freewill” by the band Rush came out several decades ago, and it says: “If you choose not to decide, you still have made a choice.”

If we choose in this moment to table this resolution, we are making a choice to be willfully blind to the exercise of a power that belongs to us, to allow someone else to exercise it without proper authority. That is wrong. That cannot happen, not on our watch.

Mr. SANDERS. Let me concur with what Senator LEE just said. There may be disagreements about the wisdom of being allied with Saudi Arabia on the war in Yemen. There will be honest disagreements about that. But there cannot be and there must not be an abdication of constitutional responsibility in terms of making that decision.

If you think that U.S. participation in the war in Yemen is a good idea, you can vote against our resolution. If you agree with us that it is a bad idea, support our resolution. But simply to abdicate your responsibility on this issue would be absolutely irresponsible.

I hope we have virtually unanimous support in voting against the effort to table. Then let's get into the debate about the wisdom of the war and vote it up or down. Needless to say, I hope

the Members support our resolution. Let's at least have that vote and not abdicate our responsibility.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, some of our colleagues from time to time may ask us how we would define the term "hostilities" and what the United States might be doing that triggers that definition. I welcome that discussion. It is important to note that the U.S. Code is somewhat vague on that question, defining "hostilities" broadly to mean any conflict subject to the laws of war. I don't necessarily view that broad definition as problematic. It is something that allows Congress to assess the unique circumstances in each instance on specific grounds at each point in time.

Our involvement in war and in conflict has greatly changed over the years, and it will continue to change as the nature of international relations changes and as the technology we use in war changes and develops. It doesn't mean we are not involved in hostilities. I welcome further discussion on this matter.

Let's look at the facts of our involvement in Yemen today. Since 2015, U.S. forces have aided the Saudi coalition with midair refueling and target selection assistance, or, as Defense Secretary Jim Mattis said in December 2017, our military is helping the Saudis "make certain [they] hit the right thing." In other words, we are helping a foreign power bomb its adversaries in multiple ways. If that doesn't include and amount to and itself constitute hostilities, then such words have lost their meaning.

There are those within the executive branch of government who would define the term "hostilities" so narrowly that it would apply only when our armed services personnel are on the ground firing upon or being fired upon by an enemy force. It is understandable in some respects that they would want to define it that way because if they define it that way, that puts the executive in power.

That is one of the reasons we have to remember that there is a natural tension built into our constitutional structure to make sure that not all power is concentrated in any one branch of government. It is one of the reasons Alexander Hamilton pointed out in Federalist No. 69 that war power would not be exercised by the Executive in our system of government. In this instance, as in many others, the Executive in our system of government would differ from the monarch under the old system, the one that was based in London. The King had the power to take Great Britain to war. The King didn't have to seek a declaration of war from Parliament; the King could act in and of himself to decide when to take us to war. It is one of the reasons why it matters here.

When we see the definition of "hostilities" narrowed to the point that it

very often will not exist given the way we engage in hostilities today, given modern technologies that frequently allow us to engage in acts that anyone would have to acknowledge amount to combat, amount to conflict, amount to hostilities, they can still explain it away as something the Executive can do independently of Congress.

This resolution will not do anything, according to some, because we are not engaged in hostilities in Yemen. I am building upon this argument that is based upon a very narrow, cramped, distorted interpretation of the word "hostilities."

When people ask what we think the resolution would do if it were to pass—first of all, it is clear that we are engaged in hostilities because when we are involved as a cobelligerent, involved in midair refueling in combat flights, when we are identifying targets for the Saudi-led military coalition in Yemen against the Houthis, those are combat operations, and those are clearly hostilities. But even if we were to suppose that U.S. activities in Yemen somehow did not constitute hostilities according to the War Powers Resolution, the text of our resolution is crystal clear about what constitutes "hostilities" for its purpose; namely, "aerial targeting assistance, intelligence sharing, and mid-flight aerial refueling." Our resolution would end those very specific activities against the Houthis in Yemen—nothing more and nothing less.

THE PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I speak only for myself on this issue and will tell you why I am so motivated about this resolution.

If we think back on the modern history of our country and if we think of the two most significant foreign policy decisions—the war in Vietnam and the war in Iraq and the unbelievable unintended consequences that those two destructive wars had—what we conclude is that in both of those wars—one under a Democratic President and one under a Republican President—the Congress abdicated its responsibility. It did not ask the right questions. In both instances, we got into those terrible wars based on lies. The Johnson administration lied as to why we should get involved in the war in Vietnam, and the Bush administration lied as to why we should get involved in the war in Iraq.

It just seems to me that if nothing else, based on those two examples of what the war in Vietnam did and what the war in Iraq did, Congress has to take a deep breath and understand that the people who wrote the Constitution were not fools when they said it must be the elected people who are closest to the constituents who have to debate these issues and who know that decisions being made will result in the loss of lives of the people in their own States, and we have abdicated that responsibility.

No one can predict whether the decisions made by Congress are going to be good decisions with regard to war and peace, whether we are going to do better than Presidents did. I don't know. At the very least, we have to accept our responsibility and not simply take the word of Presidents who in the two most recent, significant wars have lied to the American people.

Once again, I know there may be differences of opinion regarding the wisdom of involvement by the United States in the war in Yemen. If you think it is a good idea, vote against our resolution. There should be no difference of opinion about accepting our responsibility under the Constitution and voting on whether it is a good idea.

I yield to the Senator from Utah.

THE PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, Senator SANDERS mentioned some previous wars and how this may or may not relate to those previous wars. One of the other questions we get from time to time is also a related question: How does this impact or influence operations somewhere else in the world where the United States is engaged? Would the passage of this resolution mean that every other type of operation anywhere else in the world would have to stop too? What about our global counterterrorism activities? We sometimes get those questions.

The main reason we drafted this resolution was to bring our activities in Yemen into line with our laws as expressed in the Constitution. So if we are fighting unauthorized wars in other places around the globe, then those wars need to be authorized by Congress, or else they would need to end. Importantly, however, this resolution does not itself make law or set precedent for other operations. This resolution applies just to this conflict in Yemen against the Houthis. Each conflict or operation ought to be evaluated on its own merits and measured against our national interest and any existing authorizations for the use of military force. We can't evaluate this resolution as being something that requires us to swallow the entire elephant at once. This is just focusing on one issue in one part of the world. We need not take any kind of a "sky is falling" approach that will say this will immediately jeopardize everything else we are doing in any and every other part of the world.

Global counterterror operations under title 10 or title 50 involve U.S. action but arise in different ways, and any other activity that we undertake or authority that we cite in introducing our armed service personnel into hostilities cannot serve as a substitute for congressional action as contemplated by the Constitution. The power to declare war belongs to Congress and not to the Executive. Just because government breaks the rules often—and sometimes with impunity—it does not mean it has the right to

break the rules, nor does it mean, certainly, that we shouldn't call out rule-breaking when we see it going on, but that is a debate for another day.

