

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

and our troops confidence, but to the extent that we want to consider the message this might send to Iran and adversaries, I do not think that America sends a message of weakness when we proudly hold ourselves up as a nation of laws, and we pledge to follow the law when it comes to the monumental question about whether or not we should be at war.

In fact, I believe we are most effective in countering our adversaries—and, face it, most of our adversaries are authoritarian states which do not honor the rule of war—when we send a clear message that, in this country, we will stand for democratic principles, such as the rule of law, and we will follow those principles when we are making momentous decisions, such as whether or not we should be at war.

A third objection I have heard is this: It sends a message that America is not likely to use military force, a message that, thereby, might embolden bad actors. I find this argument bewildering.

I don't think anyone in the world questions whether America will use military force. We have been engaged in a war against nonstate terrorism now for 19 years. The pages in this book have known nothing but war. These two 28-year-olds who were just killed last year, they virtually knew nothing other than war during their whole lives.

Is America willing to use military action? We have been in a war for 19 years. We are losing troops on the battlefield—like Sergeants Rodriguez and Gutierrez—to this very day. We have tens and thousands of troops deployed around the world to fight a war against terrorism, and the current President is increasing the total footprint of those troops in the Middle East to prosecute this fight.

In Afghanistan alone, where these two sergeants were killed, we are spending \$45 billion a year. It is 19 years later, and we are still spending \$45 billion a year to prosecute this fight. No one can question whether the United States will protect itself or our allies, but the choice of when to fight wars and when to use other available tools is always a question of such importance that the most careful deliberation is warranted.

As I conclude, I just want to say this. I went and visited the Hampton veterans hospital last Friday as part of just, sort of, a regular visit maybe once a year just to check in with the Hampton VA, which is one of three VAs in Virginia, to see what they are doing. I know every Member of the Senate does the same thing, visiting VA hospitals in their States and elsewhere—going to see our veterans at Walter Reed, for example, or going to see wounded warriors who are at the hospital at Fort Belvoir in Virginia. Any visit of that kind produces a million emotions: pride in service providers, pride in resilience of our veterans as they are grappling with challenging illnesses and disabilities in their lives, often

long after they have served. The one impression that is always vivid when you visit a veterans hospital is this: the enduring consequences of war.

As I visited the Hampton VA, I spent time in, sort of, two particular units. One is a women's clinic. We have so many more women veterans, and a number of VAs that were not set up very well to deal with women are now having to really build out the capacity to deal with the growing number of women veterans and the issues that they are bringing to the table. I applaud what I saw in Hampton at the women's clinic.

I also spent time in the mental health unit that is trying to pioneer new technologies, magnetic imaging, to help people deal with some of the signature wounds of the Iraq and Afghanistan war: traumatic brain injury and PTSD.

We make a promise to these veterans that we will be there for them, even when we don't fully know the consequences of the promise we make because they don't know the consequences of what they will experience and suffer.

A signature aspect of the Iraq and Afghanistan wars that really doesn't have an earlier precedent is the 10-deployments phenomena. In what earlier war that this country fought do we have 28-year-old sergeants who are serving their 11th deployment in a theater of war? Those repeated deployments have a long consequence in the life of a person and in the life of those close to that person.

Madam President knows this from her own service: When you go to the VA and you grapple with the long consequences of war, it has to make an impression upon those of us in this body charged with the sole responsibility for declaring war that, if and when we do so, we owe it the most careful deliberation that we bring to any question that would ever result in the loss of lives. That is not too much to ask for us to deliberate carefully when what is at risk for those who serve, who depend upon us to make the best possible decision, are consequences that will last their own lifetimes and affect the lives of so many others.

That is what this resolution is about. I don't believe it should be controversial. It is certainly bipartisan, and I hope we will stand up for this important proposition that the careful deliberation of the Senate is the most necessary thing we can do and what we owe to our troops and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I come to the floor today to strongly urge all of my colleagues to join Senator Kaine, and I want to thank him for his extremely thoughtful and amazing approach to this.

I think it is so important that we reassert Congress's authority in decisions concerning our Nation's security

and curbing this administration's ability to put our troops in harm's way without consulting the American people.

