

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.

I want to come to the floor today to raise three issues for my colleagues—and I will try to do it briefly—surrounding the President's decision to use force against Iran and what the implications are for us, both as a body and as a nation.

First, when we are talking about the topic, I just think it is always important to level set. I think it is important for us to realize how much President Trump has thrown away.

This is a President who is running a master class right now on creating crises that didn't exist before he started flailing away in the china shop, and then this President claims we all have to get together behind his efforts to clean up the mess that he and his administration largely created.

Let's just remember where we were with Iran when President Trump came into office. When President Trump arrived in the Oval Office, Iran had stopped their quest for nuclear weapons capabilities. They were compliant with an intrusive inspections regime to make sure they didn't cheat on that agreement. Iranian-backed militias had stopped firing rockets at U.S. personnel in Iraq. In fact, those militias were actively working on a U.S.-led project—the eradication of ISIS.

President Obama had unified the entire world against Iran. Even Russia and China were working side by side with the United States to constrict Iran's nuclear program. And with the nuclear agreement secured, this global coalition had essentially been teed up for President Trump, to be used to make new progress to pressure Iran on a next set of concessions, on their ballistic missile program and their support for terrorist proxies across the region.

But President Trump threw this all away. And now, despite the sanctions that he has imposed on them unilaterally, Iran is more powerful than ever. We went from a construct in which we had the United States, Europe, China, and Russia aligned against Iran to a moment today where, on many issues, it is Iran, the European Union, China, and Russia aligned against the United States.

How much ground have we lost? This town tends to view power only through a military prism. So we have kind of lost sight of Iran's provocative actions because, since the strike in Iraq against our troops, we haven't had front-page headlines about what Iran is doing.

Let's talk about that strike for a moment, because we need to make it clear that, contrary to the administration's assertions, the Soleimani strike did not deter Iran at all. They levied a barrage of rockets at our forces in Iraq that were designed to kill. Some suggested that night, or the next day, that maybe their attack was calibrated to sustain minimal damage. Now we know that is not the case. In fact, it was calibrated to try to wipe out over 100 American soldiers. They missed. But,

of course, now we are finding out that they actually didn't miss. At first, the administration reported no injuries. Then, it was a few. Then, it was dozens. Now the injury report is over 100. Thank God that nobody was killed.

But let's be clear. Iran fired rockets that injured over 100 American soldiers, and we didn't respond at all. I am glad we chose a path of military deescalation, but nobody in this administration and none of their allies in Congress can pretend that we “restored deterrence.”

Second, it is important to note that Iran is retaliating. They are retaliating all over the region. In Iraq they are stronger than ever before. They have a new Prime Minister-designate who is incredibly close to Iran. They managed to get a vote in Parliament—non-binding, admittedly—to kick all American soldiers out of that country. We are still in the middle of a negotiation to try to keep some American military presence there to fight ISIS, but Iran has used this opportunity to get more and more embedded in the Iraqi infrastructure. And the protests—the anti-Iran protests that were happening in Iraq—are no longer making headlines because many of those elements are now lined up against the United States instead of against Iran.

Remember, Soleimani was working every single day to try to get American troops out of Iraq, and it may be that he gets closer in death to his goal than he did while he was alive.

In Yemen, Iran is fighting back. It is hard to see into the relationship between the Houthis and the Iranians, but the Houthis are acting out in provocative ways that are fundamentally different today than they were prior to the death of Soleimani. They are restricting humanitarian aid. They are launching attacks against civilian sites. We don't know that the Houthis are undertaking these actions because of orders from Iran, but it is likely that it is not coincidental that the Houthis' increase in activity in Yemen, further destabilizing a country that is really important to the United States, is happening at the very moment that Iran is looking for ways to get back at the United States for the Soleimani strike.

Remember, ISIS and al-Qaida are inside Yemen. The wing of al-Qaida that has the clearest designs against the United States takes advantage of the chaos inside Yemen to recruit, to grow, and to expand their territory. So as the Houthis are further destabilizing Yemen, the enemies of the United States are potentially getting stronger. Iran is, once again, back on the march inside Yemen.

Then, in Lebanon we had this moment in which there were protests on the streets that were demanding a Lebanese Government free of corruption and free of Iranian influence. We were this close to getting a technocratic government in Lebanon that might—that might—finally break the grip of

Iran on elements of Lebanese politics. Instead of taking advantage of that moment, the United States decided that it was going to cut off aid to the army that was protecting the protesters. The combination of that mistake and then the assassination of General Soleimani allowed Iran to upend the momentum that was running against Tehran inside Lebanon.

Now guess what we have in Lebanon. We have a Hezbollah government in Lebanon. Instead of getting a citizen-focused technocratic government, we have an Iranian-aligned Hezbollah government in Lebanon.

Iran is fighting back. They are escalating. They may not be shooting missiles at American military bases, but they are gaining ground. They are taking provocative actions throughout the region.

It is really important for us to understand that. It is really important for us to understand how we are losing ground in places like Iraq and Yemen and Lebanon and how much stronger Iran is getting as a direct consequence of the action that was taken without congressional authorization.

My third and last point is this. Even if we pass this War Powers Resolution, this President is still going to maintain that he has a Mack truck-sized loophole through which he can run military action overseas without coming to Congress.

As for the President's article II authority, he has it. I am not denying that the President doesn't have constitutional authority to protect America prior to a congressional authorization, but the President's article II authority has morphed over time into a monster, and Congress needs to do more than just pass War Powers Resolutions to contain this Godzilla.

For years, Presidents of both parties have stretched executive war-making power too far. I have been on this floor criticizing a Democratic President—President Obama—who I argued should have come to Congress for authorization for airstrikes against Libya and should have come to Congress to ask for authorization before launching an offensive against ISIS, or waging drone wars in Yemen and Pakistan. But President Trump has taken this abuse to new levels, and the threat of falling into a new war with Iran, based on whispers of intelligence and without any authorization from Congress, is a real possibility that we have to take seriously in this body.

In fact, I listened to an administration official this week make the case that the President was actually authorized to kill Soleimani because the IRGC, the military group that he led, was listed by the administration as a terrorist organization.

I know that many of my colleagues have heard the administration make elements of this argument as well. That is a ridiculous argument that fails on its face. Remember, the administration, not Congress, designates who

is on the terrorist list, so you cannot argue that the executive-level designation of a terrorist group is a declaration of war. It is not even a debatable proposition, but the administration is apparently making it.

So what I am saying is that we need to be looking toward the reform of the war powers process more broadly. The overreach of multiple administrations proves the need for an enforcement mechanism for Congress and, more specifically, definitions around the circumstances in which a President can use force before coming to Congress—a new War Powers Act. It should sunset the existing authorizations of military force and force us to come back to the table and write new authorizations for the military engagements that we still need to be in overseas, and it should create templates for new authorizations of military force that include reasonable sunset provisions on those new AUMFs and protections to make sure that those authorizations don't get stretched to cover groups and geographic areas that were never contemplated by the legislators who drafted the initial authorizations.

For many folks, it feels all too familiar to be down here today having this argument over the President's military escalation with Iran. We are talking about manipulated intelligence, a drumbeat of war. We are listening to the administration and its advocates bully Congress and the American people into avoiding this debate—the suggestion that, by questioning U.S. military objectives overseas, we are somehow hurting the troops.

It all brings back these flashbacks of the disastrous path to war in Iraq. This vote is essential, in my mind, so that we warn ourselves against going back down that wretched path again. So, yes, let's pass this resolution, but we can't stop there. Congress needs to do our job to reform the war powers system so that this President and future Presidents of both parties respect both Congress's role and the deepest responsibility that we all have to the American people when we make a decision to go to war.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to discuss my concerns with respect to Iran and to express my support for the Kaine resolution, of which I am a cosponsor.

No American mourns the death of Iranian General Qasem Soleimani, and my thoughts remain with the servicemembers who were injured by Iran's retaliatory ballistic missile attacks in Iraq. The President was wrong to diminish their wounds by referring to them as "headaches." Traumatic brain injuries are serious, and the President's comments undermine efforts to educate our military personnel about their potentially lasting consequences. Unfortunately, the President still does not seem to grasp that his words and actions have real consequences.

Tensions with Iran and the potential for miscalculation remain exceptionally high. We are likely in a period of calm before the storm. No serious analyst doubts there will be a future Iranian violent reaction to the death of Soleimani and continued pressure by the United States.

This temporary calm is the result of several factors. First, Soleimani's death has caused a disruption in the command and control of the IRGC Quds Force. He is not irreplaceable, but he is very difficult to replace. Second, Iran's principle objective in Iraq is to expel the United States, to get them to leave Iraq.

The killing of Soleimani has given Iran political leverage it did not imagine, and violence at this time could dissipate that advantage, especially as Iraqi political leadership remains in flux. Finally, the tragic downing of the Ukrainian airliner swiftly reversed an outpouring of nationalistic ardor in Iran, with renewed criticism of the Ayatollah. Again, Iranian violence in Iraq or elsewhere at this time could exacerbate internal opposition.

The Iranians are likely to continue to act via proxies. For example, Iranian-backed Shia militia in Iraq have signaled their intent to avenge the death of Popular Mobilization Forces Deputy Commander Muhandis, who was killed along with Soleimani.

Our national security interests related to Iran, Iraq, and the counter-ISIS campaign are on a negative trajectory because of the administration's policies and the impulsive decision making we have seen. Since coming into office, the Trump administration has waged a maximum pressure campaign against Iran that has included crippling sanctions, the unilateral withdrawal from the Iran nuclear deal, and now the killing of Soleimani.

Secretary Pompeo and the President have stated that the goal of this campaign is allegedly to bring Iran to the negotiating table, but it instead has had the opposite effect of driving Iran so far into a corner that it now sees little downside to escalating and direct conflict with our country. In addition, the ripple effect of the so-called maximum pressure campaign has resulted in the following: the disruption of counterterrorism operations in Syria and Iraq to defeat ISIS; the direction from the Iraqi Parliament to remove U.S. troops from Iraq; the resumption of Iran's nuclear program; and the growing diplomatic distance of the United States from our traditional allies and partners. That is not what anyone would call a win. It should be clear to all that these policies are not working.

The administration continues to let events in the region dictate our response rather than proactively and strategically shaping them, in collaboration with our allies and partners, in a way that benefits U.S. national security and foreign policy objectives. We should take the opportunity now to

step back from the brink of conflict, engage in real diplomacy with Iran, and to rebuild our relationship with Iraq. We need a diplomatic channel, either directly or through third parties, to avoid miscalculation on either side that could lead to military conflict.

Such efforts in Iraq, however, have been made all the more difficult because of our reduced diplomatic presence in Baghdad. Indeed, according to the inspector general for Operation Inherent Resolve, the State Department has indicated that—in his words—"the ordered departure . . . has affected all operations of Mission Iraq, and has limited the Mission's ability to help Iraq become a more resilient, independent, democratic country, and to support counter-ISIS efforts."

Unfortunately, the situation at the U.S. Embassy in Iraq is indicative of our country's entire diplomatic structure, which has been hollowed out and hampered at every turn. I am particularly concerned that Secretary Pompeo has not assumed the traditional role of the Secretary of State in advocating for diplomatic options but, instead, has been the loudest voice in the administration for violence and confrontation. Weaponizing diplomacy as the first step, rather than the last, is a sure path to diplomatic failure.

War with Iran is not inevitable, but the risk that we stumble into conflict because of the President's misguided policies has never been higher. As dictated by the Constitution, the decision to take the Nation to war rests solely with the Congress. The Kaine resolution is an important step in preserving the constitutional role of Congress in matters of national security.

Some have argued that Congress should not debate the issues of hostilities with Iran. They claim that questioning the President's policies means one is not an opponent of the Iranian regime. I wholeheartedly disagree. Before being sent to war, our troops deserve to know that the Nation has determined the objectives of the armed conflict to be valid and worthy of their potential sacrifice. Our military men and women deserve to know that they have a clear mission and that they have the full backing of not only the Congress but also the American people whom we represent.

The administration not only owes the American people a transparent explanation for escalating conflict with Iran but also a credible strategy to conclude hostilities, if they occur, and ensure an enduring peace. As we have painfully experienced in Iraq and Afghanistan over much of the last two decades, securing the peace is no easy task.

I am also deeply troubled by the evolving and, at times, contradictory justifications offered by the administration for the killing of Soleimani. Even in a highly classified briefing to Senators following the strike on Soleimani, the administration failed to provide relevant details. There is simply no justification for refusing to

share intelligence with Congress that underpins the administration's assessment that Soleimani posed an "imminent threat" to Americans in the region. Determining imminence requires a careful and thorough analysis of both the immediate intent and the immediate capabilities of the enemy. The administration has not provided a sufficient response to the Senate on either point.

The President has repeatedly demonstrated a willingness not just to bend the facts but to indulge in outright fabrications. This behavior is particularly concerning and unacceptable when it may result in the deployment of troops into harm's way. Congress has a responsibility to demand and, if necessary, challenge the basis for assertions that could be used to take this country to war.

We must not repeat the mistakes that led us to war in Iraq in 2003. I voted against that conflict, in part because I believed it was an unnecessary war of choice and the Bush administration had not provided the American people with a sober assessment of the likely costs or the nature of the threat.

Going to war in Iraq took our focus off the priority effort to defeat al-Qaida and consolidate gains in Afghanistan, a decision that has contributed to our inability to secure the country in the years since. Once again, we are risking an avoidable conflict in the Middle East at the expense of our efforts to ensure the enduring defeat of ISIS and to place increased emphasis on the great power competition with China and Russia, in line with the National Defense Strategy.

Conflict with Iran is not a hypothetical proposition given the steadily escalating cycle of violence we have witnessed over the past 2 years, which has ultimately led to the outbreak of conventional military action between the United States and Iran involving the killing of Soleimani and Iran's retaliatory ballistic missile strikes in Iraq.

Iran has also announced that it will no longer comply with constraints placed on its nuclear program by the Joint Comprehensive Plan of Action, or the JCPOA, likely resulting in a reduction of the so-called "breakout" timeline for Iran to produce enough fissile material for a nuclear weapon. Meanwhile, President Trump has declared repeatedly that he will not allow Iran to acquire such a weapon. Absent capitulation by Iran or a change in course by the administration, the President appears to be creating a situation wherein his only option is military action when it comes to preventing Iran from acquiring a nuclear weapon. However, we have received no assurances that this administration would consult with Congress and seek authorization in advance if it believed it needed to take such military action. Congress cannot stand idly by as the President careens toward possible conflict.

The potential of conflict with Iran has already upended the priorities outlined in the President's own National Defense Strategy, led to the deployment of nearly 20,000 U.S. troops to the region in the last year, disrupted our operations against ISIS, and made Americans less safe.

The administration's ill-conceived approach has not worked, and the time has come to try real and sustained diplomacy rather than relying on blind faith in the power of coercion. I urge the President to change course and engage with our allies and partners with the goal of seeking a diplomatic solution to the current situation immediately.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### ORGAN ALLOCATION SYSTEM

Mr. BLUNT. Mr. President, Missourians and many of our closest neighbors waiting for the life-changing moment that happens when you have a liver transplant now have to have one more hurdle in the process that they have to go through to make that happen. There is a new, and I think terribly flawed, organ allocation policy.

Senator MORAN and I have really led an effort to slow this down. We have both been the chairman of the Health and Human Services Appropriations Committee. We understand how that agency is supposed to work and how some of these healthcare issues are supposed to be handled.

Frankly, I don't think either one of us think this one has been handled in the right way. With the policy we see today, nearly half the country is disadvantaged by a new policy that has been put in place.

It used to be that when someone donated a liver, those organs were matched with the transplant candidates, first at the local level, then regionally, and finally at the national level. It is my belief, and I think Senator MORAN's belief, that when you know your neighbors are going to benefit from that decision, you are more likely to make the decision that you want to be part of that organ donor community. In the neighborhood where we live and where the Presiding Officer lives, I think people have approached this in a pretty dynamic way, wanting to be part of that.

In Missouri, 17 percent of people are organ donors or at least willing to be organ donors. Other States in the Midwest and the South and, frankly, the rural parts of the country just simply have the highest donation rates of people who are willing to be an organ donor. That is not the case everywhere. In New York, for example, 32 percent of

people are organ donors. There is a big difference between 73 percent and 32 percent. I don't know how much of that difference relates to the fact that in Missouri and Kansas and Arkansas and other places, people look at this and they think: If I am willing to be an organ donor, then people I know—people whom my kids go to church with, go to school with, people we go to church with, people we see in the grocery store—have a better chance, if they have that crisis in their life, to benefit from it than others do.

On February 4, a new policy went into effect that will take livers that were specifically donated by Missourians and allocate them to other parts of the country. You will no longer know, if you are an organ donor, that the people who live closest to you have the greatest chance of getting that organ that you have been willing to donate. The change in liver allocation means that roughly 32 percent fewer liver transplants will happen in Missouri than will happen otherwise.

Senator MORAN is joining me here on the floor. We have both talked about this a lot. We had the group come into our offices. They are supposed to be making this system work. In Missouri, we have six transplant centers. We currently have 109 people on the transplant list—10 of them are younger than 18 years old—and they simply will not have as good an opportunity or likelihood to have a transplanted, lifesaving liver than they would have had before.

It is not just Missourians who suffer. As much as 40 percent of the country will see a decrease in what was available to them. In my view, this was not decided by transplant experts. Most of them have talked to us, in fact, about their concerns about having to transport—in this case again, livers—longer distances, having to take more time and expense to get that organ than they would otherwise.

It was decided by what appears to be an unaccountable government contractor—at least unaccountable to us. We have talked to them about this. We have been trying to make a case that makes sense and trying to make them not rush through this, but they did. The contractor in this case serves as the administrator of the organ allocation system and is the determiner of who gets the organ. It seems to me that there is a conflict there. Contractors held a contract for nearly 35 years. Again, it seems to me that competition might be a good thing here.

This policy became a policy without due process, without transparency, and I think without fully evaluating the consequences. I think it was rushed. In fact, even the Department of Health and Human Services—I will mention again, Senator MORAN and I have chaired their appropriating committee, and we shared our concerns on this. They failed to fully exercise the authority they had.