The resolution before us today is specific to our activities against the Houthis in Yemen. It does not authorize or deauthorize military force in any other part of the globe or against any other foe. In fact, the resolution specifies that it does not interfere with existing operations against al-Qaida and its affiliates. Our resolution is narrowly tailored to end our efforts to assist forces that are fighting against the Houthis. It is deliberately narrow in order to address a black-and-white situation that is clearly not covered by any existing authorization for the use of military force. Counterterror operations that are supported by the 2001 AUMF and other legitimate authorizations would not be affected by this resolution.

I yield to Senator MURPHY.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am grateful to join for a few moments the cosponsors of this resolution—Senator LEE and Senator SANDERS.

It is important to pick up on what Senator LEE was just putting down—the notion that this is a limited resolution that speaks to our participation in an unauthorized, illegal partnership with the Saudis to bomb the country of Yemen. It does not affect our partnership with Saudi Arabia and others in the gulf region to continue to confront terror, to continue to confront al-Qaida—a specific carve-out in this legislation that allows for 2001 AUMF authorized activities to go forward.

It is also important to note that if you care about the priority of taking on al-Qaida and taking on ISIS in the region, then you should support debating our resolution because all of the evidence suggests that the continuation of this civil war inside Yemen is making ISIS and AQAP, which is the arm of al-Qaida that has the clearest intentions of attacking the homeland, both more powerful. The AQAP controls much more territory inside Yemen than it did in the beginning of this civil war.

If you take the time to meet with Yemeni-Americans, they will tell you that inside Yemen, this bombing campaign is not perceived as a Saudi bombing campaign; it is perceived as a U.S.-Saudi bombing campaign. What we are doing is radicalizing the Yemeni people against the United States. Add to this the new information that suggests that some of our partners in the coalition, although not directly working with al-Qaida, are starting to arm some very unsavory Salafi militias inside Yemen that are filled with the types of people—the types of extremist individuals—who could take the training they have received from the coalitions and the weapons they have received from the coalitions and easily turn against the United States.

If you care about the mission against terrorism, then you should support debating our resolution.

Just to recap the reasons we are here today, we need to have a debate on the lack of authorization for military force because it is time for Congress to step up and do our constitutional duty.

The administration wrote in its letter to us that we do not have the authority as the U.S. Congress to weigh in on military activity that is waged by the administration unless there are two armies firing at each other on the ground in an area of conflict. That is the administration's definition of "hostilities," and admittedly that is a definition that has been used by Democrats and Republicans. This is not exclusive to the Trump administration. The problem with that is that it would allow for the United States, through Executive decision only, to wage an air campaign against a country that wipes it out without there being any say from the U.S. Congress.

Clearly, what is happening in Yemen today meets the definition of "hostilities." We have shown pictures on this floor before of entire cities that have been wiped out. More than 10,000 civilians have been killed in the largest outbreak of cholera in the history of the world in terms of what we have recorded. Those are hostilities, and the United States is clearly engaging in those hostilities because we are helping with targeting and refueling the planes that are supplying the munitions. If we cede to unlimited Executive authority with respect to this engagement, there will be no end to that.

Lastly, let me speak to what is happening on the ground. There is zero evidence that U.S. participation in this coalition has made things better. Civilian casualties are not getting better. The day after Christmas, over 60 civilians were killed in a series of airstrikes. Reports are that last month, the Saudis engaged once again in something called double tapping, by which they targeted an area in which civilians lived, waited for the emergency responders to arrive, and then hit again—something that is not allowed by international humanitarian law. The humanitarian catastrophe itself is getting worse, not better.

Maybe most important is that the battle lines inside Yemen are not changing. The Saudis have been telling us for years: Stick with us. If you keep on helping us bomb the Yemeni people, we will win this war. We will get back control of Hudayda and of Sana'a.

That is not happening. At the beginning of this war, the Houthis controlled about 70 percent of the population inside Yemen. Today, the Houthis control about 70 percent of the population inside Yemen. If we continue to support this bombing campaign, nothing will change except that more people will die, except that more civilians will be hit by the bombs we help to drop, except that al-Qaida will continue to control big portions of that country.

While Senator LEE notes that this resolution is actually not on the merits of our engagement there and that it is whether we have the legal justification to be there, let's admit that if you do consider the merits, other than backing the play of our historic ally, there is nothing to suggest that our participation there is making things better rather than worse.

I yield to Senator SANDERS.

Mr. SANDERS. Let me ask my friend from Connecticut the same question I asked Senator LEE, and that is whether he agrees with me that we are really dealing with two separate issues here.

The first issue is really, in a sense, a no-brainer. It is whether the Congress or, in this case, the Senate of the United States accepts its constitutional responsibility on issues of war. We are now engaged in a war in Yemen with Saudi Arabia. The Constitution is very clear in article I, section 8 that it is the Congress that determines whether this country goes to war.

I believe what will happen in a few hours is that a motion to table will come up. Would you agree with me that it would be an act of cowardice, in a sense, an irresponsibility, an abdication of congressional responsibility, for somebody to vote to table that resolution?

Mr. MURPHY. By voting to table the consideration of this resolution, you are voting to stop a debate, a conversation, from happening in the Senate about whether proper authorization exists.

Let's be honest about what this first vote is. This first vote is, do we want to talk about whether there is authorization to perpetuate this war? By voting to stop debate, by voting to table this motion and refrain from proceeding to a conversation about this topic, we are, in a very clear way, signaling to the administration and to the American public that we are not interested in exercising our article I authority on the issue of war-making.

Mr. SANDERS. In other words, no matter what one's view may be about the wisdom of the war, to vote to table is to abdicate our constitutional responsibility?

Mr. MURPHY. It sends a very clear signal to the administration that we are not interested in even having a debate here about complicated questions of legal authority for serious military engagements overseas.

Mr. SANDERS. All right. Let me just concur with Senator MURPHY.

If you think it is a good idea for the United States to be involved in the war in Yemen with Saudi Arabia, you can vote against our resolution. Yet I can think of no reason at all as to why any Member of Congress would vote to table this resolution and prevent that discussion, and I would hope that we would have strong support against any motion to table and allow that debate to go forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican whip.

STOP ENABLING SEX TRAFFICKERS ACT

Mr. CORNYN. Mr. President, this week we are discussing, among other topics, the sad fact of sex trafficking online. The reason is because yesterday we voted to advance a piece of legislation called SESTA, or the Stop Enabling Sex Traffickers Act. The purpose of this legislation is crystal clear. We want to put an end to this abominable practice, and we want to stop shielding or protecting those web platforms that promote it.

I am proud to be a cosponsor of this legislation. Over the past year, like many of my colleagues, I met with law enforcement and victims' rights groups across the country who talk about this as a continuing problem. I met with technology providers who want to end the practice but want to make sure they maintain their independence from Federal regulation writ large. I have been in regular contact with my colleagues over at the House to make sure this bill is considered and passed in a timely fashion. I think it is fair to characterize the negotiations as delicate.

