

The Udall amendment would require the administration to secure explicit authorization from Congress before our forces would be able to respond to all kinds of potential Iranian attacks. That would include attacks on American civilians.

Let me say that again. Some of our colleagues want us to go out of our way and create a brandnew obstacle that would block the President from swiftly responding if Iran attacks American civilians, our U.S. diplomatic facilities, or Israel, or the military forces of an ally or partner, or if Iran closes the Strait of Hormuz. In all of these scenarios, the Udall amendment would hamstring the executive branch from reacting quickly. In modern warfare, time is of the essence. The War Powers Resolution explicitly recognizes the reality that administrations may need to respond quickly and with flexibility.

This amendment could even constrain our military from acting to prevent an imminent attack. As written, it appears to suggest they must absorb the attack, take the attack first before defending themselves. And even then, for how long would they be allowed to conduct retaliatory strikes? Completely absurd. Totally dangerous.

Let's take an example. Iran attacks Israel. No timely response from the United States, especially if Congress happens to be on recess. Iran attacks American citizens. The President's hands would be tied. This is never how the American Presidency has worked, for a very good reason.

So I would ask my colleagues to stop obsessing about Donald Trump for a moment and think about a scenario involving a future or past President. Hypothetically, then, would it be appropriate for Congress to tie a President's hands with legislation preventing military action to defend NATO allies from a Russian attack without explicit congressional approval? If conflict came in August and the United States and its NATO allies didn't act decisively, frontline states could be gobbled up before Congress could even convene to consider an AUMF.

The Udall amendment would represent a huge departure from the basic flexibility that Presidents in both parties have always had to take immediate military steps, short of a full-scale war, to respond to immediate crises.

This ploy is being advertised as some kind of courageous reassertion by Congress of our constitutional authority, but it is nothing of the sort. It is a departure from our constitutional traditions and norms.

Nobody is talking about a full-scale war with Iran—not the President; not the administration. Heaven forbid, if that situation were to arrive, consultation with Congress and widespread public support would, of course, be necessary. The Udall amendment is something completely different. It defines self-defense in a laughably narrow way and then in all other situations pro-

poses that President Trump should be stripped of the basic powers of his office unless Democrats in Congress write him a permission slip. I don't think so.

This would be a terrible idea at any moment, let alone as Iran is escalating its violence and searching for any sign of American weakness.

So I would ask my colleagues: Do not embolden Iran. Do not weaken our deterrence. Do not undermine our diplomacy. Do not tie the hands of our military commanders. Reject this dangerous mistake when we vote on the Udall amendment tomorrow.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1790, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1790) to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

McConnell (for Inhofe) modified amendment No. 764, in the nature of a substitute.

McConnell (for Romney) amendment No. 861 (to amendment No. 764), to provide that funds authorized by the Act are available for the defense of the Armed Forces and United States citizens against attack by foreign hostile forces.

McConnell amendment No. 862 (to amendment No. 861), to change the enactment date.

McConnell amendment No. 863 (to the language proposed to be stricken by amendment No. 764), to change the enactment date.

McConnell amendment No. 864 (to amendment No. 863), of a perfecting nature.

McConnell motion to recommit the bill to the Committee on Armed Services, with instructions, McConnell amendment No. 865, to change the enactment date.

McConnell amendment No. 866 (to (the instructions) amendment No. 865), of a perfecting nature.

McConnell amendment No. 867 (to amendment No. 866), of a perfecting nature.

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

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

#### ORDER OF BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the vote scheduled for noon today be at 11:45.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

S. 1790

Mr. SCHUMER. Mr. President, as the leader and I announced yesterday, we have an agreement in place to vote on passage of the Defense authorization bill today and then on an amendment to the bill tomorrow, led by Senators UDALL, KAINE, MERKLEY, MURPHY, PAUL, and LEE, to accommodate all Senators who wish to vote. That is why we are doing it tomorrow. If the Udall amendment is passed, it would be adopted to the Defense authorization bill even though the vote occurs afterward.

I want to thank the leader for understanding our position that the Senate ought to vote on this important amendment, which in essence would prohibit funds for hostilities with Iran without an affirmative authorization from Congress. Congress gets to approve or disapprove wars, period. It is crucial for the Senate and Congress as a whole to examine potential conflicts and to exercise our authority in matters of war and peace.

Let's start with the facts. Ever since President Trump withdrew from the Iran nuclear deal, our two countries have been on a path toward conflict. For the past month, we have been locked in a cycle of escalating tensions with Iran. Iran attacked a tanker in the Gulf region and shot down a U.S. surveillance drone. The U.S. Government has responded to both provocations, and the President reportedly considered and then pulled back on a military strike.

The American people are worried—and rightly so—that even if the President isn't eager for war, he may bumble us into one. Small provocations in the Middle East can often spin out of control. Our country has learned that the hard way. When the President is surrounded by hawkish advisers like John Bolton and Secretary Pompeo, the danger is even more acute.

So while the majority leader says that “no one is talking about war,” that is only true until the folks do start talking about war, and by then, the chance to clarify that this President requires congressional authorization before engaging in major hostilities may have passed us by.

And this not talking about war? Well, the President said he was 10 minutes away from major provocation, if the reports are correct. It would have been on Iranian soil, three missile bases. And the President at one point said, in effect: We will smash Iran, blow it to smithereens—or something to that effect. People are talking about war. This President is.

Even though it is plainly written in the Constitution that the legislature alone, not the Executive, has the power to declare war, the Trump administration is already signaling that it doesn't need Congress. The President and his team are playing up links between al-Qaida and Iran, potentially setting the stage for them to claim legal authority under the sweeping 2001 authorization of military force to strike Iran without congressional approval.

The President himself, asked if he believes he has the authority to initiate military action against Iran without first going to Congress, replied, "I do." He continued, "I do like keeping Congress abreast, but I don't have to do it legally."

So when it comes to a potential war with Iran, Mr. President Trump, yes, you do. You do. You do.

The Founding Fathers—our greatest wisdom in this country—worried about housing war powers in the executive branch for precisely this reason.

As James Madison wrote to Jefferson, who was not there when they were writing the Constitution—he was plenipotentiary to France—here is what Madison wrote to Jefferson:

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly, with studied care, vested the question of war to the Legislature.

That is Madison, who put more into this Constitution than anyone else.

Let me read it again. It is clear as a bell. Madison wrote to Jefferson:

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly, with studied care, vested the question of war to the Legislature. There were ever a President who fits that description, it is Donald Trump.

The Framers worried about an overreaching Executive waging unilateral war. My colleagues know well that we haven't had an overreaching Executive like the one we have now for quite some time, if ever. So if it comes to it, we should expect the President to challenge Congress's war powers. He has basically already told us that he would.

So my colleagues should vote to strengthen our ability to oversee this President's strategy with Iran. That is what the bipartisan Udall amendment would do—nothing more. There has been some fearmongering about how the amendment might tie the hands of our military. It would not. It is explicitly written that in no way should it be construed to prevent the U.S. military from responding to an act of aggression or from acting in self-defense.

It is high time that Congress reestablish itself as this Nation's decider of war and peace. We have been content too long to let the Executive take all of the initiatives and responsibility for military action abroad. The American people are weary of the endless conflicts in the Middle East and the loss of American lives and American treasure.

The Udall amendment would mark the beginning of Congress reasserting its constitutional powers. I strongly urge my colleagues on both sides of the aisle to vote yes tomorrow.

#### G20 ECONOMIC SUMMIT

Mr. President, President Trump has arrived at the G20 economic summit in Japan before traveling for a state visit in South Korea. Already, the President has managed to insult our long-standing allies, including Germany and Japan, the host nation.

Rather than undermining our alliances, here are two important things the President should do at the G20:

First, Russia and Vladimir Putin. When President Trump sits down with the Russian President, he must send an unmistakable warning that the United States will not tolerate foreign interference in our elections in 2020. President Trump has no excuse. The Mueller report, FBI Director Wray, virtually our entire intelligence community concluded that Russia was guilty of interfering in our elections and that 2020 would be the next big show.

