

whether or not they should remain neutral and instead move into the NATO alliance.

On February 24, we all know the world shook. Things changed dramatically. After Putin's unprovoked attack on Ukraine, Sweden and Finland, I am sure, woke up and said: You know, that could be us next, but it won't be us if we join NATO. So their polling in their country changed dramatically on February 24 as to whether or not NATO membership was appropriate for them. They have now enthusiastically said that NATO is appropriate for them, and we have shown in this body bipartisan support for Finland and Sweden joining NATO.

Finland and Sweden will make model members of the NATO alliance. Both have strong and capable militaries in place now and are already net contributors to the security alliance. As was pointed out earlier by Senator COLLINS here, they have been very active in NATO, even though they are not members of NATO, by participating in various drills that have taken place and also by participating in the duties that NATO does strengthening the eastern flank of NATO. They have also demonstrated interoperability with NATO, which is extremely important, and the commitment necessary to join the alliance.

I would say that today, with what is going on in Ukraine, Finland and Sweden joining the alliance is even more important. When the shooting is over in Ukraine, it won't be over. NATO is going to reexamine what they need to do to strengthen themselves, and certainly one of those will be an examination of hardening the eastern flank. Finland and Sweden, obviously, are on the eastern flank and will add considerably to that. Not only that, it is going to cost more to defend the eastern flank simply because of what Russia has done. Finland and Sweden will be a contributor, as will everybody.

Adding these two nations as full members of our alliance will further deter any temptation by Russia to engage in military adventurism in the Baltic and Arctic regions. I believe Russia is already deterred when we say and our NATO allies say and European nations say to Putin: Not one square inch. Whether it is on the eastern border of one of the Baltic States or whether it is downtown London or in the United States, an attack on any of the NATO countries is an attack on all of them, and the response will be swift.

Today's ratification of Finland and Sweden as new members of NATO will both send a strong message of transatlantic unity to Putin and strengthen NATO against Russia's ongoing threat. NATO has pulled together regionally to push back on Russia, and it is obvious that need has not gone away.

I want to urge my colleagues to vote yes. This is a really easy vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 5191

Mr. PAUL. Mr. President, today, the Senate will vote to expand the NATO alliance to include Sweden and Finland. A crucial question that should be answered is whether Sweden and Finland's accession to NATO is in America's best interests and whether their joining will cause more or less war.

Well, for every action, there is a reaction. What do our adversaries say? Putin's immediate response to it was that Russia "does not have a problem" with Sweden or Finland applying for NATO but that "the expansion of military infrastructure into this territory will of course give rise to reaction and response." So from Russia's perspective, they likely will tolerate Sweden and Finland in NATO but likely will not tolerate certain weapons systems in Finland or Sweden.

Advocates of NATO expansion said we can't be held hostage to Russia's threats. Perhaps. But if a country announces they will do X if you do Y, shouldn't someone at least contemplate the potential scenarios? The Russians have already announced that placing certain weapons systems in Finland is a redline. Whether the redline is justified is not the issue. The issue is, knowing your adversary's position, is it worth the risk of pushing missiles into Finland?

The world has changed since Putin invaded Ukraine. Arguments that admitting Sweden and Finland to NATO could provoke Russia are less potent now since Putin's war shows he can be provoked by actions short of Ukraine's actual admission to NATO.

Diplomats, though, should try to envision how the Ukraine war might end. One possible end would be, as Zelenskyy has stated, a neutral Ukraine not militarily aligned with either the West or the East. Neutrality doesn't have to always be a weakness. Neutral nations can serve as intermediaries in conflict resolution. Often, our discussions with Iran use neutral Sweden as a conduit. When all nations are aligned, who will be the mediators? The world will soon lose the important roles played by a neutral Finland and Sweden.

But Putin's invasion in Ukraine has changed the world. In this new world, I am less adamant about preventing NATO's expansion with Sweden and Finland, but I am still adamant about the reality that NATO's expansion will come at a cost.

I am here today to propose a reservation to ensure that this expansion will not come at the expense of losing our ability to determine where and when the United States goes to war. My reservation merely reasserts that article 5 of the NATO treaty does not supersede Congress's constitutional responsibility to declare war before the United States commits troops to war.

The Founders designed the separation of war powers to ensure that the decision to engage in hostilities would be made only after serious delibera-

tion. According to our Constitution, the United States would resort to war only after the collective wisdom of the people's elected representatives determine war is in the best interest. We know this because our Founders told us so.

At the Pennsylvania ratifying convention, James Wilson stated that the proposed Constitution would not allow one man or even one body of men to declare war.