A small group of Senators, including our colleague JOHN MCCAIN, the senior Senator from Arizona, wanted to make sure that everyone understood what this bill does and what it does not do. What it does do is to protect our children. It provides justice to victims, and it makes sure that Federal laws don't protect those who profit from sex trafficking online. What it does not do is somehow to stymie free speech. It does not restrict web platforms from publishing objectionable content.

For example, under the Communications Decency Act, now websites have to screen for child pornography. That is one of the explicit exceptions to the Communications Decency Act, which basically provides immunity to these web platforms from liability. What we are doing is adding to that human trafficking, and it is appropriate that we do so.

This does not discourage websites that are already taking steps to proactively remove improper conduct and police their own networks. I would say to those who do: Keep up the good work.

Today the internet and other forms of technology have made certain forms of predatory behavior easier to engage in. This bill addresses this development head-on. It would allow sex trafficking victims to have their day in court by eliminating Federal liability protections for technology providers who knowingly facilitate online sex trafficking. It would allow State and local law enforcement to investigate and prosecute providers that violate Federal sex trafficking laws.

This bill was introduced last summer after a 2-year inquiry by the Permanent Subcommittee on Investigations, which produced a report. That report found that not only had sex trafficking run rampant in certain online spaces but also that some websites had tried to cover it up.

Well, no longer. Last fall, the Senate Commerce Committee unanimously approved SESTA, the bill on the floor that the House passed last month. Now it is our turn.

Senator PORTMAN, the junior Senator from Ohio, has been this bill's greatest champion since its inception. I believe he was one of the members of the Permanent Subcommittee on Investigations, which produced the report I mentioned. He has been involved in this issue for a long time. He has been informing us time and again of the ways in which sex trafficking has morphed from the street corner to the smartphone.

In the committee's investigation, one website in particular came up time and again, and the name is no stranger to the Senate or the Congress. It is backpage, a notorious publication now online that is responsible for three-quarters of all child trafficking reports.

It eventually became clear that even though that site was actually helping to sell young women for sex, and even the victims and their families were suing backpage, none of the lawsuits were successful because of what some people are coming to believe is an outdated immunity protection for technology providers under the Communications Decency Act, which I mentioned a moment ago.

The original law was intended to protect free speech online, which is important. I am a firm believer in the First Amendment, as I know we all are, but free speech is no license to engage in criminal activity.

At last count, 67 Senators have joined our effort as cosponsors. We are joined in support of SESTA by anti-human-trafficking advocates, law enforcement, State attorneys general, the civil rights community, faith-based groups, and tech companies like Facebook and Oracle.

Our colleague from Oregon has introduced two amendments, which I strongly urge my colleagues to oppose. The first would appropriate new money for the Attorney General to investigate and prosecute website operators that criminally facilitate sex trafficking. The problem is that this would violate the blue slip rule and subject the bill to a point of order. In other words, there are constitutional issues raised about where that sort of legislation would originate. It has to originate in the House. It would almost certainly guarantee the demise of this legislation. In other words, it is a poison pill. It is not that we will not support funding to prosecute traffickers. In fact, we will provide ample funding through the Department of Justice later this week. It is that those funds should be appropriated through the usual process and then handed over to State and local officials who can use them effectively.

The second amendment that will be offered is the "Bad Samaritan" amendment. This would prevent websites from being held accountable for any ef-

forts to moderate content, even when those efforts are taken in bad faith or obviously intended to miss their mark and instead protect sex traffickers. In some States courts have found that websites like backpage might be held liable when they selectively edit sex trafficking ads to make them more difficult to be identified by law enforcement.

The "Bad Samaritan" amendment could protect platforms like backpage.com from liability for bad-faith editing practices, leaving victims with even less of a recourse than they have today. Simply put, it could eviscerate the steps we are taking in SESTA. I am confident that our colleague does not intend this result, but that would be the consequence of adopting either one of those amendments.

So I hope my colleagues will join me in voting in favor of SESTA this week and opposing these two amendments. That is the best way we can ensure that these websites and online platforms can be held accountable for facilitating sex trafficking.

Mr. President, later today the Senate will be voting on a privileged resolution that I spoke on yesterday, offered by three of our colleagues. Simply put, it would direct the President to cut off all U.S. support for the Saudi-led coalition in Yemen.

Now, some people may be looking at a world map to figure out where Yemen is and what the import of this conflict may be, but suffice it to say that this is another proxy war being conducted against the United States and its allies by Iran, now in Yemen, just to the south of Saudi Arabia, our ally.

So as to the motion to table, I was interested to hear my friends from Connecticut and Vermont suggesting that the motion to table would stop debate. Well, that is not exactly true. What it will do is to facilitate full debate and full consideration of the merits of the underlying resolution, starting with the Foreign Relations Committee. It is very unusual for resolutions like this to come immediately to the floor, where 100 Senators vote on it, because, frankly, not all of us are as up to speed on the details of this or what the unintended impact might be as the Foreign Relations Committee that is set up for the purpose of examining legislation with regard to our international relationships in matters like this.

This is an important and timely matter, as high-level Saudi officials are in Washington this week. The Crown Prince is scheduled to meet with President Trump today. I met with him this morning, along with other members of the Senate Foreign Relations Committee.

Saudi Arabia is an important partner in our counterterrorism operations and as a counterpoint to Iran. In Yemen, we see both terrorist operations—that is, ISIS and al-Qaida—and Iran actively deploying missiles and using Yemen as

a launching pad to shoot missiles into Saudi Arabia.

I mentioned that this support for our Saudi coalition is narrowly circumscribed. It takes the form of intelligence sharing, military advice, and logistical support, including air-to-air refueling. This is part of a plan that started under the Obama administration and now has continued under the Trump administration not to put American troops on the ground—boots on the ground, as we frequently refer to it—but rather to facilitate for our allies by working by, with, and through those allies to address the threat not only to them but ultimately to the United States and to peace in the region.

The role we play in Yemen is clearly a noncombat support role, and it is meant to minimize civilian casualties by improving the processes and procedures and increasing compliance with the international law of armed conflict. In other words, we are trying to help them target the terrorists and the Iranian-backed rebels and not innocent civilians, something they are not able to do as well without our assistance.

Contrary to the resolution's sponsors' claims, the United States is not engaged in hostilities in Yemen, as it has been traditionally understood, since it is not in direct conflict with the Houthi rebels. We are not fighting the Houthi rebels. U.S. soldiers are not fighting the Houthi rebels directly. We are providing support.

Proponents of this legislation rightly point out that there is a humanitarian crisis in Yemen. Unfortunately, what they sometimes leave out is that the humanitarian crisis only started when the Iranian-backed rebels overthrew the existing government. Our military assistance is helping the Saudis with their targeting to help prevent civilian casualties, to restore law and order, and to create conditions necessary to provide aid.

Let's remember, too, that it was President Obama who first implemented the refueling and logistical support policy. This is not a political matter. There is no real difference in the way that the Obama administration and the Trump administration provide this support by, with, and through our allies the Saudis and the Emiratis.