Following the early January attack on U.S. troops deployed in Iraq triggered by President Trump's decision to launch a drone strike that killed Iran's Qasem Soleimani, I know that many Americans were frightened, as I was, to then watch tensions with Iran escalate so rapidly in realtime. I am glad the President has backed down and decided not to further escalate those tensions in recent weeks—as a voice for my home State of Washington, including all of our servicemembers and military families and communities. But we are not off the hook, and we have every reason to believe that Iran may retaliate again, which is why I remain deeply disturbed by President Trump's rush to incite conflict in ways that could have significant negative impacts on our strategic goals in the region and, more importantly, the long-term safety and security of Americans at home and abroad.

To date, neither President Trump nor his administration has provided any evidence to us here in Congress to justify his actions, and despite reports from the administration shortly after the attack that there were no U.S. casualties, we are now learning more than 100 servicemembers—100—have been diagnosed with traumatic brain injury following that attack—serious injuries that President Trump dismissed as simply “headaches.”

The American people expect their representatives—us—to have a say in decisions that may put their lives or the lives of a loved one at risk. As the daughter of a World War II veteran and Purple Heart recipient, here in the Senate I make decisions about our national security with deep concern for our brave servicemembers and their families, with a personal understanding of the sacrifices they make for all of us and our Nation and an unwavering commitment to ensuring that they have the support they need while they serve and when they come home.

That is exactly why our Constitution mandates that the power to declare war rests with Congress—not the Commander in Chief—because those decisions weren't meant to be made by one person alone. That is why I am glad that my friend from Virginia, Senator Kaine, is offering this War Powers Resolution, of which I am very proud to be a cosponsor.

Passing this resolution is a first step toward protecting our servicemembers and our interests in the region by removing our troops from hostilities in or against Iran unless there is a declaration of war or a congressional authorization for the use of force.

This isn't just an issue for Democrats. I am very proud that this resolution has bipartisan support because, no matter what side of the aisle you are on, we should all agree that Congress must play a role in our Nation's foreign policy, as well as matters related

to the health and safety of our servicemembers.

I am grateful for all of those who are serving in the Middle East and around the world, and that is why I refuse to stand by and accept that they could be put in jeopardy or that our Nation's foreign policy and safety could be upended by an impulsive, late-night tweet.

So I will continue to demand that the President provide his legal justification for the drone strike in Iraq, commit to coming before Congress in advance of any further escalating steps, and explain to us how he will move forward in the region with the goal of protecting Americans, our allies, and our interests.

In the meantime, considering the unique recklessness of this administration, it is urgently important for Congress to pass this resolution to block President Trump's ability to start a war with Iran and ensure that Congress is guaranteed the opportunity to hear whatever case the President may have before taking a vote to determine the path that we want our Nation to go down.

In 2002 I voted against the war in Iraq because I felt the administration was asking us to send our men and women into harm's way without a clear plan or a goal. Last week the House passed legislation to repeal that 2002 AUMF, which is a step in the right direction toward bringing our brave troops home.

The Senate should stand up and assert our authority to represent our constituents on this critical issue, too, because, as Senators, they are the people to whom we are all accountable. We have to be able to go home and look them in the eye and say that we gave questions as grave as decisions concerning war and peace the deliberation that they warrant and that we have done everything we can to protect our Nation and our servicemembers. You simply can't do that if you allow this President—or any President—to continue conducting foreign policy—especially by tweet—unchecked.

So Congress has an obligation to ensure a debate. We have an obligation to press this administration for a strategy and check its power if it doesn't present a compelling one, which so far it hasn't.

Passing this War Powers Resolution will help us—us—do exactly that, so I strongly urge our colleagues to support this resolution.

I yield the floor.

THE PRESIDING OFFICER. The majority whip.

Mr. THUNE. Madam President, today we are taking up a War Powers Resolution ostensibly aimed at hostilities with Iran. The impetus for this resolution was the strike the President authorized to take out Iranian General Qasem Soleimani.

Iran has a long history of fomenting violence and conflict in the Middle East, and General Soleimani was al-

ways right in the center of that. As head of the Quds Force of Iran's Revolutionary Guard Corps, Soleimani masterminded Iran's terrorist activities for two decades. Iran has been linked to one in six U.S. military deaths in Iraq, notably through the IEDs that have become so emblematic of the War on Terror.

This was Soleimani's work. He is responsible for the deaths of hundreds of American soldiers and countless innocent civilians, and the threat Iran poses to U.S. personnel is an ongoing threat. At the end of December, an Iran-backed militia fired more than 30 rockets at an Iraqi military base, killing an American contractor and wounding four U.S. troops. Days later, Iran-backed protesters stormed the U.S. Embassy in Baghdad, conducting a 2-day siege of the Embassy before withdrawing.