In Federalist No. 69, Alexander Hamilton explained that the President would be restricted to conducting the armies and navies, which Congress alone would raise and fund.

The Father of our Constitution, James Madison, argued:

In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature.

Some have argued that a vote for my amendment is to go wobbly on NATO's article 5 commitment. I would argue that the Gold Star parents and our men and women in the field don't want Congress to go wobbly on the Constitution.

There is no more serious question that we are entrusted to answer than whether to commit the men and women of the armed services to war. We cannot delegate that responsibility to the President, to the courts, to an international body, or to our allies. This is our constitutional responsibility, one that we have freely taken and one that our constituents expect us to uphold.

I also want to assure my colleagues here that adoption of my reservation will not jeopardize the NATO treaty. Some will argue that while the substance of my reservation is unobjectionable, the process of adopting the reservation threatens the expansion of NATO. Nothing could be further from the truth.

It is true that reservations must be accepted by the other parties, but the other parties are NATO allies. The other parties are NATO allies who are all dependent on us to come to their rescue. Do you think they are going to lecture us on obeying our own Constitution? We should expect those allies to respect article 11 of the NATO treaty, which states that the provisions of the treaty are to be carried out in accordance with each country's respective constitutional process.

Additionally, my reservation does not require any other country to take action or renegotiate the treaty. The reservation will be deemed accepted if our allies do not object after a period of 12 months.

I call on my colleagues to support my proposal to reaffirm that our Constitution and the NATO treaty are abundantly clear: Our international obligations do not supersede Congress's responsibility to declare war. It is in our Constitution. It is the supreme law of the land, and we should today reassert that we will obey the Constitution above all else.

I call up my amendment No. 5191 and ask that it be reported by number.

The PRESIDING OFFICER. The clerk will read the amendment.

The senior assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. PAUL] proposes an amendment numbered 5191 to the resolution of ratification to Treaty Document No. 117-3.

The amendment is as follows:

(Purpose: To provide a reservation to the Protocol)

In section 1, in the section heading, strike **“DECLARATION AND CONDITIONS”** and insert **“DECLARATION, CONDITIONS, AND RESERVATION”**.

In section 1, strike “declarations of section 2 and the condition in section 3” and insert “declaration of section 2, the conditions in section 3, and the reservation in section 4”.

At the end, add the following:

SEC. 4. RESERVATION.

The advice and consent of the Senate under section 1 is subject to the following reservation: Article 5 of the North Atlantic Treaty does not supersede the constitutional requirement that Congress declare war before the United States engages in war.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, as we bring to an end this debate about the accession treaty for Sweden and Finland, I have been listening in my office to my colleagues' comments, and I think it has all been very constructive. But I do have a different view—a view on some points that have been made that I think are wrong—and before this body casts a vote, I think they should understand why.

I appreciate Senator PAUL's focus on Congress's prerogatives with respect to war powers. Like Senator PAUL, I have a deep respect for the critical role that the Constitution assigns to Congress in this area, and I believe our democracy is stronger for it. But I rise to convey that Senator PAUL's amendment is unnecessary, unprecedented, and, if adopted, will be deeply damaging to NATO and our relationship with NATO allies.

That is why the Foreign Relations Committee, in marking up these treaties, overwhelmingly, in a bipartisan vote, voted down a substantively identical amendment offered by Senator PAUL.

The amendment before us today is not necessary. There is no question that the North Atlantic Treaty and the Finland and Sweden protocols do not and cannot supersede the Constitution. No treaty can. This is a well-established and well-understood point that the Supreme Court has reaffirmed.

The amendment, however, would be deeply damaging to our core national security interests. Neither the United States nor any other NATO ally has ever insisted on a reservation—a statement that would limit and call into question our adherence to NATO obligations. But that is exactly what this amendment does.

If adopted, it would be shared with all NATO members and would signal to

them that we are limiting our obligations to NATO with regard to article 5 of the NATO treaty. If we go down this road, we can expect that other countries will do so, as well, gutting the core commitment that NATO members make to each other.

Particularly at this time, with Putin's rampage in Ukraine, his energy war against Europe, and his constant saber-rattling, it would be self-defeating to do anything that casts doubt on our rock-solid commitment to NATO and our NATO allies.

So let me reiterate: There is no question that neither the treaties we are voting on today nor any treaty can supersede the Constitution. That position is clear in law and clear in logic: The Constitution is supreme.

From there, we have one task before us: providing advice and consent to Finland and Sweden's accession in a manner that strengthens the NATO alliance and strengthens our allies. The amendment before us would do the opposite.