I turn to Senator MORAN now. I think we can do that based on how we asked

for this time. I join him as he talks about his concerns and my concerns. We had people come to us and talk about this and how important it is. I am glad to join him on the floor today.

I am disappointed for people in both of our States and in our part of the country, really, who are going to be disadvantaged by this new policy, where significant donors where we live are going to be having their donations sent to States where people simply don't sign up to be part of this process. If they did, there would have been no interest in changing the other system.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I rise to support the remarks of my colleague from Missouri, Senator BLUNT. I thank him for his leadership. He is in an important position as the chairperson of the Health, Education, and Labor Appropriations Subcommittee, which is responsible for appropriating funds to the Department of Health and Human Services. I serve on that subcommittee with him. He is a leader in so many ways.

I am so pleased that we are allies in this issue of life and death for Kansans and Missourians. To my colleagues on the Senate floor, it is really a life-and-death issue for many of your constituents across the country but particularly in rural areas, in the Midwest, and in the South.

The decisions that are being made have huge consequences that will affect families, individuals, and their lives today and for years to come. I express my concerns and my deeply held belief that the Department of Health and Human Services is failing to do its job. Their harmful actions will damage the liver allocation policy in this country in the way I just described.

The policy discussion we are having here today is important. It is important any day, but it is relevant since National Donor Day is this Friday, February 14.

I want to take a moment to thank those across Kansas and Missouri and around the country who have donated their organs to give that gift of life. Senator BLUNT is right. I think there is a tendency on the part of people to donate an organ knowing that somebody—maybe they don't necessarily know them, but somebody who might live down the street or live in the same community or live in the same State. There is a sense of community across this country that is being destroyed. The end result of that is there will be fewer donors donating organs for the lives of others.

These changes to the United Network for Organ Sharing's distribution policy will redistribute the organs from States and regions that have high organ donor rates to areas that have historically underperformed. This results in patients in Kansas and those in the Midwest and Southern States to wait a much longer time for the organ.

I have spoken on this topic on the Senate floor before, as this destructive

policy was pushed forward. I spoke in 2018. We are still here today. The lack of interest and concern exhibited by those involved in this process is appalling to me. I stand here today because of the outright refusal of the Secretary of Health and Human Services to halt the implementation of this damaging and unfair health policy that has not withstood examination by either medical experts or our Nation's judicial system. In fact, the U.S. district court has been forced to place multiple injunctions on the implementation of this policy last year as HHS tried to force this policy upon patients across the Nation, despite a lawsuit from a collection of our Nation's best transplant centers.

The organizations that are fully engaged in opposing this process are the people who transplant the organs to those who are in desperate need of it. They are the experts—the surgeons, the transplant centers in universities and hospitals across a wide swath of the country. HHS has ignored the initial injunction order and began to implement this harmful policy. They had to seek a second injunction in order for the injunction to be upheld. In explaining the court order, this district judge in the district of Georgia described the policy as “difficult and wrenching,” “creating profound issues and institutional disruption” and concluded that this policy will undoubtedly cause harm to patients, particularly those in rural areas.

There is also mounting evidence that the United Network for Organ Sharing and its CEO have acted in callous disregard for rural areas in the Midwest and South throughout the development of this policy. These are the same areas that have the highest donation rates and play an enormous role in the life-saving transplant system. The people who live there are the ones who are being harmed.

Those who are crafting and implementing this system continually disregard the evidence that shows these areas are already suffering under the suffocating weight of HHS's new policy. As I said before, this policy tosses aside all public concerns from patients, transplant surgeons, and hospitals on best practices to improve the availability of organs across the Nation. There is no reason to have a regional fight. There are ways to do this that benefit all regions of the country.

It also carries the risk of decreasing those organ donations that will then damage everyone. This limits availability and access to donated organs and damages the ability for major transplant hospitals—in the case of Kansas, the University of Kansas Hospital—to perform these services for patients.

This is particularly frustrating because dating back to December 2017, the board of the Organ Procurement and Transplant Network has approved an equitable liver allocation process that served the entire community's

best interest. This was a necessary policy reform that took years of consideration that would benefit the entire country, based on compromise by transplant experts, patients, and important stakeholders.

That policy was abandoned. We were assured when it was abandoned by OPTN and Health Resources—or HRSA—that public comments would be considered. That policy that took years to develop and involved the valuation of experts and a give-and-take in a process was overturned so easily. We were promised we would have the opportunity for those who have concerns about this policy to have input, and the reality of that fact is that was a lie. It was not true.

Many concerns made by patients, by transplant centers, by surgeons were never considered in OPTN's rushed process to finalize the policy. The reasons they were not considered was because of the overwhelming negative response that caused the entire comment system to completely shut down. People across the country commented on it with such frequency that the ability for the telephone system to log the input crashed. Of course, did OPTN wait until they could get those comments and consider them? No, they made the decision without that input. In fact, the president of OPTN has informed many commenters in the transplant community that their concerns over the new policy were not even read by the board that approved the policy.

So the many transplant hospitals, surgeons, and medical professionals who had deep concerns and took time out of their busy days to express them were never heard. They were ignored. These are the people who are tasked with saving lives through the transplants they perform each and every day. Yet their opinions were essentially deemed invalid. It appears that HRSA's and OPTN's making policy in such a reckless fashion has become the normal state of affairs.

Despite the continual efforts by Senator BLUNT and me to get Secretary Azar to review, to modify, to consider, to reconsider, or to put on hold this policy, we have had no success. Additional oversight is desperately needed to restore some semblance of common sense in the actions and policies that are being taken and deployed.

I am deeply disappointed in the actions by Secretary Azar, HRSA, OPTN, and UNOS. This process has been flawed from start to finish, guided by not what is best for the country but how best to sidestep a specific, single lawsuit. Organ procurement and allocation policy is too important to be decided in this fashion.

Secretary Azar, the University of Kansas Health System typically performs 8 to 10 liver transplants per month. Since this policy has been implemented under your administration, it has performed zero transplants. This is as a direct result of the policy. At KU Hospital, current estimates are

that it may take up to 6 months before it is able to provide another one of these lifesaving donation organ operations. Meanwhile, those on the transplant list in Kansas watch their wait times grow, and their hope begins to dwindle.

This is really a lot about hope, and it is about saving lives, but if you are on a list that continually grows longer while you are waiting for that organ, what a depressing, discouraging circumstance for you and your family.

Secretary Azar's policy is causing direct harm to the people of my State. It is time that he steps up and takes responsibility for the actions of his Department, which are causing real harm to patients.

These transplant hospitals from across Missouri and Kansas and elsewhere have written the President and Secretary Azar within the last 2 weeks and have asked for a halt in the policy until we have had time to let a judge decide the issues in the court case and also to make sure that we ultimately get it right.

I call on Secretary Azar to halt the implementation of this disastrous policy and save lives from being unnecessarily lost.

Again, I thank my colleague from just across the State line, from the home of the Kansas City Chiefs, for his support in this effort. He has a voice that has to be heard and that will be heard, and I am pleased to be allied with him in his concern for the patients in my State and for the patients in his own.

I yield to the Senator from Missouri.

Mr. BLUNT. Mr. President, this policy is shortsighted and wrong, and it was rushed to its implementation. There was no reason for any of those things to happen.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### OPERATION HOMECOMING

Mr. WHITEHOUSE. Mr. President, it is February 12, and I am here to remark on an anniversary and tell a story. It is quite appropriate that Senator LEAHY should be here on the floor with me because he is a great friend of Vietnam and has done great work in the U.S.-Vietnam relationship. We are about to be joined by Senator CARPER, who flew as a Navy pilot in Vietnam.

This story goes back to February 12, 1973. February 12, 1973, was the day that our POWs were freed in Vietnam. I told this story to DAN SULLIVAN when we were having dinner together a few months ago. He said: SHELDON, you should tell that story on the Senate floor and put it in the Senate RECORD. So, at DAN's suggestion, I am here today.

What happened on February 12, 1973?

Two things happened. The first was that the prisoners being held in North Vietnam were released at the Hanoi Airport and were delivered into U.S. custody, and that went quite smoothly. The North was organized, for the pris-

oners were there, and the planes were there. Our prisoners, who were released from North Vietnamese custody on that day—this one will look familiar to many of us here; he was our colleague John McCain—climbed aboard their aircraft and went to the Philippines for medical treatment.

Down at Tan Son Nhut Airport, in Saigon, things were a little bit different. Huey helicopters had been sent off to the rally point at Loc Ninh, where our helicopters were to pick up 27 American prisoners of war who had been held by the Vietcong, and that did not go smoothly. The helicopters took off. The military aircraft, with their hospital insignia, were waiting at Tan Son Nhut for our soldiers and Foreign Service officers to come out. Actually, the longest held POW in the group who was going out to the Tan Son Nhut Airport was a Foreign Service officer who had been held for more than 7 years. They were all waiting and waiting and waiting and waiting, and there were disagreements and uncertainties and suspicions. So the day on which the POWs were supposed to return and go to Tan Son Nhut wore into evening and then into night.

While everybody was waiting, there were some dignitaries there. This was the U.S. Ambassador to Vietnam at the time, Ambassador Ellsworth Bunker. This was the Deputy Ambassador. This was the first time a U.S. Embassy had two Ambassador rank officials. It was because the operation was so big in Vietnam. The Deputy Ambassador was a guy named Charles Sheldon Whitehouse, who was my father. Because he was there and because I was visiting—one of a very small group of dependents who was in Vietnam at the time—I was there. I was on the field at Tan Son Nhut during that long day as we waited for the prisoners to come out and as we tried to get intel on what was holding things up, on why the helicopters were not bringing them back.

The day became night, and they brought out huge klieg lights that lit up the field. I can still remember the bright insects flying around in front of the lights, against the dark sky, in the hot night, on the hot tarmac of the airport. We waited and we waited and we waited, and we did not know when this was going to happen or what had gone wrong.

Then, late into the night, we finally heard the familiar "toka, toka, toka, toka" coming—the sound of the helicopters—which every person who spent time in Vietnam during that conflict remembers very, very well. Pretty soon, they came close enough that you couldn't just hear them—you could see them. You could see the red belly lights flashing on the helicopters. What happened is something that I will remember always. Obviously, after many years like this, memories can fade a little, but I think I have this right because it struck me very much at the time.

The helicopters came in, and they hovered in a row over the airfield. Now,

anybody who knows helicopters knows that the easiest thing to do is to fly them forward. It is harder to hover the helicopter than it is to fly it forward, and it is harder to hover a helicopter near the ground, because of the variations in the ground effect, than it is to hover it up high. What is very hard, which shows a mastery of helicopter piloting, is to be able to hover low above the ground in traffic, with other helicopters around that are beating the air and making it difficult to stay in place. So here came these helicopters. They lined up, one behind the other, at a hover—maybe 4 or 5 feet off the ground. You could hear the whine of the engines, and you could hear the beating of the rotors. The air was all kicked up by the wind that they had put up, but those pilots held that position.

I have never spoken to any of those pilots, but I took it as their last salute to their prisoner-of-war friends as they brought them out to freedom and, ultimately, home. This was their way they could show their skills and salute these men who were coming home.

Then all at once—it must have been by a signal on the radio—all of the helicopters—and I remember maybe 8 or 10 of them—settled down at once to the landing. All of the skids hit the pavement. They all wobbled a little bit and then settled. The engines kept roaring for a minute. Then, on another signal, all of the engines shut off. You could hear them wind down, and you could hear the blades slow down, and you could hear the quiet fall over the Tan Son Nhut airfield.

Out of those helicopters came these spectral men—these pale, undernourished, often ill men. One had to be carried out on a stretcher. One of them was photographed while greeting Ambassador Bunker. How glad he must have been to have seen a U.S. Ambassador. I don't know that there has been any time in the history of the U.S. Foreign Service when anyone has been more happy to see a U.S. Ambassador than these men who came off those helicopters were to see our Ambassador of Vietnam and to know that they were on their way home. With Ambassador Bunker and my father was also Fred Weyand, who was the MACV commander—the overall commander—of U.S. Forces.

One of the legendary Vietnam reporters, named Fox Butterfield, wrote about this evening in a story in the New York Times, and he closed out the story in this way:

After the freed men had boarded the plane for the flight to Clark [Air Force Base], General Weyand put his arm around Gen. John Vogt, the commander of the Seventh Air Force. They stood looking at the [departing hospital] plane.

"It's the greatest day we've ever had in Vietnam," General Weyand said.

I had the chance to share that day. I had the chance to see what those remarkable helicopter pilots did in that final salute to their colleagues.

I thank DAN SULLIVAN for urging me to come to the floor and tell that story on this February 12 anniversary of their freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while the distinguished Senator from Rhode Island is still on the floor I recall that, just within the last year, I had the privilege of being on the lawn of our former Embassy in Saigon. I stood there with other Senators, Republicans and Democrats, and with officials from the State Department, and I was mesmerized as Senator WHITEHOUSE recounted what he had observed there a lifetime ago.

I think every one of us had the same reaction. We stood there and looked around. We could feel the helicopters, we could hear the helicopters, but of course we didn't see them. Mostly, I saw the face of my dear friend, the Senator from Rhode Island, and heard what he said. What he was saying ultimately showed his pride in being an American.

I thank Senator WHITEHOUSE for recounting that again.

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Mr. President, on another subject, last month the United States and Iran came frighteningly close to war. If any of Iran's missiles had killed American soldiers at those military bases in Iraq, President Trump would have reacted very differently and, most likely, without consulting Congress.

Rather than the self-congratulatory statements by the President who depicted the brazen, ballistic missile attacks against our bases that failed to kill any of our troops stationed there a victory, we could be in the midst of a calamity spiraling out of control.

Obviously, I think of the soldiers who have brain injuries from the attack, injuries that the President dismissed as minor headaches. Well, those who have actually served in the military and were not able to get deferments from serving know that an attack like that can produce lasting injuries.

This is the nightmare scenario we have to avoid. We have been on a path to war with Iran ever since President Trump recklessly abandoned the Iran nuclear agreement, with no credible alternative strategy. There was nothing to replace it.

Today, while the White House insists there is no need for the resolution we are debating because the danger is behind us, the possibility of war with Iran remains very real. As we saw only a month ago, we could again find ourselves on the brink of war with Iran at any time.

For too long, this President and previous Presidents have sent U.S. forces into hostilities without obtaining the consent of Congress, and the Congress has been a willing party. The Congress has abdicated its constitutional responsibility as the sole branch of government with the authority to declare

war. It has permitted the misapplication of open-ended and outdated authorizations for the use of military force.

The result is endless wars the American people don't support, at a cost of thousands of American lives lost and trillions of dollars spent that could have been far better used fixing problems here in our own country.

No one denies any President's right to act in self-defense, to respond to an imminent threat if reliable intelligence shows that such a threat exists. But neither is it credible to rely on an authorization for the use of force to remove Saddam Hussein—an authorization that was based on lies by the White House about nonexistent weapons of mass destruction—to justify attacks against Iran nearly two decades later.

Not a single Member of this body who voted for that use of force in 2002—and I did not because I had read the intelligence and knew the stories coming from the White House were not true. Not a single Member, though, who voted for that use of force can honestly say they could have imagined or intended that authorization for the use of force in Iraq would be used to justify armed hostilities against Iran so many years later.

A few weeks ago, a top administration official said it would be a mistake for the Senate to even have a debate about the President's war powers. He said it would embolden Iran's leaders if they saw that there are differences of opinion among us. Has he ever read a history book? Has he ever read our Constitution? He said it would be wrong for us to disagree on an issue as consequential as attacking another country, as though in the United States we should simply serve as a rubber stamp for the President.

That is so beneath the United States of America. That is so beneath our Constitution. It is so beneath the democratic principles we believe in, to be told by a top administration official that we shouldn't even debate an issue like this. As others have said, including Senators in the President's party, that is an insult, it is dangerous, and it belies a fundamental lack of understanding of Congress's role in this democracy.

Others, including the President, have falsely accused Democrats of sympathizing with Mr. Soleimani or even with the Ayatollah, both of whom are responsible for heinous crimes. That kind of baseless, partisan slander and fearmongering is what we have come to expect from this White House, but it belittles the Office of the Presidency, as does a statement from a top official that we should not discuss our disagreements.

But too many of our friends in the other party—unlike the way the Senate used to be—have remained mute. By saying nothing, they condone such reprehensible behavior. One can only wonder how they would react if the ta-

bles were turned and they were the targets of such despicable, *ad hominem* attacks.

Under the Constitution, it is our job, it is our responsibility to debate and vote, especially if it involves war and peace and the lives of our servicemen and women and their families.

I would make a suggestion to the President and to members of his Cabinet: Read the Constitution. And I would say to those in this body who too often ignore what the Constitution says: Read the Constitution. Think of the lives lost, the many more grievously wounded, the families destroyed, the millions of innocent people forced to flee the carnage, and the huge amount of tax dollars wasted because of that fateful vote in 2002. A vote based on false pretenses. A vote that made the world less safe. We can't afford to repeat that unforgiveable mistake.

This resolution, of which I am a co-sponsor, ensures that debate will happen, and that we will have another chance to exercise our authority under article I of the Constitution and do what is right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

VIETNAM

Mr. CARPER. Mr. President, our Presiding Officer, if I am not mistaken, is a veteran himself—I want to say Army. Navy salutes Army. Different uniform, same team.

I want to express my thanks to Senator WHITEHOUSE for his comments relating to the Vietnam war. I stand before you as the last Vietnam veteran serving in the U.S. Senate, with the death of John McCain.

I had the privilege of leading a bipartisan congressional delegation—three Democrats, three Republicans—back to Southeast Asia to try to find out what happened to our MIAs in 1991—Vietnam, Cambodia, Laos. One of the people with me in that delegation—amazing meetings we had with the brandnew leader of Vietnam, a Gorbachev-like character with whom we met during that visit. We carried with us to Southeast Asia on that trip a roadmap to normalize relations between the United States and Vietnam. Vietnam by that time was not North Vietnam, South Vietnam. Out of our meetings, we started something that went really well and led to normalizing relations. John McCain worked it here and John Kerry worked it here in the Senate. A bipartisan codel worked it in the House.

One of the members in the codel was a former POW—was Air Force, shot down over Vietnam, POW for 5 or 6 years—named Pete Peterson. He was a longtime friend and still is my friend. He became the first U.S. Ambassador to a united Vietnam all those years ago.