The strike on General Soleimani wasn't just based on these recent attacks or on Soleimani's long reign of terror in the Middle East. The President authorized the strike on Soleimani because there was credible intelligence that Soleimani was planning imminent attacks against U.S. interests. That was the conclusion not of the President but of the U.S. intelligence community and nonpartisan experts like the CIA Director and the Chairman of the Joint Chiefs. It was in response to this conclusion from the intelligence community that the President ordered the strike.

The War Powers Resolution coming before the Senate was introduced out of concern that taking out Iran's top terrorist leader would lead to escalation, but that has not happened. The perspective provided by the nearly 6 weeks that have passed since Soleimani's killing underscores the one-off nature of the strike. The President has not escalated this conflict or used Soleimani's death as an excuse to send troops into action against Iran. In fact, this strike was designed to check escalation in the region—specifically, increasing aggression and imminent attacks by Iran.

We live in a dangerous world. The United States must be able to respond to imminent threats to our security. I support the robust interpretation of Congress's constitutional prerogatives when it comes to the declaration of war and the deployment of U.S. troops, but I also believe that the President has the authority and, indeed, the responsibility to protect the United States from imminent threats.

The strike against Qasem Soleimani has reminded those hostile to the United States that we will not stand idly by while U.S. personnel are threatened. It has removed the top terrorist leader from the arena, a leader responsible for the deaths of hundreds of Americans. It has reduced, although certainly not eliminated, the risk to our men and women in uniform deployed in the Middle East.

I believe that the President's action was justified, and I think this resolu-

tion is an ill-advised and potentially problematic response to the President's action.

With Soleimani's evil influence removed from the Middle East, Iran has the chance to chart a new course, to rethink its participation in terrorism and its oppression of its own people. I hope that Iran will moderate its activities, but, of course, we have to be prepared for the likelihood that it will not. We have to continue to ensure that our words and actions make Iran and any other hostile nation think twice before attacking American citizens.

We have to continue to ensure that our military and intelligence community have the resources they need to identify and to defeat any threat. I will continue to work to ensure that our military is the best prepared, best equipped fighting force in the world and that our intelligence professionals have the resources they need to protect our country.

I yield the floor.

THE PRESIDING OFFICER (Mr. ROMNEY). The Senator from Ohio.

IMPEACHMENT

Mr. BROWN. Mr. President, I thank the Senator from South Dakota.

At the conclusion of President Trump's impeachment trial, I heard some of my Republican colleagues, most of whom I consider my friends, say that the President would be chastened by impeachment. Some of you told me you knew what he did was wrong. A number of Republicans told me they admit that he lies a lot. They would acknowledge extorting an ally for help in the 2020 Presidential campaign wasn't bad enough to rise to the level of warranting removal from office—even though Richard Nixon never did that; even though, just on the face of it, thinking of soliciting a bribe from a foreign country to help you in your reelection as President of the United States is worse than untoward.

But you told me—many of you on the Republican side—that holding the trial was enough to check his bad behavior. You said things like this—and these are quotes, but I will not mention who they were because they were private conversations. You said: "I think he has learned he has to be maybe a little more judicious and careful."

Some of you said these publicly too. A reporter asked another of you whether Trump might see acquittal as a license to do it again, and you responded: I don't think so.

One of my colleagues said: "I think he knows now that, if he is trying to do certain things . . . he needs to go through the proper channels."

Another colleague said: "The President has been impeached. That's a pretty big lesson. . . . I believe that he will be more cautious in the future."

Well, the President learned a pretty big lesson. The lesson he learned—because everybody, every single person, from the majority leader down the hall to every Republican sitting at this

desk and this desk and this desk—every Republican except for MITT ROMNEY voted to acquit. Every single Republican voted to acquit, so the lesson is he can do whatever he wants; he can abuse his office because he will never, ever be held accountable.

One Republican had the courage to stand up and do it. Every other Republican sitting at these desks said to the President of the United States: Yeah, it is OK. You have learned your lesson. Yeah, your lesson is that you can do whatever you want and this body will never, ever hold you accountable.

So do you know what? And I thank the Presiding Officer, by the way. Do you know what? The President went on what we call a PR tour—a personal retribution tour—starting at the prayer breakfast—the prayer breakfast—the next day when he attacked and he attacked and he attacked all kinds of people, continuing through to his speech in the East Room where many of my colleagues were in the audience clapping for the President when the President made these attacks on people.