It is clear why this has been the policy of the last two administrations. Yemen is a place of great geopolitical concern. When I visited Bahrain recently with our colleagues—the U.S. Fifth Fleet is housed in Bahrain—we heard concerns about a chokepoint near an area called the Bab el Mandeb. I probably butchered that pronunciation, but we have all heard more frequently about the Straits of Hormuz, through which a lot of the world's commerce and oil flow.

Bab el Mandeb is off to the west of Yemen, only 18 miles at its narrowest point, connecting the Red Sea to the Indian Ocean. That is one of the rea-

sons why it is so important geopolitically—because 3.8 million barrels of oil pass through it each day, many of them in route to the Suez Canal and beyond. Bab el Mandeb shows the geopolitical importance of Yemen in the surrounding region. When rebels attempt to shut down shipping in this passage, the impact is global, including on the United States, and our Nation has every right to be concerned.

I fear the resolution I mention deals with our shared concerns in the wrong way. We all want to avoid civilian casualties. Most everyone is aware that Yemen has been suffering from a severe humanitarian crisis for years, including a terrible cholera outbreak. But if we were to remove U.S. involvement and logistical support for the Saudi coalition, the humanitarian crisis would likely get even worse.

The Department of Defense has critiqued the resolution on which we will be voting on the grounds that it would undermine our ability to foster long-term relationships with allies in the Gulf region. We also benefit from increased interoperability, burden-sharing, and strong security architectures throughout the world. In other words, the alliances we have in the Middle East fight the common enemy of ISIS and al-Qaida and try to contain Iran, which has been at war with the United States since 1979 in the Iranian Revolution in one form or another. All of these are on the table and all of these should be matters of our concern, but they are best considered, at least initially, in the context of the Foreign Relations Committee. They can then make a recommendation to us, and we can have the sort of fulsome debate that people have come to expect in the Senate, I hope, on matters of global importance. So all of the reasons I have mentioned here suggest that the need for our auxiliary and limited role in Yemen remains important.

Secretary Mattis, the Secretary of Defense, has said that a withdrawal of our noncombatant support could embolden Iranian-backed rebels in the area, enable further missile strikes on Saudi Arabia, our ally, and threaten the shipping lanes in the Red Sea, like the one at Bab el Mandeb. All this combined could stoke the embers of an even greater regional conflict in the Middle East.

So I hope our colleagues will vote for a tabling of this resolution, which does not cut off debate but just moves that debate, at least initially, to the Foreign Relations Committee, where, under the able leadership of Chairman CORKER and Ranking Member MENENDEZ, I have every confidence that they will explore every nook and cranny of this issue and come out with a reasoned and reasonable recommendation to the Senate and the Congress on how the U.S. Government should conduct itself.

I believe in a strong congressional role when it comes to wars and military conflict. This has been a fight,

though, that has been going on for a long time between the executive branch and the legislative branch. We have the ultimate tool. We can cut off money, but that is a rather blunt instrument. I think this administration, like previous administrations, needs to recognize that the Congress is a partner in making these decisions, not an adversary. It is important that we each play our respective role, and I am confident that we will play that role responsibly, which is really what this is all about.

If the Senate takes this vote and passes this resolution, we lose the chance for that kind of careful, deliberate, informed consideration that starts in our standing committees. We lose the chance to have the Senate Foreign Relations Committee issue a thoroughly researched recommendation.

So I hope our colleagues will vote to table the resolution and not to close off debate but to insist that this debate take place, at least initially, where it belongs, in the Senate Foreign Relations Committee, and that this debate then continue among all 100 Members of the Senate. We will be better informed, we will be better prepared, and we will be better able to prevent unintended consequences from taking a rash action like voting for the resolution today.

I yield the floor.

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

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

Mr. MENENDEZ. Mr. President, I wish to thank Senators LEE, SANDERS, and MURPHY, as well as the other cosponsors of the resolution we are debating, for their commitment to elevating this debate in the Senate. I agree with my colleagues that this is an important debate with significant implications. As the elected representatives of the American people, we must serve as an effective check on the executive branch, fulfill our commitments to protect the national security interests of the United States, and be responsive to our constituents.

This debate is about how we best leverage the tools in our national security toolbox, including military tools, to protect U.S. national security. Although the resolution focuses on one particular element of U.S. policy, limited military support—basically, refueling, intelligence, and advice—to the Saudi coalition, I encourage my colleagues to expand the aperture of this debate so we may call on the administration to assert real leadership, diplomatic heft, and nonmilitary resources to move the conflict in Yemen toward a political tract.

As the ranking member of the Senate Foreign Relations Committee, I remind

my colleagues that it is this committee that has the jurisdiction over the questions of use of force. I remind my colleagues that it was also under my leadership as chair of this committee that it twice voted on authorizations for the use of military force—once in 2013, in response to the Assad regime's use of chemical weapons against the Syrian people, and once in 2014, in response to the rapid rise and spread of the Islamic State. I remind my colleagues of these two committee votes to underscore my commitment to open debate, my willingness to take tough votes, and my enduring commitment to a robust role for the legislative branch of the U.S. Government in the use of force and oversight of that force.

Now, I am pleased that Chairman CORKER has agreed to hold a public hearing with administration witnesses on the war in Yemen—I think a hearing before the Senate Foreign Relations Committee is critically important—to look at the U.S. military support to the Saudi coalition and our overarching U.S. policy for resolving the war in Yemen. I appreciate that the chairman has also made a commitment to a markup in the committee in the near future on legislation that deals with the question of Yemen, and I also welcome his commitment to markup an AUMF, or an authorization for the use of military force, in the committee. Those are significant and actually will go a long way toward an informed process about how we deal with this challenge.

In considering S.J. Res. 54, I encourage my colleagues to assess the best way to promote core U.S. security interests in the Middle East, including pushing back on Iran's aggressive and destabilizing actions across the region, countering terrorism, and ensuring the freedom of navigation. To achieve these goals, our longstanding policy has been to partner with the members of the Gulf Cooperation Council to promote the security and stability of the Arabian Peninsula.

As we consider this resolution, we must fully grasp the situation on the ground and the scope of attacks on one of our traditional security partners. Saudi Arabia has endured Yemeni-originated attacks inside its territory on a scale that no American would accept—ballistic and Scud missile attacks aimed at major Saudi population centers, cross-border attacks by Iran-backed Houthis. Those are significant.

Now, having said that, I share the concerns, I think, of a majority of my Senate colleagues regarding the conduct of the Saudi-led coalition operations, the unacceptable scale of civilian casualties, the severity of the humanitarian crisis, and the seeming lack of momentum on all sides toward a political tract to negotiate an end to this conflict.

The Saudi coalition bears significant responsibility for the magnitude of human suffering and the scale of destruction in Yemen. Seventy-five per-

cent of the population is in need of humanitarian assistance, and more than 8 million are on the brink of famine. The conditions have also led to the worst outbreak of cholera in modern history, with an estimated 1 million people suspected to be infected.