I know every time I run down to the Lincoln Memorial and I run back to the Capitol, I run past the Vietnam

Memorial with the names of 58,000 brothers and sisters with whom I served all those years ago.

So I want to express my thanks to Senator WHITEHOUSE for raising up our colleagues, my brothers and sisters, as he just did.

CLEAN ECONOMY ACT OF 2020

Mr. President, I rise today with a message to our colleagues and to this world we inhabit: Climate change has become the greatest threat to our planet. There are others, but this is the greatest.

This image right next to me was designed by climate scientist Ed Hawkins. From left to right, these are called warming stripes. In fact, this work of art is called “Warming Stripes.” It visualizes our planet’s annual average temperature from 1850 over here to 2018 over there, going from deep blue to a brilliant orange and red.

What this design fails to capture is just how menacing these rising temperatures have been and will continue to be for our planet and what this means for all of us who inhabit this planet today and will in the years to come.

Our rising seas are already at the highest levels ever recorded. Our Nation’s leading scientists have warned us that if we fail to start seriously reducing carbon emissions now, by the end of this century, we may well witness sea levels rise another 6 feet. I am 6 feet tall. Another 6 feet of sea level rise puts a large part of the United States and, frankly, other nations around the world underwater—underwater. The east coast and west coast won’t look like they do today.

For America alone, that would result in an estimated \$3.6 trillion—that is trillion with a “t”—\$3.6 trillion in cumulative damages to our country’s coastal properties—think gulf coast, west coast, east coast, Great Lakes—\$3.6 trillion in cumulative damage to our country’s coastal properties and infrastructure over the next 70 years.

I might add that the Flood Insurance Program for our country is, the last time I checked, billions of dollars and maybe tens of billions of dollars underwater, in the red, already.

While global temperatures warm, ice caps melt, and sea levels rise, we also know that the extreme weather we are witnessing throughout the world is not going to get better. It is going to get worse. The devastating hurricanes and typhoons, torrential rains and catastrophic floods, the heat waves and drought-fueled wildfires will only become more dangerous and more disruptive to our economy and to our lives. Let’s take a look at one of the places where that happened just last month.

This is a real picture from Australia. It is not a movie; it is a real picture. This is Australia.

The world watched in horror last month as bushfires scorched millions of acres of forest in Australia—an area the size of my native State of West Virginia. At least 25 people died in those

bushfires, including 3 American firefighters. Experts initially estimated that 500 million animals died in those bushfires. More recently, that was doubled to 1 billion animals—1 billion, in 1 country.

Meanwhile, our country has been no stranger to tragedy and devastation caused by wildfires—including fueled by drought and heat—like those that continue to plague the State of California. Scientists tell us that by 2050, we could face wildfire seasons that burn up to six times more forest area each year than today. I will say that again—wildfire seasons that burn up to six times more forest area each year than today.

If we do nothing to address carbon emissions, the extreme weather events we are experiencing now will pale in comparison to the devastation that lies ahead.

Last year, some 13 agencies across the Trump administration released a report that predicted that the United States could see climate-related losses of up to half a trillion dollars by the end of this century—half a trillion dollars.

If we do nothing, the effects from climate change could slash up to 10 percent of our gross domestic product by the next century—more than double the losses of the great recession. How much is 10 percent of our GDP? More than double the losses of the great recession.

This is something provided to us I think by the United Nations and called U.N. Warning. In order to avoid the most catastrophic impacts of climate change, the world’s leading scientists have warned us that we need to limit global warming to no more than 1.5 degrees Celsius—a 1.5-degree increase in Celsius, period. To do that, humanity would need to collectively reduce greenhouse gas emissions to net zero by the middle of this century. Right now, we are not on track to meet that goal. I wish we were. We are dangerously close to losing our only shot.

As the latest United Nations annual “Emissions Gap Report” made clear, collective global efforts to reduce greenhouse gas emissions are falling short, and time is running out.

If we want to avoid the most catastrophic impact of climate change, we need to step up. We need to step up our game.

This is a chart that indicates the countries that are not in the Paris accord. It looks like—I am looking at all these countries here, and I see only one country, ours, that is in red. Ours is the only country today that is not in the Paris Agreement.

The climate crisis is one that can be solved only by everyone who shares in the plan working together as one. That is why nearly 200 nations came together in common cause to implement the Paris Agreement and why they are working together to find solutions to the climate crisis, but instead of leading the world in this fight, America stands alone.

We know the EPA already has the authority and tools to reduce greenhouse gas emissions, but under the Trump administration, EPA’s policies have been used to increase harmful emissions, not decrease them. President Trump is putting America in the slow lane while much of the rest of the world races toward a global clean economy.

President Trump claims Americans must choose between a healthy economy on one side and a healthier planet on the other side. In the words of a good friend of mine, that is malarkey—or in the words of President Trump, that is—fill in the blank. Come up with whatever you do.

Choosing between environmental progress and economic growth is a false choice. On the one hand, we do face a very real choice, one that was made clear in the U.N. report released this past December. We either act now on climate change or we “face the consequences of a planet [that has been] radically altered by climate change.”

I say let’s choose to save our one and only planet, planet Earth, and I say it is time for the United States to once again lead the world in this fight.

The next chart we are going to take a look at is something called the Clean Economy Act, which we introduced yesterday with over 30 cosponsors. I introduced with my colleagues—33 of them, actually—legislation that will put the United States on a path to achieve net zero emissions by 2050. The Clean Economy Act heeds the call for bold climate action while fostering economic growth that is fair for everyone.

The Clean Economy Act empowers the EPA to use the authorities and tools already at its disposal to reach net zero greenhouse gas emissions by no later than midcentury, 2050. This is the quickest way we can jump-start governmentwide climate action, by empowering agencies to use the tools they already have.

The Clean Economy Act builds upon successful climate programs in States, cities, and private companies, and ensures that economywide climate change actions continue regardless of who sits in the Oval Office. Our legislation sets important guardrails to make sure all Americans reap the benefits as we move our country toward net zero emissions.

Here are just three examples of those protections. The Clean Economy Act minimizes costs. First, EPA must maximize greenhouse gas reductions while minimizing costs to consumers and providing regulatory flexibility to industry.

Our next floorchart shows that the bill prioritizes environmental justice. Under our legislation, the EPA must consider and protect frontline communities. We know climate change disproportionately affects impoverished and disadvantaged communities. More often than not, these communities are downwind from dangerous pollution,



located near industrial facilities or factories, or located in areas that are already experiencing flooding and extreme weather fueled by climate change. This legislation will prioritize input from and investment in those communities.

Our next chart on the Clean Economy Act prioritizes American workers. The Clean Economy Act focuses on American competitiveness and on the American worker. Our legislation compels EPA to use American workers, domestic materials, and strong labor standards to get the job done—relying on our country's talents to get to net zero emissions no later than 2050—no later than 2050. The Clean Economy Act also requires EPA to work with other Federal agencies on programs to protect and uplift communities and workers displaced or dislocated by our transition to a cleaner economy, such as in places like West Virginia where my sister and I were born.

This legislation will not come at the expense of jobs or economic growth. Moving toward a clean economy will drive innovation and create millions of new jobs here at home. The Clean Economy Act is about realizing our true economic potential, potential that under this administration, sadly, has gone untapped. The Clean Economy Act hits what we call the sweet spot between organized labor, business community, and environmental group support.

I just want to thank the many organizations that helped us in crafting our bill, the Clean Economy Act, including the Environmental Defense Fund, Moms Clean Air Force, the League of Conservation Voters, NRDC, Environment America, the BlueGreen Alliance, and the Utility Workers. I also want to thank the organizations that joined me yesterday in unveiling this legislation, including the United Steelworkers, Sierra Club, the National Wildlife Federation, and CERES.

To say the least, it is disappointing that President Trump has decided to abandon the tremendous economic opportunity to create millions of clean energy jobs. There are already 3 million. Sadly, for the folks in West Virginia and Wyoming and other places, they lost a lot of coal mining jobs. The country is down to about 65,000 coal mining jobs, but folks who can be trained to mine coal can be trained to create windmill farms off of our coast. Folks who have the skills to mine coal have the ability to create corridors of fueling stations for hydrogen and natural gas and to create charging stations for electric-powered vehicles in the heavily traveled corridors across our country.

Part of what we tried to do in this legislation is to make sure that we looked out for those workers and to help make sure they have a place to go and ways to support themselves and their families while at the same time having clean air to breathe where they call home.

I think it is shameful that our President has forsaken our country's leadership in this fight for our one and only planet for the sake of misplaced political gain. That abdication of leadership will be a dark, indelible stain on his legacy, but while President Trump may not be up for the climate challenge, our colleagues and I are here to say to the world that the majority of Americans are ready for that challenge. We have faith in American innovation. We have faith in American workers to take on this climate fight and win. The Clean Economy Act will put the United States on a path to once again lead the world in the fight against climate change while lifting up America and American workers.

This bill corrects our President's failure to lead on this issue and directs the EPA and other agencies to move swiftly to address this serious problem for the good of our planet and for the strengthening of our economy and creation of even more new jobs.

Famed economist John Kenneth Galbraith once said these words:

All of the great leaders have had one characteristic in common: it was the willingness to confront unequivocally the major anxiety of their people in their time. This, and not much else, is the essence of leadership.

That is worth repeating. All of the great leaders we have had share one common characteristic, and that is the willingness to confront unequivocally the major anxiety of their people in their time. This, and not much else, is the essence of leadership. I am Tom Carper, and I approve that message.

The Clean Economy Act is our message to the rest of the world about climate leadership. The United States is preparing to once again lead the fight against this climate crisis. America, let's roll.

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. UDALL. 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. CARPER. Madam President, I am sorry. Will the Senator from New Mexico please yield?

Mr. UDALL. The Senator from New Mexico will yield.

Mr. CARPER. Thank you, Madam President, and I thank the Senator for yielding to me.

Madam President, former Senator and Vice President Joe Biden was blessed with many wonderful staff members over the years, and one of them was John DiEleuterio.

I would like to take just 3 minutes to mention him. He just passed away. He was a giant in the State of Delaware and also served in the military.

REMEMBERING JOHN M. DIELEUTERIO

Madam President, I rise today on behalf of Delaware's congressional dele-

gation, Senator CHRIS COONS and Congresswoman LISA BLUNT ROCHESTER, in tribute to John M. DiEleuterio, a dedicated public servant who proudly served our State and country throughout his long career and life.

John was what I call a happy warrior—in the military for many years and in his service to the people of Delaware. He supported a multitude of nonprofits that focused on helping people in need. He was a person who loved people, and they loved him just as much.

John exemplified what it means to be the “go-to person” to get things done. His relationships and friendships with people throughout our State enabled him to get things done with speed and dispatch and, I would add, with a sense of joy.

John's persistence and innate ability to work a room and make connections, his strong work ethic and ever-present sense of humor was the core of what made John so successful. His impressive career included serving as State director—and you know how important our State directors are in New Mexico, Delaware, and Tennessee. He was State director for then-Senator Joe Biden, his longtime friend and former University of Delaware classmate. They were classmates together for a number of years.

His service included more than 30 years of combined service as a decorated officer in both the Delaware and Maryland Army National Guard. He had an impressive career for over 26 years with the Campbell Soup Company as their vice president of human resources.

In addition, John gave freely of his time serving all kinds of community groups, including serving on the board of the Delaware Military Academy, a blue-ribbon public high school. He served on the board of Freedoms Foundation at Valley Forge, the Leukemia Society of America, the U.S. Service Academy Selection Committee, the Cavaliers Country Club, St. Anthony's Communion Committee, and New Castle County Ethics Commission, among others.

He was equally committed to his family, including his wonderful wife Marlene for 30 years, their children and grandchild, and the many friends he made along the way, and they are legion.

So on behalf of Senator CHRIS COONS and Congresswoman LISA BLUNT ROCHESTER, I am privileged to rise today to evoke the name of our dear friend John DiEleuterio. People from many walks of life loved serving with him, loved being with him. I am certainly one of them. The people of Delaware and our country are very fortunate to count John as a fellow Delawarean, and it is a far better place to live and work because of his stewardship.

I will close with the words of another beloved Delawarean who used to say this: If you want to be happy for an hour, take a nap. If you want to be happy for a week, take a vacation. If

you want to be happy for a lifetime, help people. Think about that. I will close with the words of another beloved Delawarean, who used to say this to us and to me: If you want to be happy for an hour, take a nap. If you want to be happy for a week, take a vacation. If you want to be happy for a lifetime, help people. That is exactly what John DiEleuterio did his whole life. He helped people. I said earlier he was a happy warrior. Boy, he was, and we are going to miss him. Thank you for allowing me to add these comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

S.J. RES. 68

Mr. UDALL. Madam President, thank you for the recognition, and I very much appreciate Senator CARPER talking about the wonderful, young employees whom we have around us and the young people who come here who are dedicated and work, and we have some great ones on the committees. I see Mary Frances back here behind you, and I have Matthew Padilla over here on my right. There are so many great young people that just come to Washington or live in Washington, and they are really dedicated to see that we do a good job. It is wonderful to hear you talk about that young man.

I rise to affirm the Congress's constitutional authority to declare war and to support the War Powers Resolution before us. The chilling events of last month bring into stark relief why this resolution is absolutely needed. The President brought us to the very edge of war with Iran by his attack on its top general.

We must pass this resolution because, even if the President does not respect the plain words of the Constitution, the Members of this body should.

Look at this chart here. Here they are, clear as day: The "Congress shall have power . . . to declare War." The Congress alone has the power to declare war. The President does not.

I did not come to this view recently. I held the same view under President Obama's administration. I spoke up against his plans for airstrikes in Syria, and I voted against an authorization for those airstrikes in the Senate Foreign Relations Committee. So, whether you support war with Iran or not, I urge every single Member here to stand up for our Constitution and to vote for this resolution.

Last month, as we were on the brink of war with Iran, the whole Nation and the whole world watched on edge, braced for conflict, bloodshed, and terror. Yet, to this day, this administration has not provided a serious justification for the strike on General Soleimani. The administration claimed the 2002 authorization for use of military force against Iraq justified the strike, but the AUMF, which I voted against, authorizes force "against the continuing threat posed by Iraq," not any threat posed by Iran. That author-

ization was passed in 2002, and here we are, 18 years later, and it is being specifically used to get us into another conflict.

The administration claims Soleimani posed an imminent threat to U.S. troops, diplomats, and citizens, but the administration gave no convincing evidence to the Congress or the American people that an attack from Iran on U.S. interests was imminent or that the killing would have stopped such an imminent attack.

During the Senate briefing, when we asked questions trying to get real answers about the evidence and why they didn't seek congressional approval, the administration wouldn't answer our questions. One Republican Senator, at the briefing that we had from administration officials, called that briefing the "worst" briefing he had ever had. He said it was "insulting and demeaning."

While the President claimed on Twitter, without evidence, that Iran had targeted four U.S. Embassies, his own Secretary of Defense disavowed that claim. We come to find out that the operation was planned months in advance and was even broader than General Soleimani. That is not a response to an imminent threat. That is an unauthorized and thus unconstitutional act of war.

In the end, the President all but admitted the attack was retaliatory, not defensive, when he tweeted that any justification for the strike "doesn't really matter . . . because of [Soleimani's] horrible past."

This President has misled the public on many things, big and small. It is clear that he will mislead us on the most consequential matters we face—war and peace. He cannot be entrusted with the sole power to risk lives of American troops in war, and he does not have that power under our Constitution.

The President's strike took us to the edge of an unauthorized war, but we didn't get here overnight. The President's unilateral decision to withdraw from the Iran nuclear agreement in May of 2018, combined with his disastrous maximum pressure campaign, destabilized the region. Since we pulled out of the nuclear agreement, the President dramatically increased the number of troops in the Middle East, despite his campaign promise to do the opposite.

Between May and December of last year, the President deployed an additional 15,000 troops to the Middle East. Days before the strike on Soleimani, he sent in 1,000 more Army and Marine troops. Post-strike, he sent 3,500 more troops. In response to our strike, Iran withdrew from the nuclear agreement's limits on the production of centrifuges, uranium enrichment, and research, decreasing the time for Iran to acquire enough fissile material for one bomb.

The Iraqi Parliament voted to oust U.S. troops from Iraq, which could lead to an increased ISIS presence. We have

refused to leave the country, setting up a conflict with our ally Iraq.

Our strike pushed the Iraqi Government and the people of Iraq closer to Iran and unified the Iranian people against us just as protests against the Iranian Government were sprouting up. The region is still a powder keg, and we just don't know when and where Iranian proxy forces will attack our troops.

Finally, worst of all, Iran launched a missile attack against U.S. troops in Iraq, risking American lives. While I am grateful no one was killed, I am anguished that more than 100 of our soldiers suffered from traumatic brain injury from the attack. While the President said he doesn't consider their injuries serious, I agreed with the Veterans of Foreign Wars, who asked the President to apologize for that callous remark. The President's insults to injured servicemembers is appalling, and his injury to the Constitution is deeply troubling.

We have a President who claims he doesn't need congressional approval to go to war with Iran. He has actually said that, under article II of the Constitution, he has "the right to do whatever I want as President." That sounds like a claim of total unlimited power. That isn't what our Constitution was about.

The Founders of our Constitution would be shocked to hear that and even more shocked to learn that Congress refuses to act to assert its power. The Founders rejected the notion that the President alone should have the power to send the country into war. They believed it unwise to vest the President—one person—with that power. So they vested that decision with the people's representatives, to make sure that any war would have broad-based support.

That decision makes as much sense today as it did 230 years ago. It is our job, as the representatives of the people, to decide whether to go to war. The American people do not want war with Iran. Yet, even if you disagree with the overwhelming will of the American people, the issue before us is not whether you would support war with Iran or not. The issue is whether we are going to uphold our oath to support and defend the Constitution.

The War Powers Resolution before us exercises that constitutional prerogative, ending hostilities unless Congress authorizes it. This President is fully capable of starting a war without getting congressional approval or even without consulting with us. He has already proved that.