They say he will never do it again; even if we vote to acquit, he will never do it again. But then they clap for him when he starts his personal retribution tour.

He removed Colonel Vindman, a patriot, a Purple Heart recipient who spent his life serving our country. He was an immigrant. He left the Soviet Union. He wanted freedom. He served in our country's military.

The President, when he attacked Colonel Vindman, mocked his accent. He grew up speaking Ukrainian, and his English was damn near perfect when I have listened to him, but he had a bit of a Ukrainian accent. He mocked his accent. And then he suggested he could be subject to military prosecution.

He removed Ambassador Sondland, who was a Trump appointee, after he testified to the quid pro quo.

Yesterday, President Trump continued this PR tour—his personal retribution tour—interfering at the Department of Justice. I am not a lawyer. I know the Presiding Officer is. Most of my colleagues on both sides of the aisle are. But they know a President doesn't interfere with the Department of Justice. As part of his personal retribution tour, he is interfering there. He is strong-arming appointees to overrule the decision of career prosecutors.

Do you know what? These career prosecutors withdrew in protest. One of them resigned from the Department—more on that later.

Late last night, when the country's eyes were on the primary in New Hampshire, the President of the United States was on part of this retribution tour, and my colleagues had said: Oh, no, he has learned from impeachment. Well, he hasn't. He has learned he can get away with stuff. He yanked his own Treasury nominee, who was working on terrorist financing and financial

crimes, former U.S. Attorney Jessie Liu, who had worked as U.S. Attorney for the District of Columbia and had worked on, among other things, oversight of prosecutions from Special Counsel Mueller's investigations. The Treasury Department has offered zero explanation. I am going to get a chance in a few minutes to ask the Treasury Secretary, coming in front of my committee, why they are withdrawing her nomination 48 hours before her confirmation hearing.

We can take a guess at why President Trump pulled down her nomination. She oversaw the U.S. attorneys prosecuting President Trump's criminal associates, his political operatives, like Rick Gates, Michael Flynn, and Roger Stone.

This is so obvious. There were people out there who displeased the President. One of them was doing his public duty. He is career military and had fled the Soviet Union. He was speaking under oath about what the President had done because he knew it was wrong to solicit a bribe from a foreign country. Another was a lawyer that oversaw the prosecution of some of the President's political operatives and political hacks—criminals, as it turned out. They oversaw the prosecution. The President is attacking them. The President is using his power to attack him.

My colleagues—who sit at this desk, and this desk, and this desk, and this desk on the Senate floor—think it is OK to acquit him and then tell me that he is going to quit acting the way he acts.

No sentient human being, including the Presiding Officer, would possibly think that way. Ms. Liu was scheduled to testify under oath before members of both parties at our hearing in the Banking Committee tomorrow morning. We need answers as to what she would have said. Were there discussions and decisions she was part of as U.S. attorney involving the President's associates that he didn't like? Was he afraid more would come out about the actions of some of the President's associates, the criminal actions? Was she aware of efforts by the President and his political appointees to interfere in the operation of our justice system? We need a swift and thorough DOJ inspector general investigation of these prosecutorial decisions.

With every passing day, we don't see a humbled President. We see a President unleashed. Again, he didn't learn a lesson from impeachment. Actually, he learned a lesson from his acquittal. The lesson he learned is that he can do whatever he wants. He is a President unleashed. He is bent on turning the arms of a government that is supposed to serve the American people into his own personal vengeance operation—his own personal vengeance operation.

I implore my colleagues: We can't let that stand.

The Department of Justice is supposed to be impartial and immune from

political influence, but it has become no more than a personal weapon, or it is becoming—it is not there yet, but it started to be—a personal weapon the President can unleash on his political enemies.

As I said, I am not a lawyer, but I know enough to know the Department of Justice and the executive branch are not there to serve the President of the United States. The Department of Justice and the executive branch are there to serve the same people we do—the people of Ohio, the people of the Presiding Officer's State of Utah, the people of Maine, Iowa, Tennessee, and every State across this country. No one—no one—should be above the law.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Wyoming.

AMERICA'S TRANSPORTATION INFRASTRUCTURE ACT

Mr. BARRASSO. Mr. President, during the State of the Union, President Trump called on Congress to rebuild America's infrastructure. He specifically asked Congress to pass America's Transportation Infrastructure Act “to invest in new roads, bridges, and tunnels all across our land.” The Senate is ready to answer President Trump's call.