While the Houthis bear much responsibility for the violence, the Saudi-led campaign has played a significant role in exacerbating, however, the current humanitarian catastrophe. We must remember that the Houthis overthrew the internationally recognized and lawful government of Yemen and continue the conflict by resisting a political solution. So we ask the Saudis to have a political solution, but we need the Houthis to engage in a political solution as well. We also have to remember that the Houthi insurgency has vastly expanded the opportunities for al-Qaida in the Arabian Peninsula.

At the same time, I worry that withdrawal of limited U.S. military support to the Saudi coalition will weaken our leadership and our ability to influence a political settlement, improve humanitarian conditions, and could even make the situation worse.

Let us be clear-eyed about who will most benefit from an absence of American power. As it has done in political vacuums throughout the region, Iran will continue to expand its proxy power, and through its Revolutionary Guard, Iran will continue shipping weapons to the Houthis in violation of the arms embargo. With an emboldened Iran as patron, the Houthis will continue their campaign within Yemen and their attacks on Saudi Arabia.

Meanwhile, other nations in the region will be left questioning the commitment of its long-term security partner, the United States. In Saudi Arabia's darkest hours, as ballistic missiles are launched at major population centers in Saudi Arabia and Lebanese Hezbollah is on their border training Houthi fighters while Iran continues to transfer lethal equipment, we risk sending a signal to our partners and to our adversaries that the United States is not reliable.

Across the world, from Canada to the United Kingdom, President Trump has damaged our credibility as a reliable partner, even to some of our most stalwart allies. We must push against those concerns and show our allies that the United States upholds its international commitments. Consideration of withdrawal of support for the Saudi coalition must be taken in concert with other ways in which the United States is working to end this war—the totality of U.S. policy—which I fear is lacking.

The solution, I believe, is to bolster our diplomatic, humanitarian, and political presence to help solve this crisis, to end the human suffering, and to assert practical, concerted leadership. Thus far, the administration's approach has effectively abdicated leadership on the global stage. Thus far, while we have heard senior officials as-

sure us that there is no military solution to this conflict and a political settlement is necessary, this administration is actively dismantling the State Department and antagonizing the United Nations—the two entities that have the potential to play the most critical roles in moving toward a political settlement and addressing the humanitarian crisis.

We have vacancies at the Assistant Secretary of State level for the Middle East and the Ambassador in Riyadh—a failure of leadership.

With this dangerous approach to our diplomatic institutions, we will not be in a position to promote political solutions, and our military, once again, will be called on to do the critical work of diplomacy and development, distracting their attention from other pressing challenges—a failure of leadership.

Regarding a broader diplomatic strategy, the administration has also failed to develop a comprehensive strategy to confront Iran, including holding Iran accountable for continuing to provide missile supplies and lethal training to the Houthis.

Across land and sea, we know Lebanese Hezbollah operatives are in Yemen. Yet we have seen no sanctions and no action at the Security Council for this illicit, illegal activity. The administration has not made one designation for Iranian violations of arms embargoes, as directed by the legislation passed here 98 to 2, the Countering America's Adversaries Through Sanctions Act—again, a failure of leadership.

I expect the administration to articulate and implement a comprehensive strategy for addressing Yemen that includes requisite conditions for continuing to support the Saudi coalition, a strategic push for a political settlement, efforts to alleviate the human suffering, and a comprehensive strategy to decisively push back on Iran's destabilizing actions in Yemen. This includes tough diplomacy with countries that will continue to facilitate or, at a minimum, fail to push back on Iran's actions.

I will continue pushing the administration to assert critical American diplomatic leadership rooted in the values of democracy, human rights, and human dignity.

Based upon Chairman CORKER's commitments to those hearings and future markups and based upon the totality of the situation, I will vote to table the motion to discharge from the committee because I am not ready to either abandon our partners that face an existential threat from Iran run amok in Yemen, but my support is not unconditional, and I will demand responsive actions.

I want to see, as I told the Crown Prince of Saudi Arabia earlier today, a renewed commitment and a rapid movement toward a political track by the Saudi coalition. I want to see consistent demonstrations of commitment

to humanitarian access and alleviating the humanitarian crisis. I want to see followthrough in pledges of assistance to stabilize and rebuild Yemen by members of the Saudi coalition. I want to see energy and diplomacy from the Trump administration.

This week's visit of Crown Prince Muhammad bin Salman is an opportunity to press forward on a path for ending the war and addressing the civilian suffering. That certainly was my message to him. The limited support the United States provides is leverage. Now the Trump administration needs to use it.

In conclusion, I invite my colleagues on the Senate Foreign Relations Committee to join me in holding the administration to account and pushing the administration to use our leverage to drive this conflict toward a political track. I also invite my colleagues to join me in conducting oversight of our policies and programs to counter Iran's activities in the region, including implementing CAATSA.

Finally, I want to be very clear that my vote today is not a blank check for U.S. military support, nor an endorsement of the current policy and strategy, and, finally, not a thumbs-up for the Saudi coalition that we should continue business as usual. I expect to see improvements on all fronts, as I have previously stated, and I will review future decisions with respect to potential arms sales and other votes with that type of extreme scrutiny.

There is no more time to waste. We must move toward a political settlement to end the war in Yemen, and the people of Yemen must see improvements in their situation immediately.

I look forward to working with all of my colleagues to ensure we are working toward a policy that embraces American leadership in promoting a political solution and alleviating the devastating humanitarian suffering in Yemen. I look forward to this continuing debate before the Senate Foreign Relations Committee.

With that, I yield the floor.

THE PRESIDING OFFICER (Mr. CRUZ). The Senator from Tennessee.

MR. CORKER. Mr. President, I wish to thank the Senator from New Jersey, my good friend, the ranking member of the Senate Foreign Relations Committee, for his comments.

Today we met with the Crown Prince of Saudi Arabia, a very impressive young man who is transforming the country. We talked about the importance of our relationship, no doubt, but we strongly, strongly pushed back on what is happening right now in Yemen and asked them to take strong corrective action. I was there when this occurred, and I certainly expressed the same.

We also talked about the enrichment they are pursuing and some of the concerns that exist there. I want to thank the ranking member for his leadership and the words he just spoke.

Let me just speak to the debate we are having on the floor. This is a very

entrepreneurial move. I don't say that to be pejorative. I know one of the Members is on the Judiciary Committee that is bringing this to the floor. I can imagine some highly important judicial issue not being debated in the Judiciary Committee but just being wafted to the floor for a debate. I know that is not the way the Judiciary Committee operates.

One of the other Members is on the Energy and Natural Resources Committee. I can imagine some complex cap-and-trade bill being offered, and instead of it being worked through the committee—or some ethanol bill or some other type of bill—instead of it being worked through the committee, somebody just decides to bring it directly to the floor. That is what is happening here today.