The stakes are too high. We cannot wait until the next time he orders a strike he can't justify with consequences no one can predict. We cannot wait until the next time he gambles with American soldiers' lives. Now is the time to set straight the boundaries, not only for this President but for future ones as well. Now is the time to vote for this resolution and to send the President a message that there is

no support in Congress for an unconstitutional war of his own making.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Madam President, I come to the floor today to add my voice to the debate on the system of checks and balances that are essential to and that define our very democracy. I am here, in no small part, because of a series of events that unfolded slowly over 40 years, and then, with a sharper tempo, near the end of last year, culminated in a strike by U.S. forces on January 3 that killed General Qasem Soleimani of the Quds Force of the IRGC of Iran.

That precipitated a series of briefings and debates here among Senators and with our constituents in the country, and, today, after an important 51-to-45 vote to proceed, we are debating this measure. This measure is S.J. Res. 68, from Senators Kaine, Durbin, Lee, and Paul, to direct the removal of U.S. Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

I want to simply make a few observations today about the importance of the war making power and the role of Congress.

In my view, we are at a critical inflection point in our Nation, one where history will question whether we served our Nation or served more partisan or parochial aims.

To be clear, I do not seek or want a war between the United States and Iran. I think our best path forward is a multilateral, several-nations-coming-together initiative to deescalate rising conflict between the United States and Iran, with so many—tens of millions of people—displaced from their homes around the world from conflicts ranging from Syria and Yemen, to the Democratic Republic of the Congo, to the Central African Republic. There is conflict in many places in our world, and our country has seen what happens in the absence of effective diplomacy.

But I came to the floor today really in no small part because, in the group briefings that happened after the strike that killed General Soleimani, a number of points were made that I think deserve to be addressed.

One, a suggestion was made by one participant that simply debating whether the authorization for the use of military force that was adopted by Congress back in 2001 or 2002—simply debating whether that authorized this strike and simply questioning whether this strike should be authorized and future actions authorized by this Congress would weaken the morale of our troops and would send a signal to our enemies and adversaries of a lack of resolve by our Nation, and so we in Congress should simply allow the President, under article II, which gives to him, the Commander in Chief, responsibility, to simply exercise the overwhelming capabilities of the United States and our tremendous Armed

Forces to keep us safe and to push back on our adversaries.

I don't think anything could be further from the truth. I actually think it strengthens our democracy when we engage in a robust and vigorous debate on this question. I actually think showing that we have confidence in our Constitution and that we in the Senate realize that, over decades, we have gradually allowed our central role in authorizing war to be weakened—that retaking some of that role is, in fact, showing confidence in our democracy.

Let me be clear up front. I support the men and women of the U.S. Armed Forces, and I have great confidence in their ability to carry out their mission. I am clear-eyed about the threat that Iran, the Islamic Republic of Iran, poses to our interests, to the region, and to the world. As one of the world's great state sponsors of terrorism, as one of the great sources of instability in the region, as a country that for 40-plus years has been genuinely opposed to much of what the United States believes in and tries to do in the region—I am clear-eyed both about supporting our troops and about the threat posed by Iran. But if we are to do right by the men and women of the U.S. Armed Forces, whom we ask to go around the world and to serve us and to sacrifice for us and to keep us safe, we can do no less than to ask whether we are sending them with the full support of the American people.

This S.J. Res. 68 begins with a simple but important finding: “Congress has the sole power to declare war under article I, section 8, clause 11 of the United States Constitution,” and “Congress has not yet declared war upon, nor enacted a specific statutory authorization for the use of military force against . . . Iran.” That makes a simple point.

Previous administrations of both parties have overused the authorizations for the use of military force passed here in 2001 and 2002. An overwhelming majority of the currently serving Members were not present for the debates that led to those authorizations, and the fact patterns and circumstances that led to their being adopted have long since passed into history. So if we in this Chamber are to exercise our responsible role, we shouldn't simply let the President take the responsibility and possibly the blame for the conduct of war overseas; we should take that responsibility back on ourselves.

In 2001, Congress authorized the use of force against al-Qaida and associated forces based on the deadly strike against the United States and our territory that happened on 9/11 but did not authorize the use of force against Iran. In 2002, Congress did the same against Saddam Hussein's Iraq, which is one of Iran's greatest enemies, then and now. So, frankly, I think to suggest that either of these former authorizations for the use of military force, or AUMFs, authorize this action goes way beyond its scope.

I have heard from hundreds of constituents at home in Delaware about their rising anxiety and concern, and I have heard from many both currently serving and formerly serving that we should do our job, that Congress has a role, and that we need to debate and demand a strategy from this administration and a path forward that we can articulate and defend.

We are in a scenario now where the possibility of military conflict between the United States and Iran is entirely foreseeable. President Trump has drawn a line in the sand, much as his predecessor did, and said: We will never let Iran have a nuclear weapon.

With the United States having withdrawn from the Iran nuclear deal, the JCPOA, and with Iran and our European allies increasingly further and further apart on their conduct and with Iran restarting centrifuges and restarting enrichment, it is not an unforeseeable moment that, whether weeks or months or years from now but quite possibly months, a team from the senior ranks of our military will go to the President and say: Here is a range of options. That might include striking Iran. That is a fact pattern that requires Congress to have provided authorization.

Yes, I recognize there are exigencies, there are emergencies, there are moments when the President must take action to authorize our Armed Forces to strike in order to defend our troops and to defend our interests at home and abroad, but this entirely foreseeable scenario—one which we should all be working to avoid but which is foreseeable—is exactly why I am supporting the bipartisan resolution introduced by Senators Kaine and Lee.

The Senate must take back its responsibility for authorizing our Armed Forces to protect us overseas, and we need to show clear-eyed support for our Armed Forces and for the path forward.

President Trump, like all Presidents before him, does not have the authority to wage war without consulting this Congress. And Democrats and Republicans are concerned about this administration's apparent indifference toward Congress and its critical role in deciding matters of war and peace.

The House has just passed two measures to restrict the President's war-making powers. The Senate needs to have that same debate, that same discussion, and needs to take up and pass this resolution.

This is how our system of government works best—through respectful disagreement, through thoughtful, informed debate, and through votes in both Chambers to express the will of the American people.

Let me close by saying this to servicemembers whom I meet in Delaware and to many more serving around the country and around the world: War should be our last resort.

If diplomacy should fail in this case or others, I will insist our administration produce a clear strategy and a

mission for our troops that our service men and women can accomplish and that our Congress provide our military with the resources and authorities they need.

We are blessed with a system of democratic governance that challenges us in times when stakes are highest to rise to the occasion and to earn our place in the history of this democratic Republic. We do that by reaffirming our faith in our Constitution, including article I, which gives to this body the responsibility to weigh vital decisions of war and peace.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, debates between the executive branch and Congress over the power to conduct war is not a new topic, but in many ways, I think this debate has been blown out of proportion. A lot of this has to do with the decision made by President Trump, with the advice of his advisers, to eliminate one of the worst terrorists in the Middle East, Qasem Soleimani, who was plotting to burn down the American Embassy in Iraq and also threatened the lives of American troops—to take him off the battlefield. This is clearly within the President's authority under the Constitution. It really isn't a matter of whether Congress needed to give him the authority to do that.

I think we all agree that the President, as Commander in Chief, has to have his constitutional authority to defend American lives and American interests when Congress doesn't have the time—and we don't have the time—or is, frankly, not built for speed when it comes to addressing threats to national security like that.

We do have a shared responsibility, but primarily the responsibility of the Congress can be exercised through our appropriations authority. We could literally cut off the funds that the executive branch would use to conduct operations if Congress sees fit.

If this resolution succeeds, it will tie the Commander in Chief's hands while the threat posed by Iran and terrorist organizations, like the Iranian Revolutionary Guard Corps, the IRGC, and the Quds Force that was headed by General Soleimani, remains high.

Actually, I think the President should be congratulated. Former general David Petraeus said that what the President did by taking Soleimani off the battlefield reestablished some level of deterrence. In other words, if you are going to be stepping into the shoes of the head of the Quds Force and the IRGC to lead terrorist attacks against the United States and our allies, you are going to have to think twice before you do that because you might end up in the same condition that General Soleimani did. Reestablishing deterrence is very, very important because when our adversaries sense weakness, it is a provocation and an invitation to

attack America and our allies and our interests.

Again, I know some of our friends were upset that General Soleimani was taken out by a drone strike, but he was one of the most consequential military leaders in the Middle East and was directly responsible for the deaths of hundreds of American servicemembers, training Shia militias and others in the war in Iraq, providing them with improvised explosive devices. Actually, they are designed so they literally will melt through armor like a hot knife through butter. That all came from Iran and resulted in the deaths of hundreds of American servicemembers.

When a successful mission carried out by U.S. forces finally brought an end to Soleimani's reign of terror, our colleagues couldn't even acknowledge the President's decisive action and that it undoubtedly saved lives. My mind immediately went back to, how did Republicans and Democrats act when President Obama directed the raid that took out Osama bin Laden? We didn't draw partisan lines. We didn't say: Well, he didn't have the authority to do that, so we are going to come back to Congress and tie his hands for the fight in the War on Terror. We didn't do that. The reaction is like night and day between the operation directed at taking out Osama bin Laden and the operation that took out General Soleimani, the head of a terrorist organization from a country that is a leading state sponsor of terrorism in the world.

As I said, I strongly disagree with the claim that President Trump's actions were outside his authority or that he should have come to Congress and sought congressional approval before acting.

You may remember what Congress was doing while the President was having to deal with this. The House was voting on Articles of Impeachment, and then the Senate had to conduct a trial of these Impeachment Articles. Obviously, it failed, but it took up time, where we literally could not have dealt with this emergency action and an opportunity to take a world-class terrorist off the battlefield.

This was clearly not only within the President's constitutional authority, but it was also his duty to prevent and stop threats against the United States, including those posed by the Iranian regime and their allies and the Shia militias. One of the other individuals who died in the attack directed at Soleimani was leader of the Shia militias in Iraq, had been plotting the destruction of the U.S. Embassy there and perhaps even a hostage situation, like we saw in 1979, but also plotting attacks against American servicemembers there assisting the Iraqi people in trying to rebuild their government and provide them a means to govern themselves safely and to eliminate the terrorist threat.

Passing this resolution would limit the President's authority to defend

American servicemembers against imminent attacks and would place our troops further in harm's way. So I will vote against the resolution, and I would implore our colleagues to do the same.

I know that, in an era of Trump derangement syndrome, anything that the President is for some people are reflexively against, and I think this falls in that category. Again, I don't question the motives of Members of Congress in wanting to make sure that the shared powers that Congress and the President have under the Constitution to wage war—I don't question their motives in trying to find the appropriate balance, but here I think we stepped across the line, literally, to try to tie the President's hands as a punishment for conducting a fully authorized operation against one of the world's worst terrorists, something we should applaud rather than condemn.

#### VIOLENCE AGAINST WOMEN ACT

Madam President, on another matter, over the last year we have witnessed unprecedented foot-dragging, political gamesmanship, and downright obstruction by our Democratic colleagues in Congress on a number of bills. They have derailed the appropriations process. They have knuckle-dragged during important trade negotiations. They have held up things that used to have common support, non-partisan support—things like the Debbie Smith Act.

Of course, the Debbie Smith Act was designed to fund the testing of untested rape kits. This had been an area of broad bipartisan consensus that should be nonpartisan, but we saw the House of Representatives dragging their feet in order to gain leverage against the Senate for months, and they allowed the Debbie Smith Act to expire, along with potentially threatening the funding used to eliminate the rape kit backlog.

The latest tactics have now been deployed, if you thought that was about as low as things could get. The latest tactic is to weaponize the Violence Against Women Act. This is more than a 25-year program, and it is at the forefront of our commitment to support victims of domestic violence and sexual assault. Until recently, it always had been high above the political fray.

The first time this program came up for reauthorization, there were disagreements over some aspects of the bill, but we were able to work together and reach a compromise. That is the only way anything gets done around here—bipartisan compromise. But when it came time to reauthorize the Violence Against Women Act last year, some in the House and some in the Senate saw an opportunity to score political points—not solve a problem, not reauthorize a program we all agree is important and necessary. They saw it as a political weapon. They allowed VAWA, or the Violence Against Women Act, to get caught in the crosshairs of a funding debate and insisted that we

should not fund that vital program because it was overdue for updates.

Well, let me be clear. Both sides agree there are things we could do to improve the Violence Against Women Act, and that is what our colleague from Iowa, Senator ERNST, has been leading on our side. But this “my way or the highway” legislative strategy isn’t the approach that is designed to get anything done, and vital funding for victims of domestic violence and sexual assault should never, ever be used as leverage to gain political advantage.

Though our colleagues allowed the authorization of the Violence Against Women Act to expire, thankfully, saner heads prevailed. It did receive record funding levels last year, but that doesn’t mean we are in the clear. We need to figure out a long-term solution that will reauthorize this important program. As the Presiding Officer knows—as we all know—there has to be an authorization bill and then funding to meet the terms of that authorization. We need both.

Last fall, we thought we were making good progress. As I said, Senator ERNST spent months working with the bipartisan group of Senators, including Senator FEINSTEIN, the senior Senator from California, trying to work on a compromise. Before these negotiations could be completed, Democrats got up and left the negotiating table and headed straight for the TV cameras and held a press conference condemning Republicans for not falling into line on their partisan bill.

Well, what was the big news at the press conference? Not that a deal had been reached or that negotiations were making progress. The Democratic leadership marched up to the microphone and said they would be introducing a near replica of the House’s partisan bill, which doesn’t have the support needed to pass it in the Senate. During the press conference, one of our colleagues, the Senator from Hawaii, even conceded five times that the bill was going nowhere, proving that our Democratic colleagues had no intention of introducing a bill that could become law.

If this sounds familiar, if you have seen this movie before, well, that is because we went through the same exercise back in 2012 and 2013. Our Democratic colleagues used this issue to attack Republicans up for reelection for not supporting their partisan bill at that time, after they chose not to negotiate in good faith for a bipartisan bill.

So I think that is what is happening again. They are not interested in reauthorizing the Violence Against Women Act. If they were actually interested in solving a problem, we would solve the problem and get it passed, but they would rather have the issue that they can use in their campaigns for November and show contempt, frankly, for the people who would benefit from passing the Violence Against Women

Act and turn this into purely a partisan issue.

I believe that our colleague from California, Senator FEINSTEIN, wants to get a bipartisan bill done. I have worked with her a number of times on a number of pieces of legislation. She is a good partner to work with on the other side of the aisle. I know her commitment to continue negotiating with Senator ERNST is genuine, but, frankly, I don’t think she is pulling the strings on the Democratic side.

I think our colleague, the Democratic leader, is the one preventing negotiations here, because his main goal, as we have seen through the impeachment circus and elsewhere, is to become the next majority leader, and he thinks this is the best weapon the Democrats can use to beat Republicans running for the Senate in 2020.

How shameful is that? How degrading and disrespectful is that to the people who would benefit from the passage of a consensus, bipartisan Violence Against Women Act?

I can only hope that cooler heads will prevail and that our colleagues across the aisle—but, principally, the Democratic leader—will just quit weaponizing this dispute over VAWA and return to the negotiating table. Until then, we will keep working on a bill that could win the support of folks on both sides.

Senator ERNST produced such a bill, an alternative to the bill produced by the Senate Democrats, and I am proud to cosponsor that legislation. Overall, this bill sends more funding and resources to the victims of sexual assault and sexual abuse than does the Democrat bill, and it authorizes the program for twice as long. That is critical to protecting the Violence Against Women Act from the kind of partisan games that we are seeing played out today, and it gives the Department of Justice the stability it needs to plan for the future, because it is the Department of Justice that hands out the grants to the various organizations that provide aid and comfort to victims of sexual assault.

While this increased funding would be a welcomed victory for the program, it is only part of what sets this bill apart. It goes further than other reauthorizations by addressing a number of horrific crimes that are being committed against women and girls in our country. Sex trafficking, for example, is not always recognized as a form of sexual assault, and this bill would change that.

It also enhances the maximum criminal penalties for sexual abuse of minors and other vulnerable groups. It takes aim at heinous crimes like mutilation and addresses crimes in rural areas and on Tribal lands.

This bill also takes aim at relatively new threats, like when abusive images and videos are posted online. It will empower victims of this kind of abuse to remove the content from the internet by using copyright takedown authority.

Unlike the Democratic bill, this legislation includes provisions of a number of bipartisan bills that have been introduced by our colleagues in the Senate. One example is a bill I introduced with Senator FEINSTEIN called the HEALS Act, which would remove some of the hurdles that exist between victims of domestic violence and safe housing. One of the toughest things for a victim of sexual violence and sexual assault is finding a safe place to live. This provision that Senator FEINSTEIN and I have included in Senator ERNST’s version of the Violence Against Women Act reauthorization includes greater flexibility for transitional housing so survivors can get back on their feet without fear of losing the roof over their head or exposing themselves to their attacker.

The Violence Against Women Act is a lifeline for countless survivors of domestic violence and sexual assault, and we need to come together to reauthorize this critical program. The bill introduced by Senator ERNST includes a range of bipartisan proposals to strengthen the Violence Against Women Act without the poison pills being offered by the Democrats’ version. I can only hope that our colleagues on the other side of the aisle will return to the negotiating table and work with us to finally reauthorize the Violence Against Women Act. This is simply too important to use as a partisan bludgeon during the runup to the 2020 election.

We need to address the problem. We need to solve the problem applying the 80-20 rule. If you can agree to 80 percent of it, let’s get it done, and we can save the 20 percent we don’t agree on for another day and another fight, and not hold victims of sexual violence at risk, as the status quo currently does.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Maryland.

**MR. VAN HOLLEN.** Madam President, I hadn’t planned to say anything about the Violence Against Women Act, but given the remarks from my colleague from Texas, let me just say that the bill that passed the House last year is here in the Senate. While it is true that it did not have a majority of Republican House Members supporting it, it did have Republican votes in the House. It expands protections under the Violence Against Women Act, and, like many bills that passed the House, it had very broad support.

It is sitting right here in the Senate, along with legislation that requires universal background checks to reduce gun violence, along with legislation to get secret money out of politics and make sure we refresh our democracy and reduce barriers to voting, along with many other bills, including a long-overdue increase in the Federal minimum wage.

I would suggest that the best way to find out whether or not it, in fact, has majority support here in the Senate is to let us vote on it, and anyone who

wants to vote against it, obviously, has a right to do so. It might well surprise us and pass here, and then we would have addressed a very important issue.