America's roads and bridges are important to every State, every community, and every Tribe in the Nation. The quality of our roads affects everyone. Our economy is built on a well-functioning road system that allows products from rural areas—like Utah, like Wyoming—to get to our population centers. Interstates like I-80, in my home State of Wyoming, are critical arteries of commerce. America's roads create American jobs, move American products, and they fuel America's economy.

In 2015, the U.S. transportation system moved a daily average of roughly 49 million tons of freight. That is an average of \$53 billion worth of freight every single day. The quality of our roads has to keep pace. We must maintain and upgrade and, where necessary, build America's highway infrastructure.

Last July, the Senate Environment and Public Works Committee, which I chair, unanimously passed America's Transportation Infrastructure Act. The vote was 21 to 0. I introduced this bipartisan bill with fellow leaders on the committee—Ranking Member CARPER, Senator CAPITO, and Senator CARDIN. This legislation will make a historic investment in our roads.

America's Transportation Infrastructure Act authorizes \$287 billion over 5 years from the highway trust fund. That is the largest investment in

America's roads included in any highway bill ever passed by Congress. Our bill is going to help the entire country. Senators on our committee represent rural areas like Wyoming, Iowa, and Alaska and urban areas like New York, Chicago, and Baltimore. America's Transportation Infrastructure Act is a win for them all.

Over 90 percent of the money in our legislation will go to States through highway formula funding. Formula funding gives each State the flexibility to address its specific surface transportation needs. The formula-based approach has been very successful in the past. It effectively and efficiently delivers infrastructure money to States, and they can make decisions as to which projects to pursue. America's Transportation Infrastructure Act maintains this important approach so States get the funds they need.

America's Transportation Infrastructure Act also expands successful Federal loan leveraging programs. A single taxpayer dollar in one of these Federal loan programs can leverage 40 times that much in actual infrastructure spending.

Between new authorizations, leveraging programs, State-match requirements, and input from other communities, our bill's total impact on infrastructure will be nearly half a trillion dollars.

America's Transportation Infrastructure Act is momentous, and it must be responsibly paid for. When our committee passed the legislation, it included a commitment that the bill should be paid for. The Environment and Public Works Committee doesn't have jurisdiction over revenues for the highway bill. That is why I am working closely with Senate Finance Committee chairman CHUCK GRASSLEY to make sure this legislation is paid for. It is no silver bullet. We all need to find multiple sources of revenue.

One thing the Democrats and Republicans agree on is that the people who use the roads should contribute to maintaining them. This must include drivers of electric vehicles. Right now, the drivers of electric vehicles contribute nothing to the highway trust fund. If these electric vehicles were contributing at a rate comparable to drivers in my home State of Wyoming, it would generate billions of dollars for road maintenance over the next decade.

Electric vehicle fees alone won't pay for this legislation, but it is an important start. I am going to continue to work with Chairman GRASSLEY to find responsible ways to fund the legislation.

It is time to make a historic investment in America's roads and bridges. America's Transportation Infrastructure Act will grow our economy, improve the safety of our roads, and enhance the quality of life for the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WAR POWERS RESOLUTION

Mr. GRAHAM. Mr. President, today I would like to rise in opposition to Senator KAINE's War Powers Resolution, S.J. Res. 68.

I have had a longstanding opposition to the War Powers Act. I think it is an unconstitutional intrusion on the ability of any Commander in Chief to defend the Nation and to direct military operations.

This statute passed, I think, in the 1970s. It was a way to deal with the Vietnam war.

I have always believed the best thing Congress can do when it comes to dealing with military operations—longstanding conflicts that it disapproves of—is to cut off funding. I think that is what the Framers had in mind.

The inherent authority of any Commander in Chief to defend the Nation is part of our constitutional checks and balances. The President is the Commander in Chief of the Armed Forces. You cannot have 535 people planning and implementing military operations. That 535 would be Congress. Can you imagine what would happen if our Nation had to respond in real time and we had to get 535 Members of Congress to agree on anything?

This resolution is designed to prevent actions against the Islamic Republic of Iran without congressional authorization. It does acknowledge in the law that we can take defensive action. We can always defend ourselves. I think that is inherent to putting people in harm's way.

I have been consistent over time. I have opposed the War Powers Act being used against all Presidents, Republican or Democratic. I will continue to do so because I do believe, from a national security point of view, this will create a nightmare for our country's ability to defend itself. Every Commander in Chief has to have the latitude and the flexibility to engage enemies of this Nation in real time and to send messages that are clear.