I certainly don't shy away from this debate. I appreciate the fact that MITCH MCCONNELL understood that very few Members of our body—unless they are on the Foreign Relations Committee, Armed Services Committee, or happen to take a particular interest—even know much about what is happening in Yemen, and a lot is happening there. So I appreciated the briefing that took place last week to give Members a sense as to what is occurring there, but the proper way to deal with these issues is to deal with them in committee.

One would think that maybe there is some Yemen legislation that the committee is holding and not acting on. That is not the case. Any of these Members could have offered Yemen legislation relative to this issue, and the committee would take it up. That has not occurred.

So let me tell my colleagues what is happening in the committee. We have a bill that is being worked on by Senator YOUNG and Senator SHAHEEN dealing with this very issue. They are building support. They are working with the administration to make sure the definitions are correct, and they have had numbers of people involved with them. We plan to have a Yemen hearing in the next few weeks to deal with this issue but also to take up appropriate legislation. That is the way we typically deal with issues of such importance.

Let me say this: This is an issue of great importance. It not only affects the tremendous humanitarian crisis that is occurring in Yemen and the radicalization of the Houthis, supported by Iran—a proxy of Iran—but also Saudi Arabia's own security. It also affects the way we deal with other countries. I think many people here understand fully that right now, or recently, we have been involved in the same kinds of activities with France, as they have dealt with issues in Mali, including refueling and helping them some with intelligence issues.

So this is something, again, that we need to take up in a serious way, and the committee is committed to doing so.

What I hope will happen today is that Members of this body will let the Foreign Relations Committee do its job and that we will bring a bill forward that we can properly debate and amend.

I am hoping that later today, when I offer a tabling motion, Members of this body will respect the members of the Foreign Relations Committee who deal with this issue and let it go back to committee, with the commitment that we plan to bring forth legislation to actually deal appropriately with many of the issues relative to Yemen, Saudi Arabia, Iran, and ourselves.

Let me mention one other thing. We have been working for some time to deal with the authorization for the use of military force. It has been an issue that has been before us for many years. It is the replacement and revision of the 2001–2002 AUMF that many people in this body have had concerns about because it has been so long since they were enacted. We have activities that are taking place around the world still based on those two authorizations. We have a markup on an AUMF on April 19 scheduled to try to revise so we can give people an opportunity to weigh in on this issue on the floor.

By the way, the way the AUMF is being constructed at present, when we go into new countries, when we take on new groups, the Senate would have the ability to weigh in on those issues.

So I just would like to say to the body and those who are looking in, we are not shying away from this debate. There has been no legislation whatsoever that has been held up on this topic. Legislation is being introduced soon in a bipartisan way to deal with this terrible issue that is taking place in Yemen.

We are going to have a hearing. We will have a markup. In addition to that, we are going to have a markup on a new AUMF to deal with the issues our country is dealing with around the world with al-Qaida, ISIS, and other entities that have been associated parties.

With that, I just want to let people know that is kind of the way we deal with things around here. None of us is happy with the current status, but I think a better way for us to come up with a prudent solution to what is happening there is to go through the normal committee process. I hope the other Members of the body will respect that.

I am glad that, by the way, the ranking member—by the way, this policy has been taking place in Yemen. It started under the Obama administration, the same exact policy. The Senate has acted on it by voting for appropriations, so it is not as if we have not taken action ourselves. We have done that through the NDAA. We have done that through various State Department authorizations. So we have acted upon it. There are concerns about what is happening there. Legislation is going to be introduced to try to deal with

this, and that is the way we deal with complicated issues. No one is shying away from the debate. We just hope to table this and move it back and deal with it in the orderly, appropriate way.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, this afternoon there is going to be a vote on the Senate floor which is of historic importance. It is rare that I use those words to describe what is going on in the Senate Chamber. It is equally rare for us to actually take up an issue and debate it in this Chamber, but this afternoon we will face a critical vote.

I can recall, as can most Members, many votes we have cast in the course of service in Congress, both in the House and the Senate, but the votes that cause loss of sleep and worry, time and again, are votes involving war. You see, part of my responsibility in the Senate, shared by my colleagues, under article I, section 8, is to actually vote to decide whether the United States of America shall go to war.

The Founding Fathers were explicit. They wanted to give to Congress that responsibility so Members of Congress could represent their constituents—House districts and States—whom we all represent. That created an opportunity—in effect, an obligation—for us to really measure this grievous, important, historic decision against the feelings of the families who would be asked to support a war with their tax dollars or with the lives of people they love.

I can recall, back in 2001, what occurred on 9/11. Those of us alive on that date will never forget it, but I also recall that a year later we faced a decision right here in the Senate Chamber about whether, as a result of 9/11, we would go to war against Iraq and Afghanistan.

There was a long debate about whether we should invade Iraq. If you will remember, the leaders of the government told us there were weapons of mass destruction which threatened the region and the world, including the United States, and if we didn't move into Iraq and take out Saddam Hussein in his capacity, we would leave the United States in danger.

The debate went on for a long period of time, and the final vote was cast in the early morning hours in October of 2002. I remember it well and, for reasons I can't explain, I stayed on the floor after the vote. There were only two or three Members of the Senate still here. It was one of those moments where we had voted to go to war and weren't certain about what the next step would be. There were 23 of us—1 Republican and 22 Democrats—who

voted against the invasion of Iraq. I think it was one of the most important votes I ever cast.

The representations about weapons of mass destruction turned out to be false. We had no intelligence to back up that assertion. Yet that was the reason we were off to war. Well, here we are, some 16 years later, still engaged in a war in Iraq. I don't believe there is a single Member of the Senate who that night cast a vote for the invasion of that country who believed that 16 years later we would still be engaged in a war in Iraq.

Subsequently, there was a vote on the invasion of Afghanistan. It was a different circumstance. We believed Afghanistan had literally been the sourcing point for the terrorists who struck us on 9/11 and killed 3,000 innocent Americans. The argument made by the administration was, no one can do that to the United States of America without paying a price. I joined the overwhelming bipartisan majority supporting the invasion of Afghanistan to go after Osama bin Laden and al-Qaida.

I voted against invading Iraq. I voted for the invasion of Afghanistan. I can tell you, I would never ever have been able to stand here and say, with any certainty, that 16 years later, we would still be engaged in a war in Afghanistan, but we are.

The obvious question to ask is, In 16 years of war in Iraq and Afghanistan and other places in the world, how many other times has the United States and the House of Representatives come together to debate the wisdom of a decision about continuing a war or declaring a war? The answer is none—not once.

For 16 years, we have been observers and bystanders, through Presidents of both political parties, and the Congress has stood by and observed military action being taken all over the world.

Brown University did a survey called the Costs of War Project and recently published data saying that the United States fought terror in 76 countries, between October 2015 and October 2017, using its own troops and bases, through training of host country counterterrorism forces or through drone and air strikes.