S.J. RES. 68

Madam President, I am here today specifically to talk in support of the joint resolution offered by Senator Kaine of Virginia that directs the President to remove U.S. Armed Forces from hostilities against Iran without an authorization from the Congress.

The Framers gave Congress, and Congress only, the power to declare war. As James Madison noted, “the history of all governments demonstrates that the executive is the branch of [government] most interested in war and [therefore] most prone to it.” The Constitution “has accordingly with studied care, vested the question of war in the legislature”—meaning in the Senate and in the House of Representatives. The Framers did that because they didn’t want one person—and one person alone—to be able to make such a momentous decision for the entire country.

They wanted to have a clear check on the President’s ability to send our sons and daughters into harm’s way.

The text of the Constitution cannot be more clear. Article I, section 8 states: “The Congress”—not the President—“shall have Power . . . To declare War.”

The resolution before us is equally clear. It reaffirms Congress’s power and “directs the President to terminate the use of United States Armed Forces for hostilities against the Islamic Republic of Iran or any part of its government or military, unless explicitly authorized by a declaration of war or specific authorization for the use of military force against Iran.”

That is what the resolution says. I hope my Senate colleagues see this resolution for what it is: a clear and important reminder to the executive branch of the power granted to Congress by the Constitution. The much tougher votes would come on questions of whether to authorize military action in Iran or any other circumstances. This resolution is a simple reaffirmation of our solemn duty to make these decisions.

Whether or not we agree with President Trump’s approach to Iran or the decision to strike Iranian General Qasem Soleimani, we should all agree that any decision to go to war should be made by Congress, not by the President alone.

The President’s ability to protect the United States and our forces from an imminent threat—or any other power granted to the President as Commander in Chief—cannot, and should not, be a blank check, not for this President, not for any other President.

Why are we here at this moment, discussing this important issue? Because just a short time ago, we almost stumbled into a war with Iran. And make no mistake, the tensions may not be playing out on our TV screens today, and

they may not be making headlines at this particular moment, but it is still a very dangerous and volatile time. The pot is still boiling, and unless cooler heads prevail, it could boil over at any moment. We cannot allow that to happen. We must not fall into another unnecessary war in the Middle East. Certainly, no one should take the United States to war without a full debate in the U.S. Congress and a vote in the U.S. Congress.

How did we get here? The Trump administration came into office with one organizing principle to undo everything the Obama administration did: Undo the Affordable Care Act; get rid of the Paris climate agreement; and, of course, get rid of the agreement to prevent Iran from obtaining a nuclear weapon.

Reversing the policies of a previous President is a campaign slogan; it is not a strategy for the national security of the United States. In the case of Iran, the Trump administration put nothing realistic in its place.

The fundamental idea behind the nuclear agreement with Iran was simple and realistic. It recognized that Iran is a malign influence in the region. But it also recognized that a nuclear-armed Iran engaged in malign activities in the region is even worse. If our strategy could contain the Soviet Union, we could also apply a similar strategy to Iran.

The agreement to prevent Iran from obtaining a nuclear weapon, known as the JCPOA, came from a deliberate strategy and painstaking negotiations to unite key powers—powers that are often in disagreement—allies, competitors, and adversaries, including Britain, France, Germany, the European Union, China, and Russia.

Together, we created and enforced a truly global sanctions regime to bring Iran to the negotiating table to reach an agreement. It was that unity and pressure that succeeded in reaching the agreement to prevent Iran from obtaining nuclear weapons.

It was working. Under the agreement, Iran committed to dismantling large sections of its nuclear infrastructure, to severely limit its production of uranium and plutonium, and it agreed to an intrusive, around-the-clock international inspections. It was compliant with its obligations under the nuclear agreement, and we were succeeding in pushing back Iran’s so-called breakout time—the time it would need to build a nuclear weapon. Even this administration agreed with the international community that Iran was complying with the agreement. There was no need to beat the drums of war.

Then comes the Trump administration, with many of the same people who got us into the unnecessary war in Iraq, and they took a different path. Instead of working to build on the agreement to prevent Iran from obtaining a nuclear weapon, they tore it up. They alienated our allies who, even to this day, are still working to salvage that agreement.

Instead of building on the progress we had made, President Trump launched a campaign of what he called maximum pressure, which has resulted only in total failure.

Secretary Pompeo made 12 demands of Iran as part of the maximum pressure strategy, and the administration has not achieved any of them—not a single one. Instead, faced with increased economic pressure, Iran predictably lashed out. Instead of dialing down its malign activities in the region, it has intensified. Tensions have increased.

Without any endgame or any sign that this administration will negotiate in good faith—any sign of that—Iran has no incentive to change course.

It is long past time that we have a strategy that recognizes simple political geography. We must recognize Iran has a strong hand in Iraq. They are neighbors. They share a long border. They are both majority Shiite countries. Nothing we can do here will change those facts.

Instead of recognizing realities on the ground and smartly countering Iran’s natural advantages in the region, this administration’s policies actually strengthened Iran’s hands. In short, it has taken a bad situation and made it much worse. In this very combustible mix, a single spark can ignite a war. That almost happened just a very short time ago. We were on the brink.

We learned recently that the original action that set off the sequence of escalation may have been based on a mistake. A rocket fell into an Iraqi military compound where we had U.S. Forces providing some training and took the life of an American contractor in Iraq. The Trump administration claimed that the rocket was fired by an Iraqi militia force backed by Iran. Just very recently, Iraq—our ally Iraq—says that the rocket may have been fired not by Iranian-backed militia but by ISIS. We don’t know because the administration hasn’t shared any of that intelligence with us.

Acting on what may have been a false assessment from the start, we then saw a series of escalatory acts. Then, when things appeared to be cooling down, the President ordered the strike against Iran’s top military leader while he was visiting Iraq.

I think all of us know that no one in this Chamber is grieving the death of General Soleimani. He has lots of blood on his hands. Make no mistake, killing him has not weakened Iran’s hand in Iraq in the long term; it has strengthened it. There have been growing calls in Iraq to expel U.S. Forces, including a vote by Iraq’s Parliament, and increasing pressure to throw all U.S. Forces out.

What was Soleimani’s main objective in Iraq? What is Iran’s main objective in Iraq? To get rid of U.S. Forces there. So, in death, Soleimani has gotten closer to his goal of throwing out U.S. Forces than he did in life. That is not

a strategic success for the United States by any definition.

The administration justified its attack against Soleimani on the grounds that he posed an “imminent threat.” At least that is what they said at the beginning. Since then, we have heard a lot of other rationales. They used that particular expression because it has a very specific meaning under international law, and it was the only legally justifiable rationale for ordering the execution of Soleimani.

The problem they have is that it just isn't true. Soleimani was a very bad guy. He had blood on his hands. But it is not true that he posed an imminent threat under the definition that is applied in the use of force.

We know this because while the Trump administration took a very long time to do it, when they finally provided the Senate with the classified briefing on the situation, it was clear the evidence did not support the claim of an imminent threat. In fact, the information proved the opposite was true.

We have been here before. We have seen what happens when administrations manipulate intelligence or mischaracterize intelligence, which is closer to the case we are looking at now—mischaracterizing intelligence in order to justify a particular course of action.

In the case of Iraq, President Bush, Vice President Cheney, and many other members of that administration were determined to go to war to “remake” the Middle East. They searched for pretexts. They embraced a source called Curveball. They cherry-picked the intelligence to justify their predetermined plan.

We know the end of the story. We know the end of that story. Their claims that Iraq possessed weapons of mass destruction were fake, but the toll of the Iraq war was very real.

The cost in blood and treasure were nearly 4,900 American lives lost, and counting; tens of thousands wounded, and counting; \$2 trillion spent, and counting. The amount we will spend caring for those who bore the battle, and their families, will not be fully known for decades, if ever. The death toll of Iraqi civilians is not precisely known but is certainly horrific.

The biggest winner from the war in Iraq was Iran—Iran—that had fought in an almost 9-year war against Iraq and was able to take advantage of a weakened Iraq. It just goes to show the many unintended consequences of action not thoroughly thought through.

Before we get into another war in the Middle East, whether by design or by miscalculation, let's come to our senses. A war with Iran would do incalculable harm to the United States and to people throughout the Middle East. It will result in huge loss of American lives and the lives of thousands of other innocent people.

That is why our Founders did not put the power to take our country to war

in the hands of one person. They did not empower the President to take our Nation to war. President Trump has said that article II gives him “the right to do whatever I want as President.”

We know that is not true. We know that is not what the Constitution says. We know that the Framers vested the power to go to war in this Senate and the House of Representatives, and they did it for a reason.

For goodness sake, let us not betray our constitutional duty. Let us, at the very least, have the courage to assert the powers the Constitution entrusts in us.

I yield back the time.

The PRESIDING OFFICER (Mr. CRAMER). The Senator from Utah.

Mr. LEE. Mr. President, I rise today to support my colleague, Senator KAINE, in support of this resolution before us, a resolution that would prohibit the United States from conducting offensive military strikes against Iran unless or until some time as Congress may authorize it.

This is how security policy in our constitutional Republic is supposed to work. It is how decisions like these are supposed to be made. Congress authorizes the use of military force and the President—as Commander in Chief—directs the military as it undertakes the effort to complete its missions.

This arrangement gives the American people the best of both worlds—a deliberative, representative legislature to declare war and a single, decisive Commander in Chief to lead the troops.

Unfortunately, Congress has not upheld its end of this responsibility. Our system of checks and balances—while very beneficial to the American people and while giving us the greatest opportunity to protect our freedom, our liberty, and our system of government—imposes a degree of rigor and accountability on Congress, which its Members, unfortunately, sometimes are inclined to shirk whenever possible. This trend has sadly gained momentum for decades, and it has done so under Presidents, House of Representatives, and Senates of every conceivable partisan combination. Now, nearly two decades into multiple wars without clear missions or paths to victory, it is time for Congress to reassert, on behalf of our constituents, our vital constitutional role in American warmaking.

Before addressing the merits of this particular resolution, let me first dispel two very mistaken assumptions being made about it.

First, it is not about defying President Trump. Quite to the contrary, this resolution supports President Trump and his particularly deferential approach—one that defers to the American people, one that accepts, at the outset, the fact that we can't fight wars all around the globe in perpetuity, and we certainly can't and shouldn't do that without the consent of the American people and that of their elected representatives in Congress. Indeed, on this issue, President

Trump is the most restrained and the most Constitution-minded Commander in Chief we have had in decades. I believe he is the most restrained and Constitution-minded Commander in Chief we have had in my entire lifetime. He is exactly the kind of partner Congress needs in order to get the Constitution's warmaking process back on the rails—back on the same rails that were designed in 1787.

Second, this resolution is not about condemning the strike against General Soleimani last month. After all, the strike against Soleimani worked. He was an enemy of the United States, with the blood of hundreds of Americans and thousands of Iraqis, Syrians, and even other Iranians on his hands. Everything we know about him and his work of terror confirms that he was planning to kill again and to do so soon.

Rather, what this resolution is about is Congress reclaiming its rightful powers to restore accountability and consensus to this most grave of all public policy decisions that we, as Members of Congress, are asked to make.

I understand why Members of Congress are OK with pretending to be pundits on matters of national security, cheering the troops when things go well and attacking the President when they don't, but we are not just political pundits on cable news shows. We have a job to do based on an oath that we took right here in this Chamber to uphold and “protect and defend the Constitution of the United States.”

In order to enable the President of the United States to do his job correctly, we have to be willing to do ours. You see, this is part of the evil design of the military industrial complex to convince Members of Congress, first and foremost, that they don't have to and shouldn't want to put their name on the line when it comes to war power. This unfairly puts the blame and the accountability all on the President of the United States. That is wrong.

Just as importantly, it disconnects the American people from their elected representatives here in the Senate and in the House of Representatives from a process that really could put not just American treasure but also American blood—the blood of their own sons and daughters—on the line. That is not right.

The Founders could not have been any clearer about this. That is especially true when it comes to the greatest Founder of them all. Remember when the Miami and Wabash Indians attacked Americans north of the Ohio River between 1791 and 1794, President George Washington carefully confined his military operations to exclusively defensive measures. “The Constitution,” Washington wrote, “vests the power of declaring War with Congress, therefore no offensive expedition of importance can be undertaken until after they shall have deliberated upon the subject, and authorized such a measure.”

Our first President, George Washington, was a humble man, and he was a modest man. One of my favorite paintings in this entire building can be found in the Capitol Rotunda, where you see George Washington handing his commission back to the Continental Congress. This at the moment when he had ascended the apex of power; this at the moment when he was the most respected, well-known person, certainly, in the Western Hemisphere, possibly in the entire world; this at a moment when, in any other land and any other point in world history, George Washington was in a position to become a Monarch, a King, he chose not to be. He said right then and right there: not on this soil; not on my watch. I am handing my commission back to the Republican institution that employed me to begin with.

So, yes, he was a humble man, and he was a modest man, but this wasn't just an act of humility or modesty; it was duty. He understood that he had taken an oath to uphold, protect, and defend the Constitution of the United States. As President, he would not deviate from it because he had taken an oath that he wouldn't.

Under the Constitution—whose drafting President Washington oversaw before he was President of the United States, while he was President of the Constitutional Convention and to which he swore an oath of office later—the power to direct war would reside in him as President of the United States as Commander in Chief, but the power to declare war resided exclusively with Congress.

This was, of course, very different than the form of government that we had left just a few years prior to that. Under our previous system of government, the one based in London, the Parliament had no role in declaring war. Declaring war was up to the Executive, the Monarch, the King. The King could—and in many instances would and did—take the country to war. It was the job of the legislative branch of government, of the Parliament, to figure out what to do about it, how to fund it, and where to go from there, but it was up to the King and the King alone to take us to war.

This, Alexander Hamilton explained in Federalist 69, was exactly the kind of system we didn't want. It would be up to Congress in the first instance to declare war. Congress and Congress alone would have this power. Why? Well, because it is the branch of government most accountable to the people with the most regular intervals. When the American people are called upon to put their own blood and treasure—their own sons and daughters on the line in the name of safety, security, freedom—nothing else can suffice but a vote in Congress. George Washington understood that.

Donald Trump understands that today, and to his great credit, President Trump has followed this standard. He has countered recent Iranian ag-

gression through economic sanctions. They are working, and it appears that Iran is standing down. Tehran has already had to cut back support for international terrorist organizations and its nuclear program, and its oil exports are plummeting. Iran's economy has been crippled, contracting by almost 10 percent. The Iranian people know it is the fault of their own government, their own government officials. Tens of thousands of Iranian protesters have taken to the streets to protest their own government, even knowing that such action may lead them to injury or imprisonment or even death.

Even the New York Times has admitted that the Iranian regime is losing the will to confront the United States. There may be a pathway to peace and prosperity for the Iranian people through sanctions relief and trade if the Iranian Government is willing to cease its support for radical Islamic militant organizations and abandon its pursuit of nuclear weapons and ICBMs.

Until then, the United States, under President Trump's leadership, will maintain maximum pressure through sanctions and defend the United States from any further attacks.

I stand firmly behind President Trump in this course of action, and like President Trump, I believe that we ought to avoid war if we can. After nearly two decades of military entanglement in Iraq and Afghanistan—much of which was fostered by Department of Defense bureaucrats deceiving Congress and misleading the American people, as we have recently tragically learned—the last thing we need is another aimless, protracted conflict in the Middle East. The other last thing we need is to have such a conflict occur without Congress even authorizing it.

In any event, war with Iran is currently neither warranted nor consistent with our strategic interests. To be very clear, under this resolution, the President would retain all of his authority as Commander in Chief to take defensive measures against active threats to U.S. persons, assets, and the homeland, including our Armed Forces abroad and our diplomats in U.S. Embassies, even without a declaration of war or authorization for the use of military force. Such power inheres and resides in article II. He already has that power. Nothing in this resolution can or would or even attempts to undermine or erode that power.

However, even when defensive measures are conducted, the administration should share the justifying evidence with Congress. This, you see, is how this inherent tension between, on the one hand, the congressional war declaration of power in article I and, on the other hand, the article II power that the President has as Commander in Chief. This is how they are held in balance. It is for that information-sharing process to be ongoing.

As a separate branch of government—the branch with the constitu-

tional prerogative over the power to declare war—we are not required to simply accept an administration's talking points as a matter of faith, especially after almost two decades of deception in Afghanistan. Intelligence-sharing ensures that Congress can appropriately determine whether it should or should not provide the administration with further authority to conduct offensive military force.

The intelligence so far shared with Congress on recent actions taken against Iran has fallen short, but my main concern with the briefing that I called the "worst" that I had ever witnessed on military matters in my more than 9 years in the Senate was that we were given no indication, whatsoever, that any ongoing offensive action against Iran would occur with consultation and authorization from Congress. This was inexcusable.

This was, moreover, not the President's approach. It was not something that would have occurred in the President's presence. It certainly is not something that would have been communicated by the President, himself, because this is not how Donald Trump operates. That briefing was not the President's fault. That briefing was the fault of individuals who decided to go off on a detour of their own, forgetting whom they represent. Worst of all, in that briefing, it was suggested that engaging in public debate, discussion, and deliberation about further military action in Iran—in other words, precisely what we are doing right here and right now—would somehow empower our enemies and undermine the morale of our men and women overseas. This is as false as it is insulting to the American people and demeaning to the constitutional framework to which each of us has sworn an oath. It is contrary to our very form of government.

Constitutionally separated powers, exercised with accountability to the people via checks and balances, are precisely what makes the United States strong. Bowing to the politicians' impulse to avoid responsibility and subvert our constitutional duty—that is what empowers our enemies and undermines the morale of our Nation.

Whether the United States sends our young men and women into harm's way, yet again, is on us—not to cheer or jeer but, rather, to decide and stand accountable for. So, of course, that decision ought to be made at the end of a very public debate that requires not only our attention but our contributions and, ultimately, our assent. Our names have to be on the line if we are going to offer up our fellow beings to stand in harm's way.

For too long, Congress has deliberately and in a very cowardly manner shrunk from its constitutional responsibility for its own narrow, selfish, shallow, political interests. Yet, by taking itself out of the process of debating and declaring war, Congress has taken the American people out of the process, and that is simply unacceptable.



It is time to turn the page.