When the President decided to withdraw from the Iranian nuclear agreement early on in his Presidency, I supported that action. We are trying to find a way to replace it with something that is more sustainable and acceptable to the region and the world. Without boring everyone with the flaws in the Iran nuclear agreement, I thought it was a bad deal. It gave the Ayatollah and his henchmen a bunch of money without their having to change their behavior. It was tied to their nuclear program and had nothing to do with their missile program or their being the largest state sponsor of terrorism.

Now you see Iran has been acting out since this agreement has been signed.

Iran has been involved in operations in Yemen, Lebanon, and throughout the entire region. It has captured American sailors on the high seas and humiliated them. Its efforts in Lebanon put Israel's very existence at risk by its flooding Lebanon with weapons that could be used to destroy our friends in Israel, and it is the largest state sponsor of terrorism.

I applaud the President for standing up to the Iranians. They have attacked the largest oilfield in the world in Saudi Arabia, and they have attacked international shipping in the Strait of Hormuz.

The President decided to use military force against Soleimani, who was a member of the Iranian Revolutionary Guard and a commander who was on the international no-fly list—for lack of a better term—who was sanctioned by the U.N. I think he was a legitimate target of war because he had been pushing war against the United States for decades.

We have had at least 500 to 600 soldiers killed in Iraq from IEDs that had been developed in Iran and had been used inside Iraq. They have been very, very lethal to American forces.

Now we find ourselves in a position wherein Iran is getting more provocative, and the worst possible thing Congress could do would be to send a mixed signal.

I want the Iranians to know that the Trump administration would like a new deal and a better deal but that it has to occur through negotiations and that if they continue to dismember the region and develop technology that could destroy our friends in Israel or that could one day come to our homeland, they will be met with all options on the table.

The authors of this resolution are friends. Senator KAINE has had a longstanding concern about the original AUMF that had come right after 9/11. It is one thing to try to rewrite it; it is another thing to use the War Powers Act to tie the hands of the President at a time when our Iranian enemies—and they are the enemies of the United States and the region and the world—are becoming more provocative. The Iranian people could be a great ally one day, but the Ayatollah is a religious Nazi, in my view, and I can't imagine why we are doing this now. It makes conflict more likely, not less.

If this passes, the President will never abide by it. No President would. It will be vetoed, if that is the appropriate way to do it, but it is going to have no effect on his ability to conduct military operations. It will have an effect on our enemies' perception of the will of the United States to stand up to Iranian aggression. It will have an effect on our allies: Can you really trust America? Our friends in Israel are watching with great concern about this debate.

I will oppose this resolution—the fundamentally flawed concept of having a statute that would restrict military

operations based on the view of 535 Members of Congress. We can only have 1 Commander in Chief, not 535. I think the War Powers Act, as it has been written, is blatantly unconstitutional.

Having said that, we find ourselves at a time of choosing in the Middle East, for the Iranians are making calculations every day of how hard to push: What would the Americans do if we did this or that? I want the Iranians to understand that when it comes to their provocative behavior, all options are on the table.

Let me tell you the scenario that I fear the most. The Iranians are now up against the wall because of sanctions. What if they reactivate the centrifuges that have been dismantled or at least mothballed? They have probably not been dismantled. What if they began enriching uranium at 20 percent? What if they went from 3.5 to 20 percent? Going from 20 to 90 takes months, not years. What would be the appropriate response? Would that be a hostile act under the War Powers Act?

I know this: It would be an unacceptable outcome for the United States.

I hope the Trump administration is communicating to the Iranians that any effort to have a nuclear breakout—a dash to a bomb—would be considered a threat to the United States, our allies—particularly Israel—and would be met with military force if the provocation were to continue. I can't think of a more dangerous scenario in real time than the Iranians' making a miscalculation that the international community—particularly the United States—will sit on the sideline as they try to ramp up enrichment and have a breakout toward a bomb.

The regime believes that if it can ever get a nuclear weapon, it will be home free, that the world will back off. All I can say to the world is that containing the Ayatollah with a nuke is a non-option for me. If you are in Israel, it is not even close to being an option. What you have to understand is that the Iranians are wanting to make a bomb, not build powerplants for peaceful purposes. They want a bomb for a reason—not as an insurance policy to guarantee the regime's survivability but to enact a religious agenda that is very dangerous, very radical, and very real.