In 76 different countries, we are engaged in military operations. How often has the Senate or the House come together to debate the wisdom or to even question whether those military actions were authorized? I think none. Perhaps someone could point to one, but I can't think of one time we have done it.

This afternoon is going to be different because we are being asked, as Members of the Senate, whether we are going to exercise our constitutional authority and responsibility when it comes to an ongoing war in a country most Americans couldn't find on a map—the country of Yemen.

Yemen now is embroiled in a civil war and an invasion by Saudi Arabia, and we are part of that military oper-

ation. There has been no vote in the U.S. Senate on those military activities. There is a loose connection to al-Qaida, which was referenced in the invasion of Afghanistan, as a rationalization for going after this terrorist operation now being found in Yemen, but there is more to that war in Yemen than just the presence of al-Qaida. There is an ongoing surrogate battle between Saudi Arabia and Iran, and the United States is engaged. I believe we are engaged because of our friendship with Saudi Arabia; some have argued because we sold them the planes we are now refueling.

At the very least, we ought to bring this case to the American people. That is our constitutional responsibility, and that is why this vote is important: Because we took an oath—each of us—when we became Senators, to uphold the Constitution of the United States against enemies foreign and domestic. That Constitution says the people of the United States—the ones I represent in Illinois, the ones who are represented in Oregon or in Texas—are going to have a voice in this decision through us, through our debate, through our decision.

I thank the Senators who have brought this matter to the floor today: Mr. LEE, a Republican Senator from the State of Utah; Mr. SANDERS, a Democratic Senator from Vermont; and Mr. MURPHY, another Democratic Senator, from Connecticut. I have joined in cosponsoring this effort. It really is going to put us to a test to justify what we are doing in Yemen today.

What is happening in Yemen has been characterized by the United Nations as the worst humanitarian crisis in the world—and that is saying something. Some 8 million people are dying of famine in Yemen because of this war. Some 16 million are in desperate need of humanitarian assistance immediately.

This is no skirmish. This is not just an exchange of fire. This is carnage and destruction the likes of which the world has never seen, and we are part of it. If we are part of it and should be part of it, then we should make that decision as a Senate and a House of Representatives, as the Constitution requires, but going to the bleachers, standing by the sidelines, and watching more and more military operations take place around the world without asserting our constitutional responsibility is a mistake. That is why I have cosponsored this measure this afternoon and look forward to voting for it to move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, America is very involved in a war in Yemen, and it is time we have a debate as envisioned under our Constitution.

Our Constitution did not lay out the power of deciding when to go to war with the executive branch. It places it

very clearly here, with article I, Congress is to act, but we have participated very directly, in partnership with Saudi Arabia, in the assault on Yemen, on the Houthis, and the result is a dramatic, dramatic humanitarian crisis. So we should absolutely hold that debate on this floor, as envisioned in our Constitution.

Article I, section 8 states, unequivocally, that “the Congress shall have Power . . . to declare War.” It is only Congress that is given this power under our Constitution.

If anyone has any doubts, then let’s pay attention to the other words of our Founders, James Madison himself: “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.”

The Founding Fathers’ vision was reinforced by the War Powers Resolution of 1973, also often referred to as the War Powers Act. That act was necessary because the executive branch tends to put our forces into conflict without the permission of Congress, in violation of the Constitution. So it is important to lay out the parameters under which they are allowed to do so under emergency action and the circumstances under which they are not allowed to do so.

The War Powers Act says: “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 judgement of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities.”

It goes on to say that “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities . . . is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States.”

In the case of the Saudi war we are participating in against the Houthis, it is not triggered by an attack upon the United States, nor is there any specific statutory authorization—that is why we are going to have this debate today—nor is there a declaration of war.

So the standards of the War Powers Resolution have not been met, and I call upon my colleagues to shoulder your constitutional responsibility to have this debate and hold the Executive accountable when they are violating the law of the United States of America.

There are two components to our presence in Yemen which should not be confused. One is where we are directly involved against forces associated with al-Qaida. This debate is not about that. The administration contends and we do not dispute today whether that is covered by the 2001 authorization for use of military force.

I think many of us feel that initial 2001 AUMF, authorization for use of military force, has been stretched beyond recognition. That is a debate for a different day. This argument is directly about our support of Saudi Arabia in bombing the Houthis in Yemen. That is the central question.

For us to understand why this is so important is, one, the integrity of the Constitution. If we do not hold the Executive accountable to the Constitution of the United States of America, then we are essentially taking that key, critical clause that gave us responsibility for when military force is used by the United States out of the Constitution and delivering it to the Executive. That certainly is not the vision. If people want to have that vision, they will introduce a constitutional amendment to that point. Introduce a resolution to declare war to make this action in concert with the Constitution. Create specific statutory authority in concert with the Constitution. But do not fail your constitutional responsibility to hold this debate.

The War Powers Resolution lays out clearly that our participation in the support of foreign forces engaged in hostilities is engagement under the vision of our Constitution and certainly under the law of the War Powers Resolution. It says under section 8:

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

Again, specific authorization is required.

It goes on. In this section titled “Interpretation of Joint Resolution,” it states:

“[I]ntroduction of United States Armed Forces” includes 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 . . . in hostilities.

Clearly, the law states that our engagement, our coordination with a foreign power engaged in war, is covered by this act. Our participation in the movement of their military forces into hostilities is covered by this act.

Therefore, we have to understand the details of our engagement.

First, the United States refueling the Saudi planes as they go to bomb the Houthis is very directly participation in the movement of military forces into engaged hostilities. We are refueling the planes en route. How can that not be participation in the movement? Certainly a plane is a part of a military force. Certainly refueling it is participation in the movement of that plane. Could this be any clearer? This is black and white. Not many things are. In terms of the violation of the War Powers Resolution and the offense against

our Constitution, this is black and white.

Second, we provide intelligence.

Third, we provide the weapons.

Fourth, we provide targeting assistance.

Fifth, we established a joint combined planning cell operation center to conduct military and intelligence activities in partnership with Saudi Arabia.

All of that fits into this direct section of the War Powers Act regarding coordination or participation in the movement of a foreign force engaged in hostilities. If this were a minor involvement—it is not. We have participated thousands of times in this manner. On a daily basis, we are involved in coordination.

The airstrikes Saudi Arabia is conducting have produced one of the worst humanitarian situations in the world. Think about the reports on these different strikes.

There were 3 airstrikes in Sa’dah last month, killing 5 civilians and wounding 14 more, including 4 children, as well as killing the paramedics who were trying to pull the survivors out after the first bomb dropped.

We had a strike on a hotel last August that turned the building’s ceiling black with the charred blood of 50 farmers who were in that building.

It is one horrific circumstance after another as these bombs drop on civilians in Yemen. It is time for us to reckon with the fact of our participation in this carnage. This carnage has resulted in 10,000 Yemeni civilians killed, and there are 8 million people on the brink of starvation. Why is it that humanitarian aid has not gotten to those folks? Because Saudi Arabia has blocked it. We are partnering with a country that is blocking humanitarian aid. Does that square with the principles of the United States of America, to participate in partnership with a country starving 8 million people?