President Trump has a responsibility to defend the United States. By directly challenging Putin, he will send a signal not merely to Putin but to all of our adversaries that interfering with our election is unacceptable and that they will pay a price—a strong price—for trying.

Second, China and President Xi. Now that trade negotiations between our countries seemed to have stalled, there is a chance to put them back on track. For that to happen, the President must remain strong. He cannot go soft now and accept a bad deal that falls short of reforming China's rapacious economic policies—cyber espionage, forced technology transfers, state-sponsorship, and, worst of all, denial of market access.

President Trump, you know it. We have talked about it. You have a once-in-a-generation opportunity to reform China's economic relations with the world and put American businesses and American workers on a level playing field. Stay tough. Don't give in. Make sure Huawei cannot come to the United States and we cannot supply it. Enough with the criticism for our allies. Aim it at our adversaries, China and Russia, and you will have a much better chance of making the G20 a success for American interests.

I yield the floor.

The PRESIDING OFFICER (Mrs. HYDE-SMITH). The Senator from Arkansas is recognized.

S. 1790

Mr. COTTON. Madam President, tomorrow morning the Senate will vote on whether to disarm our troops as they face a growing campaign of Iranian aggression in the Middle East. Tomorrow morning the Senate will vote on whether to empower the Ayatollahs as they continue to rampage across the Middle East, attacking U.S. aircraft, attacking ships in the high seas, threatening our troops in Iraq, Syria,

Afghanistan, Bahrain, Qatar, and elsewhere. That is because we will be voting tomorrow morning on an amendment that says, very simply: "No funds may be used to conduct hostilities against the Government of Iran, against the Armed Forces of Iran, or in the territory of Iran, except pursuant to an Act or a joint resolution of Congress specifically authorizing such hostilities."

That amendment is simple—I would say simple-minded—but it is simply an act of appeasement against the Ayatollahs who are currently conducting attacks against the United States and our interests on a regular and growing basis.

Let's just take a case in point. The earlier version of this amendment included no exception—no exception whatsoever—for our troops to defend themselves against an attack by Iran. You might say that is a careless omission. I would, however, say that even the fact that it was changed after I pointed out that omission just goes to show you that the root of this amendment is Trump derangement syndrome.

It does have an exception now. Let's look at that: "Nothing can be construed to restrict the use of the United States Armed Forces to defend"—to defend—"against an attack upon the United States, its territories or possessions, or its Armed Forces."

What does that mean? What does it mean to defend against an attack? I don't know. I am not sure. If an F-15 pilot is shot upon in international airspace, I guess he can deploy countermeasures—chaff—to disrupt the missile. Can he shoot back? Can he shoot back at the Iranian missile battery that shot at him?

Let's say our troops who are garrisoned in places like Iraq and Syria have incoming mortar fire by an Iranian proxy militia. I guess they can duck and cover in a concrete bunker. I guess that is defense. Can they use counterbattery fire to shoot back at that mortar firing position? I don't know. I don't know. Can they? Beats me.

We have thousands of troops stationed at Al Udeid Air Base, the main airbase from which we conducted operations against the Islamic State. Let's say they have a missile coming in. I guess they can use a patriot missile defense system to shoot that missile down. Can they fire back at the missile battery that shot that missile, which has many more to fire? I don't know. Can they? It seems like offense to me. Maybe it is defense.

Let's take a page from history. In 1988, Ronald Reagan authorized one of the largest naval engagements since World War II in response to the exact kinds of attacks against commercial shipping and the U.S. Navy on the high seas that we have seen from Iran in the last 2 weeks. However, that operation didn't commence for 4 days; it was 4 days after a U.S. Navy frigate hit one of the Iranian mines before we struck

back. Is that in defense against an Iranian attack? It doesn't seem that it would be, to me. I don't know.

What we are debating here is how many lawyers can dance on a head of a pin when our soldiers are in harm's way. They need to know that when they are shot upon, they can fire back, and they can eliminate that threat without any politician in Washington or any lawyer at the Department of Defense looking over their shoulders and second-guessing them. That is not what they get from this amendment, though.

Consider also the consequences. Many of the speakers today will say this is about deescalating tension in the Middle East—deescalating. Who is escalating it? Who is the one firing on American aircraft? Not Donald Trump. Who is interfering with the freedom of navigation on the high seas? It is not Donald Trump; it is the Ayatollahs. They are the ones who have manufactured this crisis because they know that the United States is on the strategic offensive and that we have the initiative against Iran for the first time in 40 years.

This amendment, though, would only embolden them to continue the campaign of the last 2 months of gradually marching up the escalatory ladder. It started with threats. Then it was an attack on foreign vessels at port. Then it was an attack on foreign vessels on the high seas. Then it was an attack on an unmanned American aircraft. Next it might be an attack on a manned American aircraft or a U.S. ship. And the message we are going to send is this: Well, the Congress thinks that the Commander in Chief and, for that matter, battalion commanders on the ground don't have the authority and the flexibility they need to take the appropriate response, as opposed to cowering inside bunkers and using some defensive measures.

Let's also think about the language of this amendment. A lot of people are going to come here and say that this is about our constitutional authority, and we need to reclaim our authority, and we have given up too much authority to the executive branch. In a lot of instances I would agree with that. But this amendment is only about Iran. It is not about China; it is not about Russia—even though this President has forced our Democratic friends to finally discover their inner cold warrior.

This is only about Iran in the context of Iran shooting down an American aircraft just a week ago. What better message can you send that this is not about our constitutional authority? This is about trying to tie the hands of a Commander in Chief whom they dislike at a time when a foreign nation is targeting our aircraft and our service-members.

This amendment would be a loud and clear message to the Ayatollahs that we will not strike back, that they can escalate even further, and that there will not be swift reprisal. If there is, it

will generate intense controversy in our country. It will only embolden them further to march up that escalatory ladder and threaten American lives. It is a hall pass for Iranian escalation, really.

Look, there is no amendment, no bill, no paper resolution that can change the iron laws of geopolitics. Strength deters and weakness provokes. Wars are not won by paper resolutions. They are won by iron resolution. But this amendment embodies irresolution, weakness, timidity, diffidence.

This Congress on a good day can rename a post office, and that is only after months and months of debate about the post office. Are you telling me—are you telling me that if Iran shoots down an American aircraft or continues attacks on partners like the United Arab Emirates, then this Congress in a matter of minutes and hours is going to pass a resolution authorizing the use of force to respond to that kind of provocation? Please.

There is a reason we have one Commander in Chief, not 535 commanders in chief—or, I say again, 535 battalion commanders, the level at which some of these decisions ought to be made.

Think about the kind of debates we have, the know-nothings we have seen here in Washington over the last couple of weeks who would say: Oh, it wasn't Iran that made the attack. OK, it was Iran, but maybe it wasn't authorized by the senior leadership of Iran. OK, it was authorized, but it didn't really do that much damage. It is kind of like the old line of: It is not my dog. He didn't bite you. You kicked him first. That is what that debate would devolve into while our troops are at risk.

This is a terrible amendment. It will do nothing but put more American lives at risk and imperil our interests and our partners throughout the region.

I know that the minority leader said earlier that he is worried about the President bumbling into war. He said it last week on TV too. Nations don't bumble into war.

He and others have raised the prospect of endless wars, the wars we have been fighting in Iraq and Afghanistan. They are long, and we have made lots of twists and turns on the way. But let's not forget that many of the Democrats in this Chamber voted to authorize those wars. We didn't bumble into those. They were considered, deliberate decisions.

President Trump said just a couple days ago that he is not talking about that kind of operation. He is talking about the exact kind of thing that Ronald Reagan did in response to Iranian aggression on the high seas. That didn't start a war. Ronald Reagan didn't start a war when he retaliated against Libya for acts of terrorism against our troops in 1986. Donald Trump didn't start a war when he struck Syria in 2017 and 2018 for gassing its own people. If you want a

Democratic example, Bill Clinton didn't start a war when he struck Iraq in 1993 and 1998.

This amendment purports to tie the hands of the Commander in Chief relative only to a single nation, which just so happens to be the nation that just shot down an American aircraft. The only result that will come of this amendment passing will be to embolden the Ayatollahs and make more likely that which its proponents wish to avoid.