And for those reasons, I oppose that amendment and urge all my colleagues to do so as well.

Finally, let me address some of the other critics of Sweden and Finland's accession to the NATO alliance. Each day we fail to act we send a message of indecision and division. Some Republican critics oppose Sweden and Finland joining NATO because they are worried about the cost to the United States, but that is simply untrue. Sweden and Finland will reduce these costs.

Instead, we should be asking: What is the cost of delaying NATO expansion? What is the cost of debating protection for Europe's democracies? What is the cost of denying security to Sweden and Finland?

I will tell you, these eleventh-hour concerns standing in the way of this process only serve Putin's interest. Other critics want an amendment undermining article 5 of the NATO charter, which says an attack on one NATO member is an attack on all. But as I said before, this was overwhelmingly rejected by both sides of the aisle in the Senate Foreign Relations Committee.

And then there are still others who say we shouldn't accept Sweden and Finland into NATO because China, not Russia, is our greatest foreign policy threat. Let me just say one thing, if you want to make sure you defeat the China challenge, the first thing you want to do is defeat Russia in Ukraine.

Xi Jinping is looking at what is happening in Ukraine. He is looking at what the West is doing in Ukraine. And he is making calculations as it relates to Taiwan and elsewhere in the world. You want to make sure that you defeat Russia in Ukraine.

And let me also say, as someone who has worked on foreign policy for three decades and who is intimately aware of the danger and risk that China poses, we have to be able to meet that chal-

lenge in multiple dimensions. Sometimes we face more than one threat at the same time. Sometimes our values and commitments compel us to stand up for what we believe in, and this is one of those times. Putin's regime continues to push and probe for weakness, and NATO is the best institution we have to check his push for power across the continent.

Over the course of the last 70 years that NATO has existed, it has used an open-door policy when it comes to accepting new member countries. These countries must be functioning democracies. They must treat minorities fairly. They must resolve conflicts peacefully and be able to contribute to the NATO alliance. And this criteria describes Sweden and Finland to a tee.

So I urge my colleagues to vote yes to accept these prosperous democracies into NATO. Vote yes to reduce the cost on the United States and the entire military alliance. Vote yes to embracing the values and modern militaries of Sweden and Finland. Vote yes to having these two democracies join us. Vote yes to strengthening the North American Treaty Organization today.

I yield the floor.

Mr. VAN HOLLEN. Mr. President, Russia's brutal and unprovoked war of choice against Ukraine has now reached its 5th month. But while Vladimir Putin had hoped his war would divide the Atlantic alliance, it has in fact brought us closer together. Today, the North Atlantic Treaty Organization is stronger than ever, so strong in fact that new states are being brought into the fold. I am proud to vote today in favor of approving Finland and Sweden's entry into NATO. Their membership at this moment is critical to countering Putin's threats to global security—and especially to nearby, vulnerable nations. As I have already stated publicly with the bipartisan members of the Senate NATO Observer Group, Finland and Sweden are longstanding security and economic partners who already share the collective values that guide our alliance, and I welcome the addition of these two highly capable countries—and the people of Finland and Sweden—to NATO. Their decision to join NATO further reveals how Putin has made a huge strategic blunder, further strengthening the bonds among democratic nations determined to resist his authoritarian reach.

Ahead of this vote on adding Finland and Sweden to NATO, I would like to address Senator PAUL's amendment regarding article 5 of the North Atlantic Treaty and the Constitution. Let's be perfectly clear: There is no question that the protocols of any treaty do not—and cannot—supersede the provisions of the U.S. Constitution. That premise has governed U.S. foreign policy since our founding. And it is in keeping with that long tradition of fidelity to the Constitution that I rise in strong opposition to Senator PAUL's

amendment. This amendment is unnecessary, and it ignores the ultimate supremacy of the Constitution over foreign treaties. Not only that, but this amendment even goes so far as to ignore the substance of the North Atlantic Treaty itself. Article 11 of the treaty explains that “its provisions [shall be] carried out by the Parties in accordance with their respective constitutional processes”—affirming the ultimate supremacy of the U.S. Constitution in governing the actions of the United States. Given these facts, it is clear that Senator PAUL’s amendment, which would send the United States and the entire NATO community down a dangerous and unprecedented path, is predicated on faulty reasoning.

What is more, Senator PAUL’s amendment regarding article 5 and the Constitution threatens to weaken the NATO Alliance itself. The article 5 provision outlining the collective defense obligations of NATO members constitutes one of the central principles of the North Atlantic Treