

Merkley	Schatz	Udall
Murphy	Schumer	Van Hollen
Murray	Shaheen	Warner
Peters	Smith	Whitehouse
Reed	Stabenow	Wyden
Rosen	Tester	

## NOT VOTING—5

Bennet	Klobuchar	Warren
Johnson	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the votes following the first vote be 10 minutes in length.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered. The votes will be 10 minutes.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Schlep nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 72, nays 23, as follows:

[Rollcall Vote No. 42 Ex.]

## YEAS—72

Alexander	Duckworth	Lankford
Barrasso	Durbin	Leahy
Blackburn	Enzi	Lee
Blunt	Ernst	Loeffler
Boozman	Feinstein	Manchin
Braun	Fischer	McConnell
Burr	Gardner	McSally
Capito	Graham	Moran
Carper	Grassley	Murkowski
Cassidy	Hassan	Murphy
Collins	Hawley	Paul
Cornyn	Hoeven	Perdue
Cortez Masto	Hyde-Smith	Peters
Cotton	Inhofe	Portman
Cramer	Jones	Reed
Crapo	Kaine	Risch
Cruz	Kennedy	Roberts
Daines	King	Romney

Rosen	Shaheen	Tillis
Rounds	Shelby	Toomey
Rubio	Sinema	Warner
Sasse	Sullivan	Whitehouse
Casey	Tester	Wicker
Scott (FL)	Thune	Young
Scott (SC)		

## NAYS—23

Baldwin	Gillibrand	Schatz
Blumenthal	Harris	Schumer
Booker	Heinrich	Smith
Brown	Hirono	Stabenow
Cantwell	Markey	Udall
Cardin	Menendez	Van Hollen
Casey	Merkley	Wyden
Coons	Murray	

## NOT VOTING—5

Bennet	Klobuchar	Warren
Johnson	Sanders	

The nomination was confirmed.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Kness nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Florida (Mr. RUBIO).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea" and the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. HEINRICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 81, nays 12, as follows:

[Rollcall Vote No. 43 Ex.]

## YEAS—81

Alexander	Cotton	Hyde-Smith
Baldwin	Cramer	Inhofe
Barrasso	Crapo	Jones
Blackburn	Cruz	Kaine
Blumenthal	Daines	Kennedy
Blunt	Duckworth	King
Boozman	Durbin	Lankford
Braun	Enzi	Leahy
Burr	Ernst	Lee
Capito	Feinstein	Loeffler
Cardin	Fischer	Manchin
Carper	Gardner	McConnell
Casey	Graham	McSally
Cassidy	Grassley	Menendez
Collins	Hassan	Merkley
Coons	Hawley	Moran
Cornyn	Hirono	Murkowski
Cortez Masto	Hoeven	Murphy

Paul	Rounds	Sullivan
Perdue	Sasse	Tester
Peters	Schatz	Thune
Portman	Scott (FL)	Tillis
Reed	Scott (SC)	Toomey
Risch	Shaheen	Warner
Roberts	Shelby	Whitehouse
Romney	Sinema	Wicker
Rosen	Smith	Young

## NAYS—12

Booker	Harris	Stabenow
Brown	Markey	Udall
Cantwell	Murray	Van Hollen
Gillibrand	Schumer	Wyden

## NOT VOTING—7

Bennet	Klobuchar	Warren
Heinrich	Rubio	
Johnson	Sanders	

The nomination was confirmed.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Halpern nomination?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

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

[Rollcall Vote No. 44 Ex.]

## YEAS—77

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

## NAYS—19

Baldwin	Casey	Harris
Blumenthal	Cortez Masto	Heinrich
Booker	Duckworth	Hirono
Cantwell	Gillibrand	Markey

Merkley            Schatz            Wyden  
Murray            Smith  
Rosen            Udall

## NOT VOTING—4

Bennet            Sanders  
Klobuchar        Warren

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from the North Dakota.

Mr. CRAMER. Madam President, I ask unanimous consent that for the nominations just confirmed, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

## LEGISLATIVE SESSION

## MORNING BUSINESS

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

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

The Senator from Virginia.

## MOTION TO DISCHARGE—S.J. RES. 68

Mr. Kaine. Madam President, pursuant to section 1013 of the Department of State Authorization Act for 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 move to discharge the Foreign Relations Committee from further consideration of S.J. Res. 68.

The PRESIDING OFFICER. The motion is pending.

Mr. Kaine. I ask unanimous consent to yield back all time on the motion to discharge.

The PRESIDING OFFICER. Is there objection?

There being no objection, the question is on agreeing to the motion to discharge.

The motion is agreed to.

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

Mr. Kaine. Madam President, I move to proceed to S.J. Res. 68.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

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

Mr. Kaine. Madam President, finally, I ask unanimous consent that the time until 2 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

Mr. Kaine. Madam President, I now rise to speak to the body in favor of the bipartisan War Powers Resolution, S.J. Res. 68, which is now pending before the Senate.

Before I address the resolution, I want to acknowledge the combat deaths of SFC Javier Gutierrez and SFC Antonio Rodriguez. Both of these Army sergeants, sergeants first class, were 28-year-olds who were killed last week in Afghanistan. While the incident is still under investigation, it appears that they were killed by a member of the Afghan security forces or somebody posing as a member of the Afghan security forces. As we know well, this is a security force that the United States has armed, equipped, and trained for 19 years.

Sergeant Gutierrez leaves behind a wife, Gabby, and four children, ages 2 through 7. His grandfather was a POW during World War II, and his father was a marine. He had previously deployed both to Iraq and Afghanistan.

Sergeant Rodriguez leaves behind a wife, Ronaleen. He had previously deployed to Afghanistan 10 times. I thought that was a misprint when I read it—a 28-year-old who had previously deployed to Afghanistan 10 times before he was killed.

We honor their memories and send our condolences to their families as well.

The resolution before the body today is about Congress reclaiming its rightful role in decisions about war. The resolution is pretty simple: We should not be at war with Iran unless Congress votes to authorize such a war.

While the President does and must always have the ability to defend the United States from imminent attack, the Executive power to initiate war stops there. An offensive war requires a congressional debate and vote.

This should not be a controversial proposition. It is clearly stated in the Constitution we pledge to support and defend. The principle is established there for a most important reason. If we are to order our men and women, like Sergeants Rodriguez and Gutierrez, to risk their lives and health in war, it should be on the basis of careful deliberation by the people's elected legislature and not on the say-so of any one person.

Congressional deliberation educates the American public about what are the stakes, what are the stakes involved in any proposed war.

Congressional deliberation allows Members of Congress to ask tough questions about the need for war, about the path to victory, and about how a victory can be sustained. And if fol-

lowing that public deliberation, there is a vote of Congress for war, it represents a clear statement that a war is in the national interest and that the efforts of our troops are supported by a clear political consensus. We should not allow this important process to be short-circuited.

Our Framers believed that the congressional deliberation would be the best antidote to unnecessary escalation.

I have spoken often about this topic on the floor during the 7 years I have been in the Senate, and I don't want to repeat arguments that I have made dozens and dozens of times here, but I do want to address at least three objections that I have made to this resolution.

First, there is an objection that says the bipartisan resolution is "an effort to restrain President Trump's powers." This is not a resolution about the President. The resolution does not say anything about President Trump or any President. It is a resolution about Congress.

I want a President that will fully inhabit the article II powers of Commander in Chief, but as a Member of the Article I branch, I want an article I branch that would fully inhabit the article I powers, including the sole power to declare war. This is not an effort to restrain President Trump or some other President. This is not an effort by a Democrat to point a finger or to restrain Republicans. No. In the history of this country, even in recent history, I believe we have often gotten it wrong with respect to the initiation of war, whether the President was a Democrat or Republican or whether the majority in Congress was Democratic or Republican.

The legislative branch, article I, has allowed too much power to devolve to the Executive in this fundamental question of whether the Nation should be at war. This is not directed toward President Trump. It would apply equally to any President. It is fundamentally about Congress owning up to and taking responsibility for the most significant decisions that we should ever have to make.

A second argument against the bill that I have heard made on the floor in recent days is that it would send a message of weakness to Iran or to other adversaries. I have to admit, I am more interested in the message that we send to the American public and to our troops and to our families. That is the message I am most interested in.

As a father of a marine and as a Senator from a State that is just chock-full of Active-Duty Guard and Reserve veterans, DOD civilian and DOD contractor military families, this bill sends a very strong and powerful message to our public and to our troops and their families that before we get into a war, there will be a careful deliberation about whether it is necessary.

That is a message of comfort. That is a message that can give our own public