Osama bin Laden is dead, and so are the 9/11 terrorists. General Soleimani is dead, and Iran is weakened and isolated. Saddam Hussein is dead and has been out of power for a generation, and Iraq is a sovereign nation that can and should dictate its own course. We now face new challenges. Our priorities have rightfully changed, and they must.

While this resolution speaks only to offensive action against Iran, I believe it is time to repeal the 2002 AUMF and bring our troops in Iraq home. It is also time to repeal the 2001 AUMF and bring our troops in Afghanistan home. That is a question that we can and should address in this body.

In the meantime, we as a body and as a nation should at least agree that there is no justification for further military action in Iran in the absence of a new authorization for use of military force or a declaration of war by Congress.

This resolution is consistent with the President's desire to keep us out of excessive, unnecessary, and especially undeclared, unconstitutional wars. It is consistent with the vision of our Founding Fathers, who sought to make it harder to enter into war by the requiring of express consent from a bicameral legislature, and it is consistent with the conviction that the American people, whose sons and daughters lay down their lives to defend us, should get a say in this matter.

President Trump wants to make America great again. I stand with him. The military-industrial complex wants to make America Great Britain again, and I stand strongly against the military-industrial complex. Making America Great Britain again would include such things as giving the executive the power and keeping the legislative branch out of the power of declaring war. That is wrong. That is not what our Constitution allows. It is not even what President Trump wants. We need to support this resolution.

#### COMMEMORATING UTAH WOMEN'S SUFFRAGE

Mr. President, on February 14, 1870, a remarkable thing happened in Utah—something that changed the course of history not just in our State but in our entire Nation.

Seraph Young, a 23-year-old schoolteacher, became the first American woman to cast a vote in a political election under an equal suffrage law. It was a moment that both followed and preceded a long line of remarkable contributions from Utah women—women who have pioneered and led in our State and in our Nation.

Take Mary Fielding Smith, the wife of Hyrum Smith, who was one of the early leaders of The Church of Jesus Christ of Latter-day Saints. After Hyrum was murdered, the resilient widow followed in Brigham Young's footsteps. She took her children and led a group of pioneers across 1,300 miles of wilderness into the West.

Through a combination of faith and grit, she braved treacherous weather, a massive buffalo stampede, and a myriad of hazards and successfully led the entourage to a settlement where they could build a new life and live in freedom.

Other Utah women continued to blaze trails, and Martha Hughes Cannon stands out among them. At a time when women rarely went to college, Martha aspired to be a medical doctor. She earned a degree in both medicine and pharmaceuticals. A skilled public speaker, she also earned degrees in oratory and public speaking, which gave her four degrees by the time she was 25 years old. In the late 19th century, she quickly became a leader in Utah's burgeoning women's suffrage movement, and she put her speaking skills to good use.

At a large suffrage meeting in 1889, held at Temple Square, she argued:

No privileged class either of sex, wealth, or descent should be allowed to rise or exist. All persons should have the [same] legal right to be the equal of every other.

In the first year that women could vote and run in a Utah election, Martha ran as a Democrat for one of the five State Senate seats. She even ran against her own husband. She became the first woman to be elected as a State senator either in Utah or in any other jurisdiction in the United States, and she went on to sponsor many successful and influential legislative proposals. All the while she was in public office, she continued to run her private medical practice and raise her three children.

It is, indeed, fitting that we will soon be installing a statue of this extraordinary woman here in the U.S. Capitol Building.

Fast-forward to today, when Utah women are continuing to carry the banner of public leadership and service.

We have Ruth Watkins as president of the University of Utah; Astrid Tuminez as president of Utah Valley University; Noelle E. Cockett as president of Utah State University; Denece Huftalin as president of Salt Lake Community College; and Beth Dobkin as president of Westminster College.

We have Gail Miller, philanthropist and entrepreneur, who took over the ownership of the Utah Jazz after Larry, her late husband, died. She took over his other companies as well. She has led the team and companies with exceptional grace, dedication, and success and has helped their philanthropic arm champion education, homelessness, and family causes. We also have Carine Clark, president and CEO of Banyan, who is forging paths in Silicon Slopes and Utah's tech community.

In all different capacities and in all different fields, Utah women are continuing to make invaluable contributions in our State and in our Nation. These women have offered and continue to offer much needed gifts to their families, communities, schools, churches, businesses, and governments.

When Martha Hughes Cannon spoke before a U.S. Senate committee about the success of women's suffrage in Utah, she said: "The story of the struggle for Woman's suffrage in Utah is the story of all efforts for the advancement and betterment of humanity."

As we approach the 150th anniversary of Seraph Young's groundbreaking vote and as we enter the centennial year of the 19th Amendment, it is only fitting that we honor the legacy of these remarkable women and all they have given to my State and to our country.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Maryland.

S.J. RES. 68

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to support S.J. Res. 68, which, as I understand, we will be voting on tomorrow. It is a resolution that was introduced by Senator Kaine. I acknowledge Senator Kaine's longstanding commitment to the U.S. Senate's and Congress's carrying out our constitutional responsibilities as they relate to the authorization for use of military force, which rests solely with the Congress of the United States, and we have a responsibility to speak as to that authority.

In the last Congress, with Senator Flake, there were efforts in the Senate Committee on Foreign Relations to try to bring us together in regard to the passage of an AUMF, the authorization for use of military force, because we had seen successive administrations using our military without their having authorization from Congress.

S.J. Res. 68 is aimed at one specific conflict for which we can come together, and I am optimistic that we will be able to act on this resolution. It deals with the use of force in Iran. It is very specific as to say that, unless explicitly authorized by a declaration of war or a specific authorization for use of military force against Iran, there is no authority to use our military against Iran.

Now, certainly, for legitimate reasons, the President can use force to defend us from an imminent attack. That is, certainly, how I think all of us perceive the authorization for use of military force from Congress needs to be qualified. In the case of an urgent situation, the President can, in fact, act.

Why do we need this resolution passed now?

I need not tell my colleagues that there is a heightened sense of tension between the United States and Iran. It has been building for some time—certainly, with the U.S. military action in which General Soleimani was killed. He was the leader of the Quds Force in Iran, and he was taken out by our U.S. military. That has presented a heightened tension between the United States and Iran.

Congress has the sole responsibility to commit our troops to combat. It is in article I, section 8 of the Constitution that Congress has the power to declare war. This is not a decision made

by the President; it is a decision made by Congress. Our Founders were very concerned about having the appropriate balance between the executive branch and the legislative branch. It is called checks and balances. We did not want a monarchy. We wanted to make sure that there was sufficient support before war was declared; that it was in our national security interest; that the Congress and the President and the American people were all together in the effort if we were going to initiate war against another country; that the use of the military should always be a matter of last resort; and that we should always exhaust diplomacy—that we should always exhaust other means before America initiates war against another country or the use of military force.

This authority that rests in Congress was tested in the Vietnam war. The Gulf of Tonkin Resolution was passed by Congress at the early stages during the Vietnam conflict to give the President the authority to use force to defend our military against attacks coming from Vietnam. It was never intended to lead us into an act of prolonged war, but, as we know, it was used by successive administrations for maintaining a prolonged war in Vietnam. I think historians would agree that this was an abuse of the interpretation of authorization and that the Gulf of Tonkin Resolution was never intended for offensive military operations in Vietnam. Yet it was used for that purpose.

In 1973, Congress took action to make sure this would never happen again. It passed what is known as the War Powers Act. Now, the War Powers Act was passed in a strong bipartisan vote by both the House and Senate, and it was vetoed. Congress overrode the President's veto because we knew that it was our responsibility to commit our troops to battle.

What does the War Powers Act require?

First, it requires consultation by the President with Congress, in every possible instance, before our committing troops to war. That is the exact language in the War Powers Act. There are consultation requirements. Then there has to be reporting within 48 hours of American troops being sent into hostilities or into situations in which imminent involvement in hostilities is clearly indicated by the circumstances. Third, the War Powers Act requires an end to foreign military action after 60 days unless Congress provides a declaration of war or an authorization for the operation to continue an authorization for use of military force, an AUMF.

Why do we need S.J. Res. 68 if we have the War Powers Act?

Like Vietnam, now in Iran, the President is usurping the constitutional powers of Congress by saying he has certain authorities that go well beyond what was intended in the Constitution or in the War Powers Act.

Let me get to General Soleimani for one moment. He was killed on January 2, 2020, in Baghdad. There is no sorrow over his loss. He was an evil person who caused the death of so many different people. He was clearly a person who is not missed in this world. That is absolutely accurate.

But President Trump's actions violated all three of the provisions of the War Powers Act that was passed in 1973 to try to prevent this type of circumstance that happened in Vietnam from happening again.

Now, why do I say all three? Well, first, was there an imminent threat that allowed the President to make this decision without congressional authorization?

Well, we have been through a classified briefing, and I am not going to talk about what was presented in that classified briefing, but I think it is fair to say that we were not presented with the documentation at all that there was an immediate threat against America.

The President has not made that case, and we have heard public comments that have been made by administration officials that they did not know about specific threats at that particular time.

So, one, the War Powers Act was violated because there was not an imminent threat before the President used military action.

No. 2, we now know that this had been planned for some time as one of the potential operations that could have been given to the President to respond to Iranian action; that is, taking out General Soleimani. So there was plenty of time to consult with Congress, but yet, before the military action, there was no prior consultation with Congress—a second violation of the War Powers Act.

Then, third, congressional notification and removal of troops within 60 days. The President has not submitted nor does he intend to submit to Congress an authorization for use of military force or a declaration of war against Iran. He clearly does not intend to do it, but he has made it clear by his own statements that he will use force again against Iran if he believes it is justified, and his determination of justification is not what Congress intended when it passed the War Powers Act in 1973.

Even more urgent, the President claims that he has authorization from Congress. So the President, through his lawyers, has said: Well, OK, maybe we don't have the inherent power, but we have specific authorization that has been previously passed by Congress that allows us to use military action against Iran.

So let me go through the two authorizations that are still active and used by Presidents.

First, we had the authorization to use military force that was passed in 2002. This is the authorization that was passed to go after Iraq.

Now, I must tell you I voted against this authorization. I thought that there was no evidence that Iraq was involved in the attack on our country on September 11, 2001. I didn't think there was evidence of that so I opposed that resolution in the House of Representatives when I was a Member of the House of Representatives. That resolution says the use of force to defend the national security of the United States against the continuing threat posed by Iraq. We are talking about Iran, not Iraq. How could the President conceivably use the 2002 authorization to claim that he had authority to go after an Iranian general? I don't understand that. I can't figure that out for the life of me, but that argument has been made.

Then we have the old fallback of the 2001 AUMF that was passed immediately after the attack on our country on September 11, 2001. That authorization was passed "to use all necessary and appropriate force against those nations, organizations, or persons that planned, authorized, committed, or aided the terrorist attack that occurred on September 11, 2001."

Now, this has been used by many administrations so it goes back well before President Trump in the misuse of the 2001 authorization.

Iran was not involved in the attack on our country in 2001, 9/11. So how do you use this authorization to say you have authorization now to take out a general in Iran or use force in Iran? It is clear to me that that is a total misreading of the authority of Congress. Congress never intended, when they voted for that authorization now 19 years ago—almost 19 years—that it intended that it would be used as it is being used today. That is a total misuse of the authorization by Congress.

So in regard to Iran today, there is no AUMF; we have not passed authorization for Iran; the President has already shown that he will act and will not comply with the War Powers Act; and he is likely to use force again that could lead to a lengthy military engagement with Iran. That is a possibility.

So we need to pass S.J. Res. 68 because it is specific—it is specific to Iran—that there is no congressional authorization.

And just as importantly, if the President wants to use the military, he must seek prior authorization from Congress as is envisioned in the Constitution of the United States. It gives the President the power to protect us against imminent threat.

As for good reason, Congress has the constitutional powers here. My generation paid a very heavy price because of the Vietnam war in the way that we got into the Vietnam war without the voice of the U.S. Congress giving the specific authorization. Let us not cede our responsibility under the Constitution or allow the President to exceed his.

I urge my colleagues to support and vote for S.J. Res. 68.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, when the Senate begins its debate, as it has been doing today on the War Powers Act, in considering this resolution, we are considering whether to do our duty to the Constitution.

The debate over war powers is bigger than any one Senator, bigger than any one President, and bigger than any political party. The debate over war powers is a fundamental constitutional debate, and the Constitution and our Founding Fathers were clear: The power to declare war lies in the legislature.

Madison put it this way: The executive is the branch most prone to war. Therefore, the Constitution, with studied care, vested the power to declare war in the legislature.

Yet we have increasingly deferred and delegated the war powers back to the executive. We have abdicated our role as the body that should be deciding with the people when to go to war.

While the President may have the power to repel an attack, Congress has done little to stop increasingly bold arguments that everything is in response to an imminent attack.

I will never forget President Obama coming to speak to the Republican caucus a few years ago, and he said: Well, they were under imminent attack, and we were like: Who, in the Libyan war, and he said: Well, Benghazi. And it was like: For goodness' sake, we thought imminent attack was of America, not of a foreign city. That is how far afield we have come, that a President would come to us and say: I can do whatever I want if there is an imminent attack of a foreign city. How ludicrous.

Given Congress's inaction, it should come as no surprise that administration lawyers increasingly argue that everything is imminent and that statutes limiting their authority actually don't limit their authority; that the statutes actually say they can do whatever they want.

Presidents actually argue that article II of the Constitution—this is what gives the President power. Article I is the congressional power; article II is the President. They argue that the article II section of the Constitution lets the President do anything he or she wishes; that there are no limits on Presidential authority. That is absurd.

Under President Obama, we droned hundreds of people in Pakistan; we bombed Libya to help defeat Qadhafi; we put military personnel in dozens and dozens of countries around the world fighting militants and regional thugs here and there, but with each passing year it had less and less to do with 9/11. It is hard to explain to someone how a goat herder in Mali has anything to do with the attacks of 9/11. Yet every President comes back to us and says: Well, you voted for this proclamation in 2001. It gives me the power to do whatever I want wherever I want.

In our Republic, if we are going to go to war, the Constitution says you must come to Congress, not for consultation but for permission.

Today's vote is not a vote for or against the current President. Today's vote is for or against the Constitution. Either you believe that war requires the permission of Congress or you don't.

Why is this vote necessary? Because we live in a topsy-turvy world, where Presidents now argue that their war power is absolute. Don't talk to me. I will do what I want—but the Constitution envisioned that we did not ever want one person to decide when we went to war.

Presidents now argue that a decades-old authorization of force against a long-deceased autocrat—Saddam Hussein—is still valid and applies to an Iranian general, and that is absurd. That is insulting to the people; it is insulting to the Constitution; and it shouldn't be.

You cannot argue that the Constitution gives the President unlimited power and say: Oh, well, if that doesn't work, I am also arguing that in 2002 Congress voted to go to war with Saddam Hussein, and that gives me the power to kill an Iranian general.

Presidents have also argued that bombing is not war. They argue somehow that bombs are not war and that there is a certain attitude of, well, maybe 100 soldiers aren't, maybe 1,000. What does it take to be at war?

They argue sometimes that we are not in hostilities when we are dropping bombs everywhere around a country. They sometimes argue that battles are kinetic action and not really war.

We have been at war too long in too many places. It is time to bring our soldiers home.

This week, I joined the President to honor two of our soldiers who were killed in action. I stopped with the President at Dover Air Force Base. Let me tell you, it was a sad and somber memorial for two of our Nation's heroes. But people need to think about this. This isn't a chess game. This isn't a geopolitical chess game and we are just moving troops here and there and they are somehow represented by symbols on a big map or a board. This is about people. It is about our young people of our country, and they deserve better. Our soldiers deserve to know what they are fighting for. Our soldiers deserve to know what the mission is. Our soldiers deserve to know if we are making progress. They deserve to be told the truth.

America's longest war in Afghanistan is in its 20th year. We now have kids fighting who weren't even born when the war began.

My committee this week held a hearing to discuss the Afghanistan Papers—papers that reveal that the highest ranking officials in our military and in our government and in our State Department have known for many years that the Afghanistan war lacks a real

mission; that it lacks a real national security rationale.

My vote today is not simply about Iran or the killing of Soleimani. My vote today is about the constitutional requirement that Congress must declare war. This vote should be 100 to 0. It is a vote for or against the Constitution. This is about acknowledging the Constitution says no one man, no one woman can take a nation to war.

Many Members will quietly acknowledge that the separation of powers assigned Congress the power to declare war, but when push comes to shove, many Senators are afraid to appear to oppose a President of their own party.

For me, this debate is not about party. I have supported the constitutional mandate that Congress must declare war under both Democratic and Republican Presidents, and I will continue.

For me, this debate is not a dry and esoteric or meaningless debate. It is a debate about life and death. It is a debate that, more than any other debate, embodies our commitment to our soldiers. It is a debate that strikes at the heart of our duty to do everything possible to protect human life.

Today's vote is historic in that the majority of the House and the Senate will now be on record affirming Congress's power over issues of war. Even at the height of the Vietnam war, the height of America's probably most unpopular war, congressional majorities did not stand up and assert their constitutional prerogative. Today we are doing that. That is a step forward.

In the aftermath of the most partisan impeachment in our history, today, though, marks a high-water mark for the bipartisan assertion of the separation of powers.

For me, it will have all been worthwhile when I see our troops returning home to their families safe and sound. For me, it will all be worthwhile when we finally end the Afghan war, when we finally end the Iraq war, and when we finally end the wars in Yemen and throughout Africa. When that day comes, I look forward to standing arm-in-arm across the political divide to welcome our brave soldiers home. Until that day, I will continue to fight for the truth that great nations don't fight perpetual wars.

Thank you.

The PRESIDING OFFICER. The Senator from Wyoming.

(The remarks of Mr. ENZI pertaining to the introduction of S. 3287 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## OPIOID EPIDEMIC

Mr. PORTMAN. Mr. President, I am here on the Senate floor to talk, once again, about the addiction crisis in our country. Over the past 4 years, I am told I have given over 64 speeches on this topic, and that is because it is a crisis, and a national one, and we have done a lot here in this Senate and also in the House of Representatives to deal with the issue.

We passed some important legislation. We are making some progress, but, gosh, prescription opioids, heroin, fentanyl, methamphetamine, and cocaine continue to harm so many people in our communities and so many of the families we represent. We put new policies in place to help deal with it—better prevention, better treatment, and better recovery efforts.