People don't want to believe things like this. After World War I, nobody wanted to believe that Hitler had a plan that included killing all of the Jews. People just thought he was bluffing and talking, rhetoric-wise, just to grab more land and that he would be appeased if you just gave him one more thing. It is hard for peace-loving people to imagine that folks like Hitler actually exist and will do the things they say they will do. It is hard for us here, in the safety of the United States, to imagine that someplace in the Mideast, there is a regime that is bent on our destruction because of our religious differences.

Here is what I do believe: If the Ayatollah had a nuclear weapon, he would

use it, and it would be a competition for the first use. Would the Iranians go after the Sunni Arabs, who are the mortal enemy of the Islamic faith and the regime? Would they go after Israel? There is no spot on the planet for a State of Israel in the radical Shiite theology. Would they come after us, the greatest of all infidels? I don't know where we would be—No. 1, 2, or 3—but we would be in the top three. I do know this: Our Arab allies and our Israeli friends can never let that day come.

The best way to prevent the Ayatollah from having a nuclear breakout is for Congress and this administration and every other administration to make it clear what will happen if you try. We were able to win the Cold War because all parties and every President adhered to the idea that we would stand up to the expansion of communism.

This is one of those moments in history in which I hope we do not miscalculate. The Iranians are watching. North Korea is watching. The world is watching. I am hoping that Congress will not miscalculate because, if we pass this resolution, the chance of war goes up, not down. The chance of a nuclear breakout becomes almost inevitable.

I ask all of my colleagues to think long and hard about how they will vote today. You may think nothing will really happen if this passes because it will never become law as we know law to be in the United States. You are right about that. Yet you are wrong about the signal it will send. It will send a signal that will be picked up by the most dangerous people on the planet that we really don't mean it when we say: When it comes to Iran's getting a nuclear weapon, it will never happen. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. BLACKBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. RUBIO. Madam President, in a few minutes, we are going to vote on this resolution to begin debate on it, and what most people would think by reading it is this is a resolution to diminish the chances of war with Iran.

I actually think that if this resolution were to ever pass and actually become law—or I would argue that even this debate we are having now, to some extent—potentially increases the chances of war, and I will explain why in a moment.

First, let me start out by saying I don't question the motives of the sponsors and proponents, the people who are in support of this. These are people with a long history of wanting to assert congressional oversight over the

conduct of armed warfare, and it is certainly something I respect.

The problem is that their intentions and how this will be perceived by the audience that I believe it matters the most to right now, and that is the leadership of Iran, perception and the reality are two different things, and the perception is very serious.

What is the perception? I can tell you, just moments ago, I went online before coming here just to see if anything has been written about it, and here is what I found. It was just one headline. That is all I needed because I think this broadly captures the way it is going to be talked about in the press and all over the world. Here is the headline from POLITICO: "Senate to rein in Trump war powers after Iran strike."

The first paragraph goes on to say: "The Senate is set to pass a bipartisan resolution . . . to limit President Donald Trump's authority to launch military operations against Iran weeks after the U.S. killed a top Iranian general."

That is the opening paragraph of that story. That is basically the way it is going to be reported, and I am going to explain to you why that is a problem.

One of Iran's objectives in the Middle East is to push the United States out of the region. They don't want us in Iraq to help the Iraqis fight ISIS. They don't want us in Syria. They don't want us to have military bases anywhere in the region, including Bahrain, as an example, where one of our major naval fleets is headquartered. They do not want us in the Middle East.

Their strategy to drive us out is attacks conducted primarily by surrogates, meaning other groups—groups they have created, groups they sponsor, groups they arm. Their strategy is to use those groups to kill Americans.

Their reasoning is, No. 1, if they use these groups, it gives them deniability so the world can't condemn them. They will go on and say: It wasn't us. It was some Shia militia or some other group that did it. So they think it gives them some level of plausible deniability.

The second reason why they do it is they calculate that if Americans start to die in the Middle East, the American people will demand that we withdraw from the Middle East. So it is a pressure tactic that they are trying to institute.

They do direct attacks. As an example, I remind you that just a few months ago they were out in the ocean putting limpet mines on commercial vessels, and there were people in the city arguing: We have seen no evidence that it was the Iranians.

Well, it wasn't Luxembourg. It wasn't the Belgians. They are the only people in the region that had the ability to do it, but that is the kind of deniable attack that they seek to conduct and to kill Americans. By the way, the person who ran that program was General Soleimani. When I say "general," he really wasn't a general.