I urge all of my colleagues to see the reality of this amendment and to vote no tomorrow morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. Kaine. Madam President, I rise to speak in favor of the Udall amendment, a bipartisan amendment. I am a proud Virginian. The Commonwealth of Virginia is more connected to the Nation's military service by our map, by the installations in Virginia, and by personnel than any other State, and I am the proud father of a U.S. marine. I love serving with my colleagues on the Foreign Relations and Armed Services Committees.

Tomorrow we are going to vote on a question that cannot be more fundamental: Can President Trump take us to war with Iran without coming to Congress for authorization? That is the question. Can President Trump take us to war with Iran without coming to Congress for authorization? This is a matter of the utmost importance for this body, for the American public, and for our troops. Americans, especially those who have family serving in the military—and many of those families have seen their loved ones deployed multiple times since 2001—want to know what each Senator thinks about this important question.

The Udall amendment to the NDAA, which has bipartisan sponsorship, is very simple. It states that no funds will be expended in a war with Iran or on Iranian soil, except in self-defense, unless Congress takes the affirmative step of specifically authorizing those hostilities.

My colleague from Arkansas talked about lawyers dancing on the head of a pin, as he tried to suggest that "self-defense" was not a clearly defined term. I think most of my colleagues who read the language will believe it is incredibly clear; the President has the power to defend the Nation from an imminent attack or ongoing attack without asking anyone for permission. That is specifically stated in our resolution. There is no confusion about it. There is no attempt to limit a President's power to defend the Nation, but if the President decides that we need to go on an offensive war against a sovereign country, this amendment would suggest he could not do so unless he came to Congress.

Those voting for this amendment will say clearly that no war should be started unless Congress votes for it. Those

opposing the amendment will say clearly that it is OK for the President to go to war against Iran whenever and for whatever reason on his own.

Those who vote against this amendment, in my view, are essentially giving the President a green light to wage war anywhere, against anyone, on his own. That is not a power we should give to this President or any President. I believe, in my 6½ years in the Senate, there has only been one vote as serious as the vote we will cast tomorrow morning.

Why do I believe war should not be started without a vote of Congress? The Democratic leader outlined the clear constitutional history in this regard. It is Congress that declares war. The history and context of that provision in article I is very plain. At that time in the world, in 1787, war was for the Executive. It was for the King, the Emperor, the Monarch, the Sultan, the Pope, but the drafters of the American Constitution wanted to dramatically change history in this Nation and say that war for the United States of America should be a matter not for the Executive to declare but, instead, for the peoples' elected legislative body to declare.

Once declared, the President, as Commander in Chief, needs to be that commander. I agree with my colleague from Arkansas. You don't need 535 commanders, but it is not up to the President to initiate or declare war, constitutionally; it is clearly up to Congress.

The reason we should vote for this isn't just because of the constitutional provision. It is the value that underlies the constitutional provision. Why did the Framers put the question of war as a matter for the legislature? A congressional debate and vote is what is necessary for the American public and Congress to fully understand the stakes, to explain to the public and educate them why war is necessary—and especially, and most importantly, the debate and the vote by the legislative body is the evidence of support for the mission that American troops deserve if they are going to be sent into harm's way where they could be killed or injured or see their friends killed or injured.

I believe it is the height of public immorality. There could be nothing more immoral in the public space than to order our troops into harm's way, where they would risk injury and death if Congress is unwilling to consider and debate and vote on whether a war is in the national interest.

You have to go risk your life, you have to go be with others and potentially be injured or killed, but we don't want to have to vote on it. Could anything be more immoral than that? What this provision does is say that if we are going to be at war with Iran and, by example, with any nation, Congress should have the guts and backbone to come and cast a vote before we order our troops into harm's way.

Why is this debate important right now? We are in the middle of discussing the National Defense Authorizing Act, but I also want to point out two very important things, one an event and one a statement that may have occurred in the last week, since many of us took the floor last Wednesday.

On Thursday, a week ago today, President Trump ordered and then called off a missile strike against Iranian territory that would have been the start of a shooting war with Iran. It was a missile strike in the sovereign nation of Iran. Our military and all reasonable people understood that would have been responded to. So we were within 10 minutes. President Trump says he called off the strike on Iran with 10 minutes to spare.

We were within 10 minutes a week ago of being in a war.

The second thing that happened is, a few days ago, the President gave an exclusive interview to The Hill saying: "I do not need congressional approval to strike Iran."

Congress is irrelevant. I don't need to come to Congress.

The quote that the Democratic leader mentioned a few minutes earlier was that the President said: It is good to keep them abreast of the situation, but I am not legally required to do so.

How insulting for the President, who pledged at his inauguration to defend and support the Constitution, to not recognize that the article I branch—and we are the article I branch for a reason—must not be just consulted with but be on board with any wars expressed by their vote.

This President is holding the article I branch in contempt. Will we grovel and accept that monumental disrespect or will we insist that the President must follow the law?

For the record, I believe a war with Iran would be a colossal mistake. Its cause would be laid significantly at our feet by the United States and the Trump administration tearing up a diplomatic deal, tearing it up over the objections or over the recommendations of the then-Secretary of State, Secretary of Defense, National Security Advisor, Joint Chiefs of Staff, tearing it up over the recommendations of our allies, tearing it up over the recommendations of the International Atomic Energy Agency. We tore up a diplomatic deal and raised the risk of an unnecessary war; that would be catastrophic.

After 18 years of two wars in the Middle East, where we still have troops deployed, we should not be fomenting, encouraging, blundering toward rushing into a third war in the Middle East. It would suck lives and resources away from more pressing priorities of our citizens. Bogging ourselves down in another war against a smaller, weaker, faraway nation would divert our attention from acting firmly to counter our chief competitor, China.

Furthermore, another war in the Middle East would represent another

broken promise by this President. Just as he said that Mexico would pay for a border wall, just as he promised not to cut the Medicaid Program before supporting an effort to eliminate the Affordable Care Act and slash Medicaid, the President criticized the Iraq war as a candidate and said he would end wars in the Middle East, not expand or multiply them.

I will give my colleague from Arkansas credit for having the courage of his convictions to come and state what he has stated on the floor. There are some in this body and the administration who have argued that a war with Iran would be a good thing or a necessary thing. Some have even suggested it would be an easy win. Let them come to the floor of the Senate and make that argument in full view of the American public and let Congress debate and vote and then be held accountable for decisions we make about war.

As I conclude, I thank the majority leader for scheduling this vote, and I especially thank the Democratic leader for firmly insisting it must be held. Tomorrow we will all speak to a fundamental question about war but also about this institution: Can President Trump take us to war with Iran without even coming to Congress?

I hope my colleagues will stand for the Constitution. We must provide assurance to our citizens, and we especially must provide assurance to our troops, that war is not based on the whim of this President or the whim of any President, but it must be based instead on a clear vote, following public debate by the peoples' elected legislature.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL. Madam President, I very much appreciate being joined on the floor by Senator Kaine and Senator MERKLEY. I appreciate Senator Kaine's very wise words. I think all of us are here standing up to hold the President accountable. We believe he should follow and obey the Constitution.

I rise to call upon this body to do its duty, to assume its constitutional responsibility, and to make it clear that the President cannot wage war against Iran without congressional authorization. Whether you are in favor of giving the President that authorization or whether, like me, you are opposed, everyone in this Chamber should vote in favor of our bipartisan amendment because a vote in favor is a vote to fulfill our sworn oath to uphold the Constitution. I appreciate that at long last the Senate will finally have this debate; that we will finally take this vote because these matters of war and peace are among the most consequential responsibilities that fall to Congress. These are the hard votes, and we must step up to take them.

I am proud to partner with Senators Kaine, Paul, Merkley, Durbin, Murphy, and Lee in this effort and to call

upon Congress to meet its constitutional responsibilities. After years of abdicating our responsibilities on matters of war, this entire body must stand up and show that we will not roll over for an unauthorized, unconstitutional war. We must pass this amendment.

This dangerous course with Iran began last May when the President unilaterally withdrew from the Iran nuclear agreement. This hard-fought diplomatic achievement denied Iran the nuclear material required to even begin work on a nuclear weapon. Since this administration turned away from diplomacy and resorted to a maximum pressure campaign to box in Iran, the risk of war has steadily risen.

Just last week, we were 10 minutes away from a strike on Iran, 10 minutes from a nightmare of escalation in the Gulf. This week, the President threatened Iran. I am quoting his words here—these are pretty strong words—he said to Iran: I threaten them with “great and overwhelming force,” and he used the word “obliteration.” That is not diplomacy; that is a drumbeat toward war without congressional approval.

Tensions are the highest they have been in many years, and the risk of a costly miscalculation grows day by day. Just days ago, the President falsely claimed he does not need congressional approval to launch strikes against Iran. Article I, section 8 of the Constitution could not be clearer: It is Congress and Congress alone that has the authority to “declare war.” This is not a close call; the Founders placed this responsibility squarely on our shoulders. The consequences of going to war are profound, so this decision rests with the people’s representatives, not one person—not even one President. It is time that Congress confront the administration’s rejection of diplomacy.

Our amendment prohibits funding for military action against Iran without congressional authorization. It does not prohibit war altogether; it prohibits an unconstitutional war, a war that has not been authorized by Congress.

We must be accountable to the American people and to our men and women in uniform whose lives would be on the line. Our soldiers are brave enough to face the danger of war. If my friends in this Chamber believe they should, we should be brave enough to be held accountable for that decision.

Some have claimed that this amendment would prohibit the President from defending the United States against attack. That is wrong. It is completely false. This amendment and the War Powers Act incorporated as part of it allow the United States to act in self-defense. I am going to quote from our amendment. The amendment clearly states that it shall not be interpreted “to restrict the use of the United States Armed Forces to defend against an attack upon the United States, its territories or possessions, or

its Armed Forces.” It is explicit. The United States may defend itself against an attack by Iran. The claim that the military’s hands would be tied in the event of an emergency has no basis and cannot be used as an excuse to vote against the amendment.

I am heartened, as Senator Kaine was and as I am sure Senator MERKLEY will also say, that Senator McCONNELL and the Republican leadership will finally allow debate and a vote on this amendment. This is what the American people want and deserve.

Over the years, Democratic and Republican Presidents alike have steadily encroached upon Congress’s war powers, and Congress has tacitly allowed that encroachment.

I stood up to President Obama when he threatened to attack Syria without authorization, and so did many of my colleagues. I am standing up again now because the administration’s reckless actions have brought us to the precipice of war.

Mr. Bolton and Secretary Pompeo’s failed strategy has led directly to these heightened tensions, to the brink of war, with no benefits to show for their tactics.

The administration has reimposed and tightened sanctions on Iran three times—sanctions we agreed not to impose if Iran agreed not to develop nuclear capabilities.

Secretary Pompeo placed a dozen conditions on negotiations and then withdrew them.

Just this week, at the same time that Advisor Bolton claims we will talk with Iran anytime, the President sanctions the lead diplomat in Iran and tweets out his threat of obliteration, shutting the door on any diplomatic overtures.

This ping-pong diplomacy, manufactured crisis, and go-it-alone posture further diminish our world’s standing and credibility. None of the signatories to the Iran nuclear agreement, including our closest allies, backs us in what we are doing.

This reckless diplomacy is dangerously reminiscent of the run-up to war with Iraq. But any war with Iran, with its military capability, proxy forces, and a population of 80 million living in a geographically perilous region, would be more disastrous and more costly than Iraq. Yet we continue to march up to the brink.

According to the President’s tweet last week, he stopped a strike against Iran that he had already ordered because he learned at the last minute that 150 lives were at stake. I know I am not alone in being deeply alarmed at this decisionmaking—national security decisionmaking process. I know Members on both sides of the aisle share my concerns.

We must assert our constitutional authority. We must tell the President and affirm to the American people that we will assume our constitutional responsibility. And we must do so now before, through miscalculation, mis-

take, or misjudgment, our Nation finds itself in yet another endless war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, our Founders recognize that no decision carries more consequences than the decision of whether to go to war. They were well familiar with the carnage of human lives and blood, injuries, and treasure that our initial war, the War of Independence, brought.

As we stand here several hundred years later, we recognize the wars in between; that more than 400,000 Americans died in World War II, that more than 50,000 Americans died in the Vietnam war, and that more than 4,000 Americans died in the war in Iraq. Those are just some indications of the enormous impacts and consequences of a decision to go to war.

It was an issue that the Founders struggled with in a republic: Where should this immense power rest? Should it rest with one individual—the President—or are the consequences too great to have the judgment of a single person carry the decision to its completion?

After intense debate, after many arguments, the Founders became very clear that this power should never rest in the hands of a single person; that it should not just be one body but two bodies—the House and the Senate—that should weigh in on the issue of war. The consequences being so profound, they could not leave it to the idiosyncrasies or the biases or the misjudgment of a single individual.

It was in fact one of the defining arguments about the difference between a King and a President. A King could make that decision, with often horrific consequences for the people of the kingdom, but not in the United States of America. This is why it is so deeply embedded in our Constitution. In Article I, section 8, under the enumerated powers of Congress, are simply the words “to declare war.” That power is vested in Congress, not the President.

The Founders weighed in time and again about this. Turning to James Madison, the father of the Constitution, he commented:

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature.

He went on:

The power to declare war, including the power of judging the causes of war, is fully and exclusively vested in the legislature.

Madison continues:

The executive has no right, in any case, to decide the question, whether there is or not cause for declaring war.

He was the father of our Constitution. That led to this document that vests the power to declare war with Congress, not the President.

George Washington, the father of our Nation, said: “The constitution vests

the power of declaring war in Congress; therefore no offensive expedition of importance can be undertaken until they shall have deliberated upon the subject and authorized such a measure."

This was the Commander in Chief speaking. This was the hero of the American Revolution speaking. This was the man most trusted to be the first President of the United States, who was to steer the course and make sure the Presidency did not become a kingship. And his conclusion? "[T]herefore, no offensive expedition of importance can be undertaken until after they shall have . . . authorized such a measure."

This is enormously at odds with the vision our colleague from Arkansas presented on the floor—dismissing the role of Congress, dismissing the Constitution, and instead saying let the President, as Commander in Chief, do what he will. That was not the vision.

George Mason of Virginia—if you stand in DC, you can look across the Potomac River, and you can see a monument to George Mason. He made notes of the Constitutional Convention. George Mason remarked that he was “against giving the power of war to the executive” because the President “is not safely to be trusted with it.” That was the point, that no one individual, no matter how wise—not even a George Washington—could be trusted with this decision. George Washington, as President, agreed with this completely, that despite his expertise as a Commander in Chief, it was not to be the judgment of one person.

Thomas Jefferson, one of the most brilliant minds our country has ever produced, commented: “We have already given in example”—referring to the Constitution—“one effectual check to the dog of war by transferring the power of letting him”—the dog of war—“loose from the Executive to the Legislative.” So he is commenting on the Constitution and saying: We have put a check on the dog of war by putting that power in the legislative body, not the executive.

Jefferson became President. Did he change his mind when he became President? His initial quote I gave you was from 1789, but later he became President of the United States. And what did he think then? He thought the same exact thing, just as President Washington had. Jefferson said: “Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided”—his message to Congress in 1805.

He recognized what the Constitution did. Are we going to recognize the constitutional vision? Now, there may be folks in this Chamber who simply disagree with the Founders and say that Congress is too complicated, that the power to declare war and the power to go to war should be vested solely in the Commander in Chief. Well, then, come

and present a constitutional amendment on the floor of the U.S. Senate. You took an oath to the Constitution of the United States, and that oath says that power rests in this body.

If you want to change the Constitution, then, have the guts to come down here and propose doing so. I guarantee it will be roundly defeated because the wisdom of our Founders that it is a mistake to give the power of war to one person is wise and does stand the test of time.