Among other things, we passed legislation like the SUPPORT Act, the Comprehensive Addiction and Recovery Act, the 21st Century Cures Act, and the STOP Act. Through these new laws, we have also provided over \$4 billion in additional Federal resources just over the last 3 years to be able to combat this epidemic—particularly, the opioid epidemic.

In Ohio alone, our State received nearly \$140 million through the CARA and Cures legislation. It has gone toward innovative, evidence-based programs to try to figure out how we intervene at the appropriate time to keep people who are addicted from overdosing and, instead, to get them into treatment and into longer term recovery in a successful way.

I have gone to visit many of these programs across our State, and I can tell you many of them are working, and they are working because local volunteers, local communities, and the State are also involved. So that is the positive thing. I was very pleased that the year-end spending bill passed with a record \$658 million, as an example, in funding for these CARA grants that again go to these innovative ideas back home.

Let me give you an example of one. In many of our communities now, we have the ability, after somebody has overdosed, not to simply have them go back home and go to the same neighborhood and get addicted, and continue to be addicted and overdose again and again and again, but, rather, to intervene and to go there with law enforcement, with treatment providers, with first responders, and get them into treatment.

It is working. In a program I was recently at in Columbus, OH, the RREACT Team, 80 percent of the people whom they go to visit end up getting into treatment. And the evidence is, not only are they getting into treatment, but because there is the ability to monitor that, they are also going into longer term recovery programs. It is helping to save lives, but for the first responders, it is also a great relief because no one is more frustrated than they are. Think about it. You help

somebody through an overdose by applying Narcan—that miracle drug that reverses the effects of the overdose—and the next day they are right back again. This is the right thing to do, and, again, we have made progress in that.

The good news is, it looks like it is starting to pay off. After many, many years of increases in overdose deaths every single year, finally, we are making progress. In States like mine, overdose deaths had climbed to the No. 1 cause of death in our State; in other words, surpassing car accidents or anything else. There were more people dying of drug overdose deaths than anything else.

Nationwide, we had some great success between 2017 and 2018. We now have those numbers in. In 2017, we had about 70,700 people who died of overdoses. In 2018, it went down to about 67,700. That is a decrease of 4 percent. Now, that is nothing to write home about, 4 percent. On the other hand, this is after three decades of increased overdose deaths every year and in some years substantial increases. So just to have that 4-percent decrease—and we are waiting for the 2019 figures to become available—was a big deal.

In Ohio, we are one of the States that has been hardest hit. In 2018, our number was a 22.4-percent reduction. We were one of the States that led the country in this, and I am proud of that. That means a lot of lives saved. Still, though, the overdose rate is way too high—way too high.

On the positive side, I think we are also seeing more accountability for the opioid crisis, in particular. As courts around the country hear cases of those affected by prescription opioids, like OxyContin, these drug companies are being held accountable by individual States, by some local governments, and by the Federal Government. Every day we learn more about what they did and how wrong it was.

The sheer number of pain pills that drug companies pumped into the United States is astounding, with more than 100 billion pain pills between 2006 and 2014. So during that one period of time, 8 years, there were 100 billion pain pills.

We have one county in Southern Ohio, Scioto County, where we had 48 million opioid pain pills distributed by manufacturers during those 8 years. By the way, that is 617 pills for every man, woman, and child in that one county in Southern Ohio. We were flooded with pain pills that were addictive, and we have to be sure that that kind of a crisis doesn't start again.

As I travel around the State of Ohio, I hear stories all the time of people who had an accident or had an injury, and they took pain medication prescribed by a doctor. That led to physical addiction. Something in their brain changed. They became addicted. They couldn't get the prescription drugs because they are too expensive or not accessible enough, so they turned

to heroin. In many cases, the tragedy that occurred was not just an overdose but sometimes an overdose and a life lost. I hear this all the time.

Just this morning at my weekly Buckeye Coffee, where we have constituents come in once a week and meet with Ohioans, I met an impressive young man from northeast Ohio. He told me about his brother, Dylan. He reminded me that I had met his mom. I already knew about Dylan because his mom had told me, but Dylan struggled with pain pill addiction before tragically dying of an opioid overdose. It is a pattern that we have seen too often in our communities, and it needs to stop.

We are making some progress there, I think partly because of the lawsuits, partly because we increased awareness, partly because of the Federal legislation we discussed that has helped on this, and partly because doctors and others are beginning to get the message.

We have cracked down on pill mills as well. I mentioned Portsmouth, OH, and Scioto County, OH, where there were hundreds of pain pills per person. They had pill mills. Because of all of that, the number of prescription pain pills prescribed between 2013 and 2018 fell by more than 80 million—about a 33-percent decrease nationwide. So pushing back against this opioid flow that flourished for way too long here in the United States is helping, and that is a positive sign as well.

Again, while the CDC—Centers for Disease Control—has shown an overall decrease in drug overdose deaths for the past 18 months or so, I want to talk tonight about some new troubling trends and the need for us in Congress not to take our eye off the ball because sometimes around here, you get a little progress, and you think: OK. Let's go on to the next thing. Unfortunately, that is not the way addiction works, and we have seen this over time.

Back in the 1990s, we thought we had solved the cocaine crisis; we didn't. Now some think we have solved the opioid crisis; we haven't. In addition, there are new troubling trends I want to talk about tonight.

The most worrying is, while the overall number of opioid deaths has fallen, the number of overdose deaths related to the very deadliest of opioids—synthetic opioids like fentanyl or carfentanil—has actually increased. In fact, in 2018, more deaths were attributed to fentanyl than to heroin and prescription drugs combined. So it has shifted. Think about this. From the prescription drugs to the heroin, now to fentanyl.

Fentanyl is 50 times more powerful than heroin. A few flakes of this stuff can kill you. Unfortunately, it is being mixed into other drugs, partly because it is so powerful and a few flakes can kill you.

According to the Centers for Disease Control, 40 percent of drug overdoses in 2017 were at least partly because of

fentanyl use—40 percent. It is by far the largest problem. That data also showed that overdose deaths due to fentanyl had increased by 88 percent per year since 2013. So it has been going up really since the 2013, 2014 time period.

We are seeing this mixing occur in a lot of overdose reports from Ohio communities, where declining prescription opioid and heroin use has opened the door now for this other form of addiction. In particular, psychostimulants, as they are called, like crystal meth and cocaine, are being laced with fentanyl. This is a deadly combination. According to our State's deputy attorney general for law enforcement, Carol O'Brien, Ohio law enforcement officials in 2018 tested double the amount of methamphetamine samples as they had in 2017 and triple the amount from 2016. So crystal meth is, unfortunately, making a resurgence in our communities.

By the way, you may remember in the past couple of decades in your community you heard about these meth houses, where people would be cooking meth, literally, in a home or in a trailer or in the basement and causing environmental concerns and so on. You don't hear about that anymore. Do you know why? It is because crystal meth coming straight from Mexico is so powerful and so cheap that people don't have to make it at home anymore. That is a bad thing because this has expanded to the people who have become addicted to methamphetamine because of this powerful crystal meth.

Today I met with law enforcement officers from around the State of Ohio. The FOP was in town, the Fraternal Order of Police. Many of my colleagues met with them. They confirmed this troubling trend. They told me that the crystal meth and the cocaine, because they are psychostimulants, are much more difficult for them to deal with and puts their lives and their safety more at risk, as well as the citizens whom they are there to protect. Why? Because it causes a more violent reaction.

Think about it. With heroin, with other opioids, prescription drugs, fentanyl, people talk about the nodding effect. It calms people more. Whereas, with heroin, with cocaine, and with the other psychostimulants, like crystal meth, it makes people more agitated and more violent. We have seen not just more assaults on individuals but more violent crime overall coming out of this. So it is a shift that is impacting our police officers and our citizens, as well, in terms of increased violent crime.

I am really pleased to say that the legislation we passed in December—just about a month and a half ago—responded to this issue of the increase in meth and cocaine. It is because it included our legislation called the Combating Meth and Cocaine Act. It is a really important bill. Basically, what it says is, let's give local communities

the flexibility to use the opioid grant money that I talked about earlier, that has increased over the last 3 or 4 years, also to be used for psychostimulants. I felt very strongly about this because I was hearing it back home: Thank you very much for your help on the opioid crisis. By the way, we have shifted now in our community. Opioids are not as big a deal, but we need the funding to also help us deal with the consequences of crystal meth or cocaine.

I thank my colleagues for passing that legislation. It is going to make a big difference, and I think we will now begin to see the ability to address this new threat.

The U.S. attorneys for the Northern and Southern Districts of Ohio have recently weighed in and told me what is going on in terms of this mixing of cocaine and crystal meth with fentanyl. They say it is a crisis. Preliminary data from Cuyahoga County, which is in Cleveland, OH, suggested about 45 percent of the fatal overdoses in the county last year were associated with cocaine, much of that mixed with fentanyl. By the way, that is twice the amount of heroin overdoses over that same time period from the previous year, which shows how, again, the frontlines of addiction have shifted, partly in response to our successes on the opioid front.

We are hearing similar things in the Southern District of Ohio, where more than a third of overdose deaths are from cocaine and fentanyl, where they just had 10 overdose deaths from the combination of fentanyl and cocaine in the last several days.

I met with the Columbus, OH, police chief, Tom Quinlan, on Friday, in the middle of a spike there, a spike in overdose deaths that they have seen from this mixture. In the first 10 days of February, this month, Columbus, OH, Franklin County, had 28 overdose deaths involving some combination of fentanyl and cocaine—28 in 10 days.

I was actually in Columbus on Saturday, a day in which five people died from overdoses of a mixture of fentanyl and cocaine.

Just yesterday, the Columbus police informed me that in one drug bust, they seized over 200 grams of cocaine and nearly 2 kilograms of fentanyl. That is enough to kill about 1 million people.

Again, we have made some progress on the opioid front, no question about it. We have made progress in terms of the overprescribing of prescription drugs, but, unfortunately, my colleagues, this issue is not going away. The more flexible funding we got in at the end of the year is important, and we will begin to see that take effect here over the next several months—it is just being implemented now—but we have to deal with it.

The other thing we have to deal with in terms of fentanyl is being sure that some evil scientist doesn't slightly change the molecular compound of fentanyl, making it an analog of

fentanyl that is not illegal. You have to schedule a drug to make it illegal. As we have seen an uptick in these fentanyl copycats, we have seen the reality that it is not just about fentanyl. It is also about carfentanil, and it is also about other analogs.

As an example, we had an 819-percent increase from just a year ago in Cleveland with carfentanil deaths in 2019. So from 2018 to 2019, there was an 819-percent increase.

That is why the DEA—the Drug Enforcement Administration—has made the right call in 2018 in temporarily making these fentanyl-related substances, like carfentanil, illegal to possess, transport, or manufacture. Thanks to that designation, our law enforcement officials have been better able to protect our communities by seizing and destroying this fentanyl-related substance because it is illegal.

We had a real problem in the last couple of months here in Congress because, as of early this month—just last week—that scheduling of those analogs expired, and we almost had a situation where these drugs were going to become illegal. Thank goodness, at the last minute, we stepped in, and we provided a temporary extension; otherwise, again, last week, we would have had a real crisis.

Unfortunately, the temporary extension, like so much stuff around here, was kind of kicking the can down the road. So in May of next year—just a year and a few months from now—again, it is going to expire.

I strongly urge my colleagues to join me, Senator MANCHIN, and others on both sides of the aisle in passing legislation that puts these analogs on the schedule, making them illegal permanently. It should be permanent. The legislation is called the FIGHT Fentanyl Act. Again, it just codifies what the DEA has done but also gives them the flexibility to be able to schedule new things, as, again, these scientists come up with ways to slightly alter the molecular compounds for these incredibly dangerous and deadly drugs.

By the way, our legislation has strong bipartisan support but also has the support of every single attorney general in every State in America and six territories. Fifty-six of our attorneys general have come forward and endorsed our bill, and I thank them for that.

Let's do that. Let's push back against these deadly copycats of fentanyl and be sure that our communities are just a little bit safer.

Again, we have made a lot of progress in the fight, but as we have seen, addiction—not a particular drug but addiction—is really the crisis we face. As we have made progress against opioids, including an unprecedented Federal response here—and I appreciate that very much—we now see the playing field changing. We see these psychostimulants like cocaine and crystal meth making a comeback. We see this mixing with fentanyl.

Again, the funding bill passed last year will help as it begins to implement these changes. We need to be sure that the FIGHT Fentanyl legislation is passed, and we need to be sure that we continue the funding. It is easy to say: Well, this crisis is better; let's move on. We have to keep our eye on the ball.

So I thank my colleagues as we go through the funding process again, but we have to keep the funding for the CARA legislation and others.

We also have a new bill called CARA 2.0, so Comprehensive Addiction and Recovery Act 2.0, and it expands the reach of these evidence-based programs we are talking about, particularly longer term recovery programs, because we have learned that it is so critical to actually get somebody into recovery and keep them in recovery for a long enough time so they don't relapse.

In that legislation, we also have important legislation with regard to opioid prescriptions because that is still a problem. We say that there should be a limit of 3 days for acute pain—not for chronic pain but for acute pain, limit it to 3 days. That comes from a recommendation by the Centers for Disease Control and Prevention but also from the FDA.

I have heard from too many families—like the young man I heard from this morning—about someone whose child has become addicted because the doctor gave them too many opioids. By the way, I now know several families whose son or daughter was given opioids when he or she had a wisdom tooth removed, which apparently is one of the top two or three most common procedures in America. Doctors and dentists are still giving these kids opioids. I think that is wrong, and I think that should be stopped altogether. In the meantime, 3 days is a sensible limit. A doctor can always prescribe more if you have an issue. And I think there are proper exceptions for chronic pain.

I think our legislation would make a big difference. It also has a prescription drug monitoring program, which would require States to make their monitoring programs and their data available in other States because people go from State to State to get these prescription pain pills. This would help against overprescribing, making sure people are treated as soon as possible and identified.

I urge my colleagues who are not yet cosponsors of any of these bills—the FIGHT Fentanyl bill and the CARA 2.0 bill—to help us and to join us in responding to this ever-evolving challenge we have, which is not just an opioid problem; it is an addiction problem. Every State represented in this Chamber is affected by this epidemic, and these two bills at least provide us an opportunity to continue to give law enforcement the tools they need to give our communities the help they need to be able to overcome this crisis.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

S.J. RES. 68

Ms. HIRONO. Mr. President, the Constitution vests Congress with the power to declare war and ultimately to authorize the use of military force in order to provide a critical check on a President's decision to deploy troops overseas. Congress has for too long abdicated this responsibility in deference to Presidents from both parties.

Presidents have used a broad interpretation of the 2001 and 2002 authorizations for the use of military force to justify American military interventions in far-flung theaters such as Yemen and North Africa. I have supported bipartisan efforts to revisit these authorizations because nearly 20 years later, they are still being used to justify action unforeseen by the Congress that initially approved them.

This effort has become more urgent as this President's reckless, impulsive actions are bringing us precipitously close to war with Iran. Contrary to whatever he says, Donald Trump's Iran policy has not made us safer. In fact, his Iran policy has undermined America's national security, isolated the United States from our allies, put the safety of American troops at risk, and, yes, brought us closer to war.

To understand how we arrived at this moment and why Congress needs to act, we should begin by evaluating the consequences of the President's misguided and dangerous decision to withdraw from the Iran nuclear deal.

By all accounts, the administration inherited a deal that was working, one painstakingly negotiated over many months with the UK, France, Germany, Russia, China, and Iran.

It bears repeating. The deal explicitly stated in its first paragraph that "Iran reaffirms that under no circumstances will Iran ever seek, develop or acquire any nuclear weapons," and it put a comprehensive, intrusive, and verifiable enforcement mechanism in place to achieve this objective. It blocks pathways Iran would need to produce the highly enriched uranium or plutonium it would take to produce a nuclear weapon. Under the verification regime created by the deal, international inspectors from the International Atomic Energy Agency, the IAEA, were afforded extensive access within Iran to ensure their compliance.

The Iran nuclear deal was reached through tough, principled diplomacy. These negotiations culminated in an agreement that world leaders could credibly declare would prevent Iran from ever obtaining nuclear weapons.

In May 2018, President Trump recklessly undermined our credibility and isolated the United States from our allies by unilaterally withdrawing from the Iran nuclear deal. It is important to emphasize that Iran was in compliance with the agreement when the President tore it up.

Our unilateral withdrawal from the agreement and the administration's

subsequent so-called maximum pressure campaign has exposed the United States to enormous risk. We have seen the consequences almost every day for the past 2 years as Donald Trump has engaged in an escalating and increasingly violent tit-for-tat with Iran.

The President's chaotic escalation culminated with his impulsive and incredibly risky decision to target and kill high-level Iranian and Iraqi military officials, including Iranian General Soleimani, on Iraqi soil.

The question before us is not whether General Soleimani deserved this fate. He was a loathsome figure who was responsible for killing many U.S. servicemembers and for orchestrating terrorism throughout the Middle East. The question before us is whether carrying out this risky and provocative act made the United States and the Middle East safer or more secure. It has not.

Over the past month, the consequences of the President's impulsive actions have become clearer. We now know President Trump directed the attack without notifying leaders in Congress or our Iraqi partners or even our allies who have troops positioned in Iraq. He ordered the attack without preparing for what came next, exposing the United States to further hostilities without a plan for how to deescalate tensions.

After Iran retaliated with a coordinated missile strike on American military infrastructure in Iraq, the President was quick to reassure the public that no American soldiers were harmed in the counterattack. We now know this was a lie. After weeks of denials—or even comments from the President that some troops were suffering from "headaches"—the Pentagon on Monday finally acknowledged that 109 servicemembers suffered traumatic brain injuries in the Iranian attack. For the President of the United States to make light of these serious injuries—injuries that, in many cases, may impact these soldiers for the rest of their lives—is unconscionable and dishonors the service and sacrifices made every day by our men and women in uniform.

In a sign that tensions continue to escalate, the President has deployed more than 14,000 additional servicemembers to the Middle East in the wake of the strike on General Soleimani, exposing even more Americans to potential retaliation from Iran or its regional proxies. These developments further reinforce our conclusion that President Trump did not give much thought to the consequences of his actions.

The administration has provided ever-evolving and very troubling after-the-fact explanations that fail to assuage our concerns about this impulsive decision. Only a few weeks ago, the President tweeted in all caps that "Iran will never have a nuclear weapon." Given that the President tore up the Iran nuclear deal which would have prevented Iran from ever getting a nuclear weapon, one cannot help but

question where this bellicose rhetoric is coming from and what it portends.

The American people have made it explicitly clear that they do not want to go to war with Iran, especially if war is the result of the President's reckless and impulsive actions. It is therefore imperative that Congress exercise its exclusive—exclusive—war powers under article I of the Constitution to prevent this President from launching a disastrous war with Iran.

In normal times, we could have confidence during a crisis like this that the President of the United States would mobilize a whole-of-government response to this crisis, and in normal times, the President would lead our allies and the international community in seeking a diplomatic outcome to our escalating tensions with Iran, but these are not normal times.

Congress must reassert its constitutional authority by demanding the President seek explicit authorization prior to any military action against Iran. I urge my colleagues to join me in supporting Senator TIM KAINE's War Powers Resolution tomorrow.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Connecticut.

**Mr. BLUMENTHAL.** Mr. President, I am pleased to join my colleagues, many of whom have spoken already in support of S.J. Res. 68, which I am proud to cosponsor. It prohibits an unauthorized, unconstitutional war with Iran. It seeks to prevent the Trump administration from stumbling into a real and reckless military conflict. I want to thank bipartisan colleagues who have provided leadership in this effort, and it has been truly bipartisan as an effort. I appreciate their efforts and from many other colleagues to reassert our constitutional war powers and to represent the will of the American people.

Americans do not want a new war. They do not want another endless military conflict that harms our national interests without protecting our national security. The Constitution trumps any statute. Without congressional authorization and anything short of a declaration of war from the Congress, starting a war with Iran would be unconstitutional.

Congress did not authorize war with Iran when it passed an authorization to use force against al-Qaida more than 18 years ago in the wake of 9/11. Congress did not authorize war with Iran when it passed an authorization to use military force against Saddam Hussein's regime in 2002. Very simply, Congress has not authorized war with Iran in any way, shape, or legal form.

The President's authorizations for use of military force in no way cover starting a new war with Iran. We cannot let the intent of either of those authorizations to be so distorted and stretched as to be a pretense for such a war. That is why this resolution is so important. I urge my colleagues to vote in favor of it tomorrow.

But just as alarming as the lack of legal authorization for war, is the Trump administration's lack of strategy. It isn't that we have a dangerous policy toward Iran. It is that we have no policy, no strategy, and no endgame, which is the most dangerous situation of all.

I am pleased that we have deescalated the dramatic rise in tensions between Iran and the United States, which well serves the interests of both countries. We must continue the potential for reducing, not escalating, military tensions, but President Trump's reckless actions that brought us so close to military conflict are still in play. We need to continue to deescalate, not raise, the level of tension, if possible.

These kinds of reckless actions, in fact, brought us close to expulsion from Iraq and halted key training exercises with our allies in the counter-ISIS mission. As is the case with most of the Trump administration's military strategy—or lack of it—we are just lurching from one crisis to another, with no objectives, no means to an end, no decision on ending, all putting our security and our allies at grave risk. Congress, not to its credit, has failed to conduct critical public oversight that is necessary to hold the administration accountable and to insist on a strategy, an endgame, a set of objectives.

The Trump administration has kept Congress and the American people in the dark under the guise of classification. I will say, on a personal note, that at the end of so many of our classified briefings in the SCIF, I will say to a military officer or to an intelligence community representative: Our adversaries and our enemies know what you have just told us because you are telling us about what they are doing. And they know we know, and we know they know. In fact, they know a great deal about what we are doing. The only ones who don't know are the American people. They are kept in the dark.

The Trump administration cannot wage war while hiding behind classification gag orders behind closed doors. The Trump administration tried to make the claim that there was an "imminent threat" to justify the strike against Soleimani. I disagree. The Trump administration failed to provide the evidence in any setting, classified or not, to support this claim, and the American people deserve to know our path forward with Iran.

There is no conceivable reason that our goals must be kept secret from Members of Congress or the people we represent, and we certainly must prevent a reckless administration from pursuing a war when it is unwilling to account to the American people. In short, there is a fundamental purpose that is served by a declaration of war. It gives the people who will have to sacrifice in that war a voice in the decision. We represent those people—the families of soldiers, marines, airmen,

and sailors whose lives will be in harm's way, as well as themselves. It gives a voice to the experts in this body who may have a perspective and a wisdom on these topics. That is a useful check on the executive branch.

Let us not forget that military actions conducted without a strategy and without the consent of the American people have real consequences for all who serve our Nation in uniform.

We continue to hear reports about the number of troops who have suffered brain injuries in the Iran strike against Iraq military bases. The total is now up to 109 American servicemembers. The President of the United States has minimized those kinds of injuries as headaches, but, in fact, traumatic brain injury—concussion, post-traumatic stress—are among the most painful and damaging wounds of war, in part because they are invisible and they are sometimes minimized.

So let us never forget the consequences of war—the consequences to our economy, to our faith in American democracy, to the credibility of our leaders, to our people in lives lost and damaged. That is true especially of a war that has never been authorized by Congress and fails to have the support of the American people.

That is why this vote is so important today. There are many, many reasons to vote in favor of S.J. Res. 68. I call on my colleagues to send a clear, unmistakable message to this administration: You do not have congressional authorization, you do not have the support of the American people, and you do not have permission from this Congress, under the Constitution, to wage war or to begin it against Iran.

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

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. MERKLEY.** Mr. President, I am proud to rise in support of S.J. Res. 68, the Kaine-Lee resolution to "remove United States Armed Forces from hostilities against the Islamic Republic of Iran or any part of its government or military."

This resolution is crucial at a momentous moment in our Nation's history. As U.S. Senators, we are no strangers to tough decisions. When this institution is functioning properly, we make such decisions all the time. There are tough questions, and we make tough decisions on which programs to fund or on who sits in judgment over their fellow citizens on the Federal bench or on issues of civil rights or equality or fairness. Yet, without doubt, the most difficult decision any Senator will ever face is whether to authorize war—whether to, through such authorization, open the

gates to send the men and women of our Armed Forces into harm's way.

It is a solemn responsibility that all of us here take very seriously, and it is a responsibility that the Founding Fathers intended to rest solely here in the Congress of the United States of America, not down Pennsylvania Avenue, in the White House, not in the hands of any one person sitting in the Oval Office.

At the Constitutional Convention in 1787, George Mason, a delegate from Virginia, said he was "against giving the power of war to the executive" because the President "is not safely to be trusted with it."

In speaking to the Pennsylvania ratifying convention that same year, James Wilson stated:

This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men [such as just the Senate or just the House], to involve us in such distress, for the important power of declaring war is vested in the legislature at large.

James Madison, the "Father of the Constitution," wrote to Thomas Jefferson in 1798:

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.

All of these comments and so many more are about the gravity of deciding to go to war—deciding on whether hundreds or thousands or tens of thousands will walk into the face of danger, suffer injuries, suffer death. Questions about war are questions of great human calamity that cannot be taken lightly. They cannot be taken at the spur of the moment. They cannot be taken with the judgment of a single individual.

Our Founders noted that the decision should not be by any single President, not by a particular individual. This is not about the individual in the Oval Office at this moment; it is about the Founders' vision that it should be the collective decision of Congress, representing the people of the United States, to weigh this question of national defense—whether or not we should send our sons and now our daughters into harm's way in a military fashion, where many will be injured and many will die. It is an issue of the National Treasury as well because the cost of war is a huge cost in blood and a huge cost in injuries and a huge cost to the Treasury. That is why this responsibility was placed with us and with the House of Representatives.

In this Constitution—and all Senators here probably have one in their desks—one just simply has to look in article I, section 8, which is where that specific responsibility is given to us, not to the President, not to the executive. Upon coming into this body, we did swear an oath to this Constitution, not to some vision of our personal desire that maybe a President would be better at making this decision and not

to any scholars' opinion but to this document, which vests its power in this body, not in the President of the United States.

For too long, Congress has allowed a steady expansion of the exercise of military power without authorization—without a declaration of war from Congress. So this is one of those rare moments in which we are standing up to say: No. Any decision to conduct war against Iran needs to come in accordance with the Constitution, in accordance with the War Powers Act, in accordance with the decision and debate that would occur here.

S.J. Res. 68 lays out what the War Powers Act reads, which is, "At any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs." This is a debate over whether the Congress should so direct.

Indeed, it also lays out in this document the vision of our Constitution and reads that the question of whether U.S. forces should be engaged in hostilities against Iran should be answered following a full briefing to Congress and the American public of the issues at stake—a public debate in Congress and a congressional vote as contemplated by the Constitution.

This resolution does not read that Congress will not debate the issue; it reads that Congress should debate the issue if the President so requests and come to a decision as to whether to open the gates of our Nation to war. It then proceeds to do exactly what the War Powers Act provides for, which is to "[direct] the President to terminate the use of United States Armed Forces from hostilities against the Islamic Republic of Iran or any part of the government or military unless explicitly authorized by a declaration of war or a specific Authorization for Use of Military Force."

This is all about the vision of our Constitution. Are we going to support it? Are we going to say no to this warfare unless it is authorized as envisioned by the Constitution or are we going to say, "No. We don't want the burden of that responsibility. It is a tough decision to make. We are not sure we will get it right, so we will just let the executive do what he wants even though the Constitution says no"?

Let us honor the vision of the Constitution. Let us support this that is before us. Let us ponder how easy it is for there to be a cycle of provocation, an escalation. We have seen that in Iran. Iran is not a friendly power to the United States of America. Iran has been involved in activities that we greatly oppose in its supporting forces in Syria, in Lebanon, and Yemen; in its developing ballistic missiles; in its creating concerns inside of its neighbor Iraq with its Iranian militias. The United States has been involved in this cycle of provocation and escalation.

We made a deal with Iran of economic assistance to Iran if they abandoned their nuclear program. They abandoned the nuclear program, and the inspectors certified they had abandoned it. Then, we have broken the deal, and we have tightened the sanctions, making life very difficult for the people of Iran.

Iran launched rockets at our forces inside of Iraq, and the United States responded and attacked militias sponsored by Iran, killing a good score of Iranians in the process and assassinating an Iranian general. Iran responded with ballistic missiles attacks at the U.S. forces in Iraq, injuring, at this moment, an estimated 100 U.S. forces—a cycle of provocation and escalation.

We are on the edge of war. We are involved in hostilities that have not been authorized, and the Constitution essentially says, in this situation, it is Congress's responsibility to debate and wrestle with whether to unleash our forces against Iran. So let's carry that responsibility, and as we do so, let's think how close we were to a third major war in the Middle East.

We had a war and are still at war in Afghanistan. Now, the authorization for the use of military force in regard to Afghanistan was very narrowly tailored. That authorization said that our forces are authorized to attack those who attacked us on 9/11 and those who harbor those forces.

It is now as if that AUMF had language added to it, language which essentially said and: any other group we disagree with in the world. The words that are often quoted as being part of that AUMF are "and related forces."

But do you know what? That language isn't in that AUMF. This Congress gave a very, very narrow assignment for the authorization of force, and it has been expanded massively. We could debate whether or not that authorization has been stretched to the breaking point. I think it has. I think it has been abused. It has been misused, and it dishonors the fact that Congress was so specific with that authorization.

The result is that here we are, 19 years later. We didn't pursue a simple mission of taking out the training camps. We pursued a mission that has cost this Nation \$1 trillion and thousands of our sons and daughters and tens of thousands with lifetime injuries.

So we have that war. We know what kind of damage and costs there can be to an ill-considered strategy.

Then, we have the war we had against Iraq and authorized by a 2002 authorization for use of military force, or AUMF, and this was also very narrowly crafted. The President is authorized to use the Armed Forces of the United States as he determines to be necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by Iraq—not posed by anyone else, just by Iraq—and to enforce



the relevant United Nations Security Council resolutions regarding Iraq—very, very specific.

Now, the administration is arguing that this AUMF from 2002, about Iraq, provides authority to go to war against Iran. It is just like the stretching of the 2001 AUMF that said go after those who harbored the 9/11 terrorists but has been stretched to go after other groups all over the world.

But in both these cases, it was an authorization. Congress did debate. Yes, they have been abused after they were passed, but what there wasn't was an open door without Congress involved.

So we must do our job here and realize the gravity of these conflicts and get the full, extensive information and make sure there is no fake news in that information.

On the Iraq AUMF, this body operated on the solemn guarantee that there were weapons of mass destruction being developed by Iraq. It proved out to be false.

So when we do hold the debate over Iran, let's make sure we get the absolutely honest intelligence, not the spin, not the cherry-picked intelligence, not partial, not selected to drive a conclusion—the honest, fully honest, situation of our activities and their activities and the threats that they pose.

That is the responsibility we have—to make sure that the information we wrestle with is absolutely accurate and then to weigh the heavy cost of different strategies that may or may not involve force before we vote for force. It is a big responsibility, and I have heard Members of this Chamber say: You know what; it is such a tough decision. What if I get it wrong? Let's just let the Executive make that decision. If I misjudge it and don't vote to go to war and, for example, maybe there were those weapons of mass destruction equivalent to Iraq, I don't want to make that mistake, and people back home will not like it if I make that mistake. If I vote to go to war and the information is wrong and the strategy is wrong, well, then, people back home won't like that either.

So let's just ignore the Constitution. Let's just ignore our oath to the Constitution. Let's just let the person down Pennsylvania Avenue do what he wants because we don't like the burden imposed on us by this document that says that issue has to be debated here.

The decision to use force has to be debated and decided here, not there, because it is too big a question to leave to a single individual.

Our Constitution starts out with these words: "We the people." They did not want to create a King. They did not want to create an imperial Presidency that acted like a King. They wanted a nation run of, by, and for the people.

The question of war is our responsibility. We must make the decision here, and that is why I urge my colleagues to take and say yes, we will vote for this S.J. Res. 68 because it says we are demanding the administra-

tion do what the Constitution demands, which is to place the question of going to war with Iran with this body.

The PRESIDING OFFICER (Mr. GARDNER). The Senator from North Dakota.

#### ORDER OF BUSINESS

Mr. CRAMER. Mr. President, I ask unanimous consent that the only first-degree amendments in order to S. J. Res. 68 be the following: 1301, 1322, 1305, 1314, 1320, and 1319; I further ask that no second-degree amendments be in order to the amendments listed, with the exception of amendment No. 1319; that the Senate vote in relation to the amendments in the order listed at 10:30 a.m. tomorrow; and that there be 2 minutes of debate, equally divided, prior to each vote. Further, I ask unanimous consent that all debate time on S.J. Res. 68 expire at 1:45 p.m. tomorrow, with the last 40 minutes, equally divided, under the control of Senators RISCH, INHOFE, MENENDEZ, and KAIN; and finally, that upon use or yielding back of that time, the joint resolution be read a third time and the Senate vote on passage of the joint resolution, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NOS. 1301, 1322, 1305, 1314, 1320, AND 1319, EN BLOC

Mr. CRAMER. Mr. President, I ask unanimous consent that the amendments listed be called up by number en bloc.

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

The clerk will report the amendments by number, en bloc.

The senior assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. CRAMER], for other Senators, proposes amendments numbered 1301, 1322, 1305, 1314, 1320, and 1319.

The amendments are as follows:

#### AMENDMENT NO. 1301

(Purpose: To amend the findings)

In section 1, insert after paragraph (3) the following:

(4) Members of the United States Armed Forces and intelligence community, and all those involved in the planning of the January 2, 2020, strike on Qasem Soleimani, including President Donald J. Trump, should be commended for their efforts in a successful mission.

#### AMENDMENT NO. 1322

(Purpose: To amend the findings)

On page 2, between lines 23 and 24, insert the following:

(5) More than 100 members of the United States Armed Forces sustained traumatic brain injuries in the Iranian retaliatory attack on the Ain al-Assad air base in Iraq despite initial reports that no casualties were sustained in the attack.

#### AMENDMENT NO. 1305

(Purpose: To exempt from the termination requirement United States Armed Forces engaged in operations directed at designated terrorist organizations)

On page 4, line 14, insert "except United States Armed Forces engaged in operations

directed at entities designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189)," after "or military,".

#### AMENDMENT NO. 1314

(Purpose: To amend the findings)

On page 1, between lines 7 and 8, insert the following:

(2) The President has a constitutional responsibility to take actions to defend the United States, its territories, possessions, citizens, service members, and diplomats from attack.

#### AMENDMENT NO. 1320

(Purpose: To amend the findings)

In section 1, strike paragraph (6) and insert the following:

(6) The United States Armed Forces are not currently engaged in hostilities, as contemplated by the War Powers Resolution, against Iran. The United States strike against terrorist leader Qasem Soleimani to protect the lives of United States service members and diplomats is lesser in scope, nature, and duration than, and consistent with, previous administrations' exercises of war powers.

(7) The United States' maximum pressure strategy against Iran has reduced the Government of Iran's resources available to attack the United States and United States interests by limiting the resources available to the Government of Iran to support weapons development and terrorist proxies throughout the region.

#### AMENDMENT NO. 1319

(Purpose: To amend the rule of construction)

In section 2, amend subsection (b) to read as follows:

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to prevent the United States from defending itself, including its territories, citizens, troops, personnel, military bases, and diplomatic facilities from attack, including acting to prevent an attack; or

(2) to restrict missions related to force protection of United States aircraft, ships, or personnel.

#### MORNING BUSINESS

Mr. CRAMER. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### THE CORONAVIRUS OUTBREAK AND PANDEMIC PREPAREDNESS

Mr. LEAHY. Mr. President, since first emerging in Wuhan, China, on December 31, the outbreak of a new coronavirus, COVID-19, "novel coronavirus", has spread to 25 countries, infected more than 44,000 people, caused at least 1,100 deaths, forced entire cities into lockdown, triggered hundreds of international flight cancellations, restricted hundreds of Americans to U.S. military bases in Federal Government quarantine, and caused significant economic harm to countries and businesses around the globe, all this in only 6 weeks, with no end in sight.

The virus has infected and killed more people and has done so faster