Then we have the fact that the Saudi bombs have been dropping on the infrastructure of Yemen, and they have destroyed the water systems. When you destroy the water systems, the sewage contaminates the fresh water, and a direct consequence of that is cholera. At this moment, the cholera epidemic in Yemen has affected 1 million people. That is the single largest cholera epidemic in the recorded history of mankind.

There are 8 million people starving and 1 million people sick with the worst cholera epidemic ever. We are participating in creating this.

To my colleagues who say Saudi Arabia has partnered with us against ISIS, fine and good, as they should. However, this issue is different. This is about whether we are helping them and participating directly in the hostilities of dropping bombs on civilians, Houthis, and creating a massive famine and a massive cholera epidemic and massive deaths. A lot of children are dying every day.

The Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock, warned that this famine could become “the largest famine the world has seen for many decades, with millions of victims.”

Every day, about 130 children die from hunger and disease. We pride ourselves on going to the assistance in the world when children are being slaughtered or starved or decimated by disease. In this case, we are participating in this carnage. Does any Member of this Senate want to stand up and say that is an appropriate mission for the United States to participate in, this carnage? I certainly hope not.

The death and destruction in Yemen is unimaginable. It is appropriate that we debate on the floor the Sanders-Lee-Murphy resolution, a bipartisan resolution to say: Let's honor the Constitution. Let's abide by the 1973 War Powers Act. Let's hold the administration accountable because it is not just this issue—although this issue is massive—it is also the standard by which the Executive will operate in every potential war theater around the world for a decade to come.

If we proceed to say that it is OK that you trample the Constitution in Yemen, that you disregard the War Powers Resolution in Yemen, then we will be giving carte blanche to this administration to do so in one nation after another. We have long abdicated our responsibility. Let's abdicate no more. Play the role, the responsibility the Founding Fathers gave us in the Constitution, and bring an end to our participation without authorization in this horrific conflict.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

S.J. RES. 54—MOTION TO DISCHARGE—Continued

The PRESIDING OFFICER. The President pro tempore.

JUDICIAL VACANCIES

Mr. HATCH. I thank the Presiding Officer.

Mr. President, 1 year ago today, the Senate Judiciary Committee opened its hearing on the nomination of Supreme Court Justice Neil Gorsuch. The Stanford Law & Policy Review has now published my article on one of the opposition's arguments made in that hearing and sure to be repeated should President Trump have the opportunity to make another Supreme Court nomination.

Today, I want to look at the lower courts because no fewer than 138 positions on the Federal district and ap-

peals courts are vacant. That does not include 33 vacancies that we already know will occur in the next year or so. Everyone must understand both the seriousness and the cause of this crisis.

By itself, 138 is just a number. It is a big number, but it needs a frame of reference or a standard for us to know whether this number of judicial vacancies is normal or a serious problem that has to be addressed. I certainly don't want to be accused of partisanship, so I will rely solely on the standards and criteria used in the past by my Democratic colleagues. Let's first use some Democratic standards to evaluate the number of judicial vacancies that we face today.

One standard is that the Democrats have specifically identified how many vacancies are unacceptable. In February 2000, with a Democrat in the White House, the Democrats said that 79 vacancies were “too high.” In September 2012, with the Democrats both in the White House and controlling the Senate, they declared a “judicial vacancy crisis” when there were 78 vacancies.

If 78 vacancies is a crisis, what is the label for 138 vacancies? This is the highest judicial vacancy total since September 1991, but more than half of those vacancies were fresh from Congress's having created new judgeships several months earlier. So I think it is fair to say that in either total or percentage terms, we face today the most serious judicial vacancy crisis that anyone in this body has ever seen.

A second Democratic vacancy standard is that, as they did in April 2014, we can compare judicial vacancies today with vacancies at the same point under previous Presidents. If that Democratic standard is valid, vacancies today are 35 percent higher than at this point under President Obama and 46 percent higher than at this point under President George W. Bush.

There is a third Democratic vacancy standard. In June 2013 and at least as far back as April 1999, the Democrats have complained that the Senate was not confirming enough judicial nominees to keep up with normal attrition. Well, judicial vacancies today are 30 percent higher than when President Trump took office, and, as I said, at least 33 more have already been announced.

Finally, the Democrats have frequently said that the 107th Congress—the first 2 years of the George W. Bush administration—should be our judicial confirmation benchmark. During that time, the Senate confirmed an average of just over four judicial nominees per month. The Senate has so far confirmed 28 of President Trump's district and appeals court nominees or fewer than two per month.

Take your pick. By any or all of these Democratic standards, we face a much more serious judicial vacancy crisis than in years past. In addition to the gravity of this crisis, however, the American people need to know its

cause. I can tell you what is not causing this vacancy crisis. President Trump started making nominations to the Federal district and appeals courts on March 21, 2017, just 61 days after taking office, as you can see on this chart. By August of last year, he had made more than three times as many judicial nominations as the average for his five predecessors of both parties. President Trump has nominated 86 men and women to the Federal bench since he took office 14 months ago.

If the President is making so many nominations, perhaps the problem lies somewhere in the Senate confirmation process. Once again, my Democratic colleagues can help figure this out. In November 2013, then-Judiciary Committee Chairman PATRICK LEAHY spoke about obstructing judicial nominees “in other ways that the public is less aware.” The Democrats are using such below-the-public-radar obstruction tactics at each stage of the confirmation process.

The first stop in the confirmation process is the Senate Judiciary Committee. Under Chairman CHUCK GRASSLEY's leadership, the committee has held a hearing for 62 of President Trump's judicial nominees—more than under any of the previous five Presidents at this point. So that is clearly not the problem. The first sign of Democratic obstruction is the unwarranted and partisan opposition to reporting judicial nominations from the Judiciary Committee.

In February 2012, 3 years into the Obama administration, the Democrats complained that five nominees to the U.S. district court had been reported by the Judiciary Committee on a party-line vote. This, they said, departed dramatically from Senate tradition. Today, just 14 months into the Trump administration, eight nominees to the U.S. district court have been reported by the Judiciary Committee on a party-line vote. The present rate of such party-line votes in the Judiciary Committee is more than four times what the Democrats criticized just a few years ago.

The below-the-radar obstruction tactics continue when the Judiciary Committee sends judicial nominees to the full Senate. The Democrats, for example, refuse to cooperate in scheduling confirmation votes. They can't prevent confirmation votes altogether because they abolished nomination filibusters in 2013, but if they can't make judicial confirmations impossible, they are determined to make them very difficult. Here is how they do it.

The Senate must end debate on a nomination before it can vote on confirmation. The majority and minority have traditionally cooperated to end debate and set up confirmation votes. In March 2014, not for the first time, the Democrats said that refusing consent to schedule votes on pending nominees was obstruction. When the minority refuses that consent, the only way to end debate and set up a confirmation vote is by the formal cloture