He was a terrorist with a uniform on, but the point being is, that is the campaign Iran is trying to carry out.

When they decide what kind of attacks to conduct against Americans, they weigh a couple things. The first is how many Americans can we kill before America retaliates because they don't want a war with America. They do not want an open conflict with the United States. It is a war they can't and will not win. So they are trying to see how many Americans they can kill, how much they can get away with before triggering a direct response from the United States, and part of the calculus they use to determine that is our domestic political environment.

I believe there is strong evidence that indicates—and I say this just from everything you see—that Iran already miscalculated once. They thought Soleimani could travel the region with impunity and plan attacks to kill Americans and nothing would happen, and they were wrong and they miscalculated. It was evident by their own body language and the things they did in the days after that they truly were shocked that the President took the steps he took. Hopefully, it reset their deterrence level.

We are in a period of time right now where it seems, from all indications, that Iran, at least in the short term, has decided to stand down on some of these attacks, but it is not because they have suddenly found peace in their hearts. It is because they are hoping the political process inside of Iraq will force us to leave there.

Eventually, if that doesn't happen, they are going back to these attacks. They continue to plan them on a regular basis. They continue to prepare for those attacks to happen. What is going to happen when that moment comes and they determine: We believe that the threshold of attack, meaning the number of Americans we kill, the number of attacks we conduct—how brazen they are—we think we can get away with a certain level because in America—in America, the President, Members of both parties, do not want him to attack us.

In fact, they would calculate: If we can even make it deniable, if we can even create some doubt that we were behind it and it wasn't just some other group that was going to attack us anyway, it is going to make it even harder for him to respond.

Now, that is not the reality. The reality of this administration is the reality of what I hope anyone who would ever occupy that position would be, and that is, if they know and they believe that American lives are at risk and they have a chance to disrupt it, they will do so. I believe—and I know this President would—if Americans are attacked and harmed, there would be a strong response in retaliation.

The President has the constitutional power—and I would argue the duty—to do both of those things. The problem

is, the Iranians may not believe it. They may say to themselves: It is an election year. The President doesn't want to start a war. There are Members of both parties who have, as POLITICO's headline says, reined in his war powers and decide that they can strike or conduct multiple strikes and terrorist attacks and miscalculate and elicit a response—a strong response—to which they would have to respond, to which we would have to respond. That is how a war starts.

That is the danger embedded in this resolution, not the intention of its sponsors, whom I truly do believe—I know they are standing for a constitutional principle they believe in. They are not the problem.

The problem is how this is going to be portrayed and how the Iranians are going to take it and what it will lead them to conclude they can get away with.

That is why I say that passing this, having this go into effect, even if the President vetoes it, sends a message, whether you like it or not—and with all due respect I say this—whether you like it or not, the message that this sends is that, in America, Members of both parties do not want the President to respond militarily to an attack and do not want the President to act proactively to prevent one.

That may not be the intention of the sponsors—I don't believe it is—but that will be how it is portrayed, and that is a chance we cannot take. We are playing with fire.

An Iranian miscalculation, an attack that goes beyond our redlines on what we would tolerate, is going to lead to a strong American response, to which they would have to respond, to which we would respond in kind. Suddenly, that is how you find yourself in an escalating conflict and even a war.

So I hope those who are thinking about supporting this will rethink their position because while your positions might be pure in terms of your constitutional views, the foreign policy impact—the real foreign policy impact that even this debate is going to have is to instill, in the minds of some in Iran, that there are certain kinds of attacks they can get away with, and the President's hands are tied by politics in Washington. That is a dangerous proposition and a fire with which we should not play.

I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE). All time has expired.

The question is on agreeing to the motion.

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

The PRESIDING OFFICER. The yeas and nays have been ordered.

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

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—51

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

NAYS—45

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

NOT VOTING—4

Bennet	Sanders
Klobuchar	Warren

The motion was 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

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The senior assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, it has been more than a month since President Trump brought the United States to the brink of war with Iran by ordering the killing of Iran's top general, Qasem Soleimani.

Now, no one here mourns Soleimani's death. He was a ruthless killer. He has American blood all over his hands. But decisions over whether to attack sovereign nations or whether to send American troops to war are not decisions for the executive branch to make. These are decisions that the Constitution vests only in the U.S. Congress. That is why we need to pass, on a bipartisan basis, the War Powers Resolution that is currently pending before this body.