Alexander Hamilton noted the following:

The Congress shall have the power to declare war; the plain meaning of which is, that it is the peculiar and exclusive duty of Congress, when the Nation is at peace, to change that state into a state of war. . . .

Alexander Hamilton said: “exclusive duty of Congress” and “the plain meaning” of our Constitution.

This viewpoint continued to carry the day far into the future. Abraham Lincoln was speaking in 1848, and he said:

The provision of the Constitution giving the war-making powers to Congress, was dictated, as I understand it, by the following reasons.

Those are Lincoln’s words.

Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our [Constitutional] Convention understood to be the most oppressive of all Kingly oppressions and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In the words of these great leaders of America—Washington, Hamilton, Mason, President Lincoln—all point to the power and wisdom of putting the decision about war with the House and the Senate, not the President.

Now, this resolution before us says: Mr. President, there is no foregoing authorization to go to war against Iran. It says: Any authorization has to come after debate specifically on that topic.

And why is this? Because we have heard from the administration that they want to use the 2001 authorization for the use of military force, an authorization specifically about al-Qaida in Afghanistan, to authorize war with Iran. Nothing could be more convoluted, and that is why we need to stand up and say: That is wrong. That is not right.

Anyone who pays even just a modicum of attention knows that the resolution to take on al-Qaida in Afghanistan is very different than going to war against the Shiite Islam nation of Iran. But we have to say it because the administration has been trying to prepare the case saying this 2001 resolution somehow has a link that authorizes war.

And why are we so concerned at this moment? Why are we here on the floor in this debate? Well, it is because the drums of war are beating loudly. It is because the President has deployed the *Abraham Lincoln* carrier strike force to the Gulf to threaten Iran. It is because

the President has preplaced a squadron of B-52 bombers to be ready to bomb Iran. Why are we so concerned—when we have a National Security Advisor who has said that no agreement can ever be reached with Iran and we have to bomb them and when we have a Secretary of State who says that no one has ever stood up to Iran and we have to teach them a lesson, or words to that effect, and we have a President who has proceeded to say that any attack will be met by great and overwhelming force?

So envision these preplaced forces. And, in fact, the President has declared that a section of the Iranian military, the Revolutionary Guard is a terrorist force. Add all of that up, and the President is talking about looking for a trigger to apply great and overwhelming force. That is why we are here. A response in proportion to defend a direct attack on the United States is authorized by the War Powers Act. That is honored by the resolution that is before us, the Udall-Paul-Kaine amendment that is before us. That is honored. But as for the use of great and overwhelming force the President is threatening, that is war. That has to come before this body.

The President went on and said: “In some areas, overwhelming will mean obliteration.” So for any attack? And we have heard the Secretary of State say if there is a Shiite force in Iraq that we can tie to Shiites in Iran and some communication, we will consider that an attack by Iran—looking for a trigger to go to war. And the President has said any act will be met with overwhelming force.

Not under our Constitution. You want that authority? You come here. You want to change the Constitution? Then, come here. I say this to my fellow Senators: Do you want to change the Constitution? Bring your amendment to the floor of the Senate to change the Constitution.

The Constitution speaks clearly. The President has no authority to apply overwhelming force or obliterating force and conduct a war against Iran. Make your case here or honor the Constitution.

We are in a troubling and difficult time, and I would like to see every Member of the Senate down here talking to each other about this. That is the gravity of the consequences. It is not a few Members who are here to stand up for our Constitution and the vision of wisdom in our Constitution. This is the time, before there is that trigger in which the President responds with great and overwhelming force and before he responds with obliterating force. Now is the time to pass this amendment put together in a bipartisan fashion that lays out the fundamental requirements of our Constitution and the fundamental requirements embraced by the Founders and the fundamental requirements repeated and honored by the greatest Presidents who have ever served our Nation.

Let us not allow the vision of our Constitution to be shredded. Let us honor our responsibility when we took an oath in office to defend it, and let us honor the wisdom of holding that debate on the floor, should the President ever ask us for such authorization to go to war against Iran.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

MILITARY WIDOW'S TAX ELIMINATION ACT

Mr. JONES. Madam President, I approach to say how much I appreciate my colleagues, Senator MERKLEY and Senator KAIN, for their eloquent thoughts on an important issue of our time.

Let me also now rise in total frustration on a completely different issue—but total frustration, bafflement, and, quite frankly, just angry and disappointed in this body. I am angry because we have turned our back for over 40 years on military families. We have turned our backs on the widows of the very men and women who have given their lives to protect this country, to uphold our democratic ideals, and to make possible the very work that we are doing in the Senate and the very work that we, as Members of the Senate and as Members of Congress, are charged to do every day on behalf of the American people and, particularly, on behalf of veterans and their families.

I am talking about this body's refusal to bring up the Military Widow's Tax Elimination Act—the refusal to bring it up for a single floor vote—despite the fact that we have 75 cosponsors—75 cosponsors of this bill. It is the most bipartisan legislation, except for the robocall bill, which everybody could agree on. And we can't get that to a vote in this body?

Where have we gone wrong? Where have the rules of the body—the rules that the leadership of both parties are operating under—gone off the rails that we can't bring this to a vote, to just get a simple up-or-down vote, on a process that is ripe, and that is the NDAA?

In my 17 or 18 months—I forget how many now in this body—I have had some frustrating moments, as I know all of my colleagues who have been here for a long time have had a lot of frustrating moments. We have shut down this government three times since I have been a U.S. Senator—three times. I have seen disaster relief held up for 5 or 6 months, with farmers and others needing that relief, needing that money, needing that help, and we held it up for political reasons so that someone can score a point because everything is seen through the eyes of a political gamesmanship. That is how we are operating today, and it is incredibly frustrating for those of us who want to make sure we go forward with things when we see bipartisan efforts.

In this situation, we are talking about military families who are getting ripped off by us. You can call it

the government if you want to, but at the end of the day, they are getting ripped off by every single Member of this body and the House of Representatives, and they have had it. It is no wonder that the American people think that Congress and Washington, in general, are just completely broken. If we can't fight for military widows and spouses, who are having their survivor benefits shortchanged, then, for whom are we going to fight? For whom are we going to stand up?

We always talk about standing up for the least of these. I have people wanting to stand up for the immigrants coming across the border. I have people wanting to stand up for corporations and to make sure that they are paying their share of the taxes, as opposed to overburden. I have people standing up for people every day, but here we have a chance to stand up for people who have given their lives for this country, and we are not doing it. We are not doing it.

If we can't do the right thing on this, with 75 cosponsors, how can we possibly tackle immigration reform? How can we possibly tackle healthcare reform or education in this country if we can't come to some agreement and one simple vote when we have 75 cosponsors?

How can we not fight for people like Cathy Milford, a retired schoolteacher from Mobile, AL, whose husband passed away unexpectedly 25 years ago from a service-connected illness just months after his retirement from the Coast Guard? Instead of a long and happy retirement together, Cathy has been fighting to right this wrong for all of the some 65,000 military spouses who are hurt by the current law.

During a recent visit here to Capitol Hill, she said: "Every time I talk about this"—and she is up here a lot talking about elimination of the military widow's tax—"I have to dig up my husband and bury him all over again."

Just think about that. Let that just sink in a minute: a military widow, one of many of thousands, who had to return to lobby Congress year after year at their own expense, saying she feels like she is digging up and burying her husband all over again when she has to talk about this issue. That is not only sad, it is shameful.

We have tried to pass this legislation. The Senate has, in some form, repeatedly over the last almost 20 years. It has been included in the NDAA numerous times only to be stripped out during conference. It has been included without an immediate pay-for to offset the budget issues that everybody kind of falls back on and hangs their hat on. We don't have that immediate pay-for.

It has passed before. It has passed before in this body with bipartisan support, but for some reason it just hasn't been able to get across the finish line. For some reason, even though the bill today has historic levels of cosponsorship, we are not allowed to bring it up for a vote as an amendment to this

NDAA. Frankly, that is the frustration.

It is a frustration that goes beyond just this bill. It is a frustration that we can't debate on the floor of the Senate anymore. We can't bring up amendments. I think we have brought up one amendment in legislation in this Congress because of the rule between the leader and minority leader. There are all these deals going on. You have to have a Republican package; you have to have a Democratic package; you have to play one against the other. We are constantly playing the political games in this body when we should be working for the American people as a whole.

That is why today, at this time, I am once again calling for our bill to eliminate the military widow's tax, to pass it or get it voted on and bring it to the floor and pass it on unanimous consent. Every one of my colleagues would do well to remember that we are the ones who should be fighting for these spouses. We are the ones. We are the only people they can turn to. This can't be fixed on the streets. It can't be fixed at the Department of Defense or the Veterans' Administration. The legislature, the Congress of the United States, is the only one that can do it, and we are the ones who should be fighting for these military spouses, the widows and widowers whose loved ones gave their lives for this country, the widows and widowers whose lives are forever changed because of their family's selfless service to this country.

Caring for military families has long been part of the foundation of our government. In President Abraham Lincoln's second inaugural address, he spoke in no uncertain terms on this obligation. In the midst of the Civil War, he addressed a nation that had sustained unimaginable loss—unimaginable loss—in order to preserve the Union we so cherish.

The country was then more divided than it ever had been, and God help us if it ever gets that divided again, but the values Lincoln asserted during that speech were so fundamental that, even at war with itself, it could agree on the importance.

He said this:

With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow, and his orphan, to do all which we may achieve and cherish a just and lasting peace among ourselves and with all nations.

Let me repeat that critical phrase today: ". . . to care for him who shall have borne the battle and for his widow, and his orphan."

This is the promise we have made to those who raise their hand in service to our Nation. This is the contract, the solemn contract, that we have made to those who have raised their hand in service to this Nation; that we will honor and support them and care for their families if tragedy occurs.

President Lincoln was assassinated just over a month after he issued this appeal, but the weight of his words still resonate today. In some ways, on this issue, they resonate more because in those days you could count on the fact that the legislative body, the Congress of the United States, heeded those words and took care of those families.

It has been 154 years since President Lincoln spoke those words; yet the Government of the United States, the Members of this body, the Members of the House have yet to fulfill that promise. It has been 154 years, and we still get caught up in the deals that are made as to what gets on the floor and what does not get on the floor, the political deals that have to be jockeyed, where we give and take, and it is one over the other. We need to fix that today.

We need to fix it in a broader sense and let this body get back to its real work and be the great deliberative body it is supposed to be. We are not doing that, but that is a different issue for a different time.

Let's start today and stand up and exhibit just a fraction, a small fraction—a small, small fraction—of the courage that these military spouses did on our behalf. Let's let our actions speak louder than words simply ever could. Let's put the issue to rest and give these widows some peace.

Let us do our duty.

It was Atticus Finch, who told the jury in “To Kill a Mockingbird,” as he closed out, knowing what the outcome was going to be, as I do here—knowing what the outcome was going to be, it was Atticus Finch, who said: “In the name of God, do your duty.”

I say that to this body. I say that to the leadership. In the name of God, let's do our duty to these people. Let's get behind the political deals and let's do our duty, once and for all.

UNANIMOUS CONSENT REQUEST—AMENDMENT  
NO. 269

Mr. President, I ask unanimous consent that it be in order to set aside the pending amendment; that amendment No. 269 be considered and agreed to; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, reserving the right, let me share a story of something that happened.

The timing sometimes happens at very inconvenient times, but on September 7, 2011, I was in my State of Oklahoma and was in Collinsville, OK. Probably not many people have been to Collinsville, OK, but I have. It was the home of a really beloved individual and family. The family was the Chris Horton family, and the wife was Jane Horton.

I remember it so well. This was September 7, 2011. I was talking to the group, and I was telling them that I

was preparing to make one of my regular trips to Afghanistan. At that time, I was not chairman of the Senate Armed Services Committee, but I was a high-ranking member of the Senate Armed Services Committee.

In the audience was Jane Horton, and Jane said: Well, if you are going to go over there, why don't you go by and see my husband, Chris? I said: I will do it. I found out his whereabouts, exactly where he was. I got over there to look up Chris, only to find out that 2 days after I made that commitment in Collinsville, OK, that Chris died in action. Chris died in action. I was the one who had to call on and share that with his wife, Jane Horton.

In fact, after that, we hired Jane to go around and help us with the widows' benefits. Starting at that time, I was the leader and continued to be a leader long before the Senator from Alabama was into this, and he will agree that I was actively working on this issue.

I support and will continue to support the permanent fix. It is going to happen. We are going to do it. In fact, I am the first Senate Armed Services chairman to cosponsor this legislation.

Mr. JONES mentioned there were 75 people who cosponsored it. That is I. I was on there on the initial legislation and will continue to be and will always be, and that reflects my commitment to the permanent fix.

Here is the problem we have. There has to be a fix, but it can't be on this bill. The reason it can't be on this bill is because it has a mandatory spending that has no offset, and there is not an exception to this on the bill. This is part of the agreement in bringing the bill up.

Now, what we can do is go ahead and do what is necessary with this very popular cause, and I will be standing with the Senator from Alabama to make sure this happens.

Let's assume that were not true, that we couldn't do it under the rules. Under the rules, there is another rule that, if there is an objection to any amendments coming up, then I, as the chairman of the committee, if the party objecting is not here, I have to offer his objection.

There is an objection to this, and I will therefore object and be in the strongest position of helping this to become a reality. I owe it not just to the many people I know but also to the family whom I just referred to from Collinsville.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. JONES. I thank my friend and colleague Chairman INHOFE, and let me say I know where he has been on this issue. I have seen his speeches from years past on this issue, and I do appreciate that, and I appreciate the fact that he is a cosponsor.

I also know this has been put on an NDAA before in this body without a pay-for, without an offset, in order to have a sense of the Senate and to go on

record, and that is what I think we should do. I understand we are not there this year for whatever reason. I still believe, in part, that it is a procedural issue that ought to be put aside for this, but that is an argument for another day.

I do so very much appreciate the chairman's remarks. I have enjoyed working with him, Senator REED, and others on the NDAA. That has been an effort. I told folks back home and across the country where I have spoken that I wish people could have actually seen what happened in that markup behind closed doors and the bipartisanship that the chairman showed and the other Senators showed. I wish people could have seen it because we don't get to see it. I don't think if we opened it up that we would have seen it, but it was remarkable.

So we are where we are in the Senate. I understand that, and I knew that coming in here. I will simply say this. The House of Representatives is also going to take up the NDAA, and I hope my colleagues on the other side of the wonderful Capitol are listening. Put it in. It is not in the committee bill. Put it in. Bring it to conference because, if it gets to conference, I am going to continue to have this in this NDAA, and let's get this done, once and for all.

Thank you, Chairman INHOFE, and thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILLS

Mr. THUNE. Mr. President, if I might, let me describe where things are in the state of play with respect to the supplemental appropriations bill that deals with the border.

I know the situation at our border has been at a crisis point for weeks now. Our agencies are stretched to the breaking point, struggling to care for the overwhelming flow of migrants; yet we have House Democrats continuing to play politics with the border funding bill.

Again, to describe the state of play, we had a request from the President 7 weeks ago for \$4.5 billion to address this humanitarian crisis we are having at our southern border, and the Democrats didn't act on it. They described it as a manufactured crisis. When I say the Democrats, I am talking about the House Democrats, which is where most spending bills originate.

After the House failed to act and failed to respond to the President's request for emergency funding, the Senate decided to act. So the Senate Appropriations Committee took up and passed a bipartisan bill out of the Appropriations Committee by a vote of 30 to 1—not a vote that you see all that often around here these days.

So that bill was reported out to the floor. In the meantime, the House Democrats decided that maybe it wasn't, after all, a manufactured crisis and perhaps they needed to act. So

they picked up a bill—a partisan bill—and passed it out of the House of Representatives on a party-line basis, after which the Senate voted on its bill, the bill I mentioned that was reported out of the Appropriations Committee by a vote of 30 to 1, and it came to the floor where it passed yesterday by a vote of 84 to 8—84 to 8 in the U.S. Senate.

Well, just to demonstrate that the bipartisan bill passed by the Senate is the vehicle that should move forward and should go to the President for his signature, the President had indicated he would veto the House-passed bill, but we took it up. We took up the House-passed bill yesterday on the floor of the U.S. Senate. We had a vote on it. It got 37 votes here on the floor of the Senate—not nearly enough, obviously, to pass the Senate. Of course, it was going to meet a certain veto by the President even if it had.

That being said, there were 37 votes for the House-passed partisan bill that came out of the House of Representatives. Here on the floor of the Senate, there were 84 votes for the bipartisan bill produced by the Senate Appropriations Committee.

Where we are right now is that was sent back to the House. The House, frankly, should just take up that bill and pass it. We know for certain the President would sign it. Again, I think it demonstrates a body of work that reflects the will of both sides, Republicans and Democrats—certainly in the Senate—to get a vote of 30 to 1 out of the Appropriations Committee or 84 to 8 on the floor of the Senate. You had to have a high level of bipartisan cooperation.

That bill to address the humanitarian crisis at our border is awaiting action by the House of Representatives. All they have to do is simply pick it up and pass it and send it to the President, where it will be signed into law, and we will get much needed resources and much needed manpower to the southern border, where they desperately need it. I hope that will be the case.

We are being told that the House is now considering sending yet another partisan bill over here to the Senate. The only thing I can tell you is, if you want to get legislation signed into law by the President of the United States that actually does deliver and put the much needed assistance on the ground that is desperately needed on the southern border, the only surefire way to do that right now is for the House to pick up the Senate-passed bill, which passed here with 84 votes, pass it, and send it to the President, where it will be signed into law, and that \$4.5 billion will be on its way to the border to assist with all the needs down there that are currently being unmet. I hope that can happen yet today.

That is the state of play with respect to the supplemental appropriations bill.

#### DEMOCRATIC PARTY

Mr. President, I think 2019 is going to go down in history for the Democratic Party. It has been a notable year.

While the Democratic Party has obviously always been left of center, I never expected to see the Democratic Party running so far to the left of the American people or wholeheartedly embracing socialism and a government takeover of a large part of the economy.

The socialist fantasies are rapidly piling up: a government takeover of healthcare, a government takeover of the energy sector, government-funded college, a government writeoff of all student loan debts, guaranteed income, government-guaranteed housing, and on and on. So what is wrong with that? After all, those proposals sound really nice—free healthcare, free college, the government guaranteeing you an income. Here is the problem: Providing all that stuff is going to cost a lot of money, an almost inconceivable amount of money. Somebody is going to have to pay. You might say that obviously the government is going to pay, but the government has to get its money from somewhere. Here is the catch: The government gets its money from the taxpayers.

Can't we just take that money from rich taxpayers? If you talk to some of the socialist Democrats offering these proposals, they will talk about making the rich pay. The rich are their favorite funding mechanism. Want free college? We just get the rich to pay for it. Want free healthcare? We can just get the rich to pay for it. There is just one big problem with that: There aren't enough rich people in America to even come close to paying for Democrats' socialist fantasies. Deep down, Democrats know it, which is why they tend to get very foggy when pressed on the details of how they are going to pay for some of their plans.

Take the junior Senator from Vermont's proposal of a government takeover of America's health insurance, the so-called Medicare for All plan. A conservative estimate puts the cost of that plan at \$32 trillion over 10 years. The current cost is likely much higher since the Senator from Vermont's most recent plan for government-run healthcare also includes long-term care, which we all know is an incredibly expensive benefit.

The Senator from Vermont did release a list of proposed tax hikes to pay for his proposal. The only problem is, the tax hikes wouldn't come close to covering the estimated cost of his original Medicare for All plan, much less the cost of his new expanded Medicare fantasy.

Of course, as staggering as the costs of Medicare for All would be—more money than the Federal Government spent in the last 8 years combined on everything—they pale in comparison to the cost of the so-called Green New Deal. An initial estimate found that the Green New Deal would cost some-

where between \$51 trillion and \$93 trillion over 10 years—\$93 trillion. That is more money than the 2017 gross domestic product for the entire world. That is right. You could take the entire economic output of every country in the world in 2017, and it still might not pay for the Democrats' socialist fantasy. Once you realize that, it is pretty obvious that the Green New Deal is not a plan that could be paid for by taxing the rich.

How about taxing every household making more than \$200,000 a year at a 100-percent rate for 10 years? That wouldn't even get you close to \$93 trillion. How about taxing every household making more than \$100,000 at a 100-percent rate for 10 years? That wouldn't get you anywhere close to \$93 trillion. Like Medicare for All, the Green New Deal would be paid for on the backs of working families.

I have talked a lot about the money aspect of Democrats' socialist proposals, and that is one of the major problems with these proposals—they sound nice until you realize that actually nothing is really free. Working Americans are still going to be paying for the cost of all those programs through new and much higher taxes.

But that is far from the only problem with some of the Democrats' socialist fantasies. Leaving aside the fact that the Federal Government is not exactly known for its efficiency or bringing programs in on time and on budget, there is the tremendous cost Americans will pay in the loss of their freedom, the loss of their autonomy. Americans are used to choices and being able to make their own decisions. It is part of our heritage. Those are freedoms we cherish. That is not the way things work under socialism.

Nowhere is this more obvious than with Medicare for All. Medicare for All doesn't give Americans health insurance options; it takes them away. Are you part of the majority of Americans who are happy with their current healthcare? Too bad. Medicare for All eliminates all private insurance plans and replaces them with a single, government-run, one-size-fits-all plan. Under Medicare for All, private health insurance plans as we know them would actually be illegal. If you are not happy with the government-run plan, too bad; you won't have any other choices.

The treatment options would also be limited by what the government decides. If the government doesn't want to pay for a particular cancer treatment, for example, as has happened in other countries with socialized medicine, you will be out of luck.

Then, of course, there are the long wait times that are the hallmark of socialized medicine. Imagine having to wait months for diagnostic imagining or needed surgery or having to stand by while your spouse or child is forced to wait months for care. That is the kind of thing Americans would have to look forward to under Medicare for All.

Margaret Thatcher once said that the problem with socialism is that eventually you run out of other people's money. Once Democrats have taken every dollar they can from the rich to pay for their socialist fantasies, they will come after the paychecks of ordinary Americans, who will face higher and higher taxes for fewer and fewer benefits and greatly reduced choices. Democrats' socialist dreams would quickly trap the American people in a nightmare.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, before I deliver comments on a bill that I am introducing, let me express my disappointment that the Senate will not be voting today on the amendment that Senator JONES and I have filed to eliminate the military widow's tax. This is a tremendous inequity, as is recognized by the fact that 75 of our colleagues have cosponsored our freestanding bill.

Nevertheless, I am heartened by the commitment and the compassion of the Senate Armed Services Committee chairman, Senator INHOFE, who has indicated his receptivity to dealing with this issue but in a different way on a different bill. I hope that today is just a temporary setback and that we can see this bill taken up as a freestanding bill by the entire Senate.

Mr. President, I send a bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. It will be received and appropriately referred.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2018 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 2008 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mrs. MURRAY. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

s. 1790

Mr. MENENDEZ. Mr. President, I rise to explain the context in which I will vote for the Romney amendment.

First, I am grateful for Senator ROMNEY's substantive contributions and his collegiality as a member of the Foreign Relations Committee.

The plain text of the amendment states the obvious—that funds authorized by the NDAA may be used to ensure the ability of our Armed Forces to defend themselves and U.S. citizens.

I believe every Member of this body certainly shares the fundamental un-

derstanding that our Armed Forces must have the ability to defend themselves and our citizens against foreign enemies. Indeed, the purpose of the NDAA is to provide the authorizations that are necessary to ensure the Department of Defense is in a position to defend the United States and our citizens.

In my opinion, in that respect, this amendment is not necessary. For anyone who argues that the Romney language is somehow necessary because of the Udall amendment that we will be voting on tomorrow, I say reread the Udall amendment. It includes an explicit exception for self-defense.

I am concerned that this administration will seek to twist the Romney amendment into something that is completely unrecognizable, something that we are not voting on today, and something that has no basis in law. As a legal matter, the amendment does nothing more than to explicitly provide the authority to use funds under the act to ensure this ability.

Let me be clear. This amendment does nothing more than that. Either implicitly or explicitly, it does not authorize the use of military force. Let me repeat. It is not an AUMF. An explicit authorization would have to come to the Senate Foreign Relations Committee following serious and substantive engagement by the executive branch.

It is no secret that there are some in this administration who are eager to engage militarily with Iran. This week, the President himself argued that he does not have to go to Congress to seek authorization. But those who don't want to completely bypass our congressional prerogative will be grasping at any purported source of authority that could justify, in their minds, that Congress has authorized these actions.

Look no further than the Secretary of State, who is purportedly pushing the bogus legal theory that the 2001 AUMF, which Congress passed in the wake of 9/11, somehow provides authority to use force against Iran. Apparently, Secretary Pompeo is not dissuaded by the facts. The plain language of the 2001 AUMF does not extend to Iran. Congress did not intend for the 2001 AUMF to cover Iran, and neither Republican nor Democratic Presidents who have operated pursuant to this AUMF have claimed such authority.

Against this backdrop and a President who has evaded Congress in unprecedented and unlawful ways, we must make crystal clear that the Romney amendment cannot be abused by those in this administration who appear to be desperate to build a case that the President has all of the authority he needs to take us into war with Iran.

We cannot leave anything up to chance when it comes to the choice of whether we send our sons and daughters into war. I believe we should be having a serious conversation about our use of military force and about

what constitutes self-defense and attacks on our allies.

I am pleased that the chairman of the Foreign Relations Committee has previously committed to holding these hearings, and I believe we should commence with hearings with multiple stakeholders, including the administration itself. Previous administrations have sent up representatives to explain to Congress their rationale for war or to explain the type of authorizations they are seeking. We should demand nothing less from this administration.

I support the amendment, and I look forward to continuing appropriate oversight over the executive branch's pursuit of military action around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Mr. President, I ask unanimous consent to complete my remarks before the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROMNEY. Mr. President, I thank my esteemed friend and ranking member of the Foreign Relations Committee for his kind words in support of my amendment.

As we debate the Defense Authorization Act today, one of our most pressing concerns is how we deter Iran from further escalating its attacks. The decisions we make on this bill will have a direct bearing on the options the President and the military have available to keep our military, our citizens, and our friends and allies safe.

The Senate is poised to vote soon on my amendment, No. 861. It would reaffirm what has long been American policy. Our military is authorized to defend itself and to protect our citizens. Enacting this amendment makes it clear to our military, as well as to any potential adversary, that America does not shrink in the face of attack. This is not an authorization to use military force against Iran or anyone else; it is a statement of continued commitment to our national defense.

Under the Constitution, only Congress may declare war, but also under the Constitution, the President can defend against attacks and can respond in an appropriate manner to an attack that has been made.

As we all know, my esteemed colleague from New Mexico, Senator UDALL, has proposed an amendment on a related topic which I wish to briefly address.

We do not need the Udall amendment to tell us what the Constitution already demands—that Congress alone can declare war. His amendment is clearly intended to limit the President in some other ways that he has not yet explained to this body.

As it is written, the Udall amendment would dramatically limit the existing authority that the Constitution provides to the President to respond to Iran. It would prevent the President

from defending U.S. citizens, U.S. interests, and our allies. This is not only my opinion; it is the carefully considered conclusion of the U.S. Department of Defense.

In its letter on June 26 to Chairman INHOFE, it states this, referring to the Udall amendment:

“The Department strongly opposes this amendment . . . At a time when Iran is engaging in escalating military provocation . . . this amendment could embolden Iran to further provocations.”

Tying the President’s hands in some undefined way in the midst of the current crisis is misguided, dangerous, and surely sends the wrong message to both Iran and to our allies.

Last week, the Iranians continued their provocative escalation in the Middle East. After weeks of buildup in which Iran attacked six commercial ships, and its proxies bombed an oil pipeline and launched a rocket into a commercial Saudi Arabian airport, Iran shot down an American drone over international waters.

The Udall amendment raises serious questions about how the military could respond to these attacks after the fact. Could we fire on the missile launcher that downed our drone? Could we sink one of their small, outboard motor vessels that attached the mines to the ships that were attacked?

Imagine for a moment that in the future, another American aircraft, perhaps one that is manned by an American pilot, were to be shot down by an Iranian rocket. It is possible that the Udall amendment would limit our military’s options to subsequently respond to such an outrage.

I don’t pretend to know whether Iran will continue its pattern of aggression, but I do know that when bad actors think they can escape consequence for malevolent acts, such acts are more likely to occur in the future.

I am glad that Senator UDALL’s revised amendment concedes the broad point that our military has the inherent right of self-defense. But in the case of a rocket hitting one of our planes, the President should not have his hands tied in responding after such an attack in an appropriate manner.

Note also that while the Udall amendment provides for the military to defend itself from attack, it does not provide for the defense of our citizens. Iran could take this as an invitation to attack Americans abroad.

Further, it would prohibit our military from defending or responding to an attack by Iran on our Iraqi partners so long as it didn’t directly hit American troops. Passing the Udall amendment would effectively give a green light to Iranian forces to carry out attacks in Iraq so long as they don’t attack U.S. forces.

If Iran were to attack Israel, one of our NATO allies, the Udall amendment would not allow the President to respond.

Finally, by carving out Iranian territory, the Udall amendment would po-

tentially prevent us from pursuing and taking out terrorists who seek refuge in Iran.

I oppose the Udall amendment not because I want to go to war with Iran or rush to respond without carefully evaluating our long-term strategy to counter Iranian aggression. I know no one who wants to go to war with Iran.

I fully concur with my many Senate colleagues who desire to reassert the constitutional role of Congress in declaring war. But to engage in this effort now, and in an undefined way, and then to attach that to Iran when Iran has just shot down an American aircraft would send a terrible message to the Ayatollahs and to the world.

I mean, think about it. Iran shoots down an American aircraft, and what does the U.S. Senate rush to do? It rushes to vote in some undefined way to restrict military consequence. That is simply unthinkable.

My amendment is not about Iran. It does not even mention Iran. My amendment is about affirming the constitutional authorities that any President must have to properly protect and defend this Nation.

As the Department of Defense maintains, the President of the United States must always have the option of responding to attacks by Iran or anyone else at a time and place of our choosing—today and in the future.

I urge my colleagues to support my amendment.

#### CLOTURE MOTION

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

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 764, as modified, to S. 1790, a bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

James M. Inhofe, Roger F. Wicker, Johnnny Isakson, Steve Daines, Roy Blunt, Cindy Hyde-Smith, Kevin Cramer, Deb Fischer, Mitch McConnell, Pat Roberts, John Cornyn, Mike Crapo, Mike Rounds, John Thune, John Hoeven, Thom Tillis, John Boozman.

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

The question is, Is it the sense of the Senate that debate on amendment No. 764, offered by the Senator from Kentucky, as modified, to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, for defense activities of the Department of Energy, to prescribe military personnel strengths

for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The yeas and nays resulted—yeas 87, nays 7, as follows:

[Rollcall Vote No. 186 Leg.]  
YEAS—87

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

#### NAYS—7

Booker	Markey	Wyden
Klobuchar	Merkley	
Lee	Paul	

#### NOT VOTING—6

Bennet	Harris	Sanders
Gillibrand	Rounds	Warren

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 7.

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

AMENDMENT NOS. 864, 863, AND 862 WITHDRAWN

Under the previous order, amendment Nos. 864, 863, and 862 are withdrawn.

The Democratic leader.

#### AMENDMENT NO. 861

Mr. SCHUMER. Mr. President, I ask unanimous consent for 2 minutes, equally divided.

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

Mr. SCHUMER. Mr. President, I am voting in favor of the Romney amendment, No. 861, because it does nothing more than restate the longstanding principle that the Armed Forces of the United States have the ability to defend themselves and citizens of the United States from foreign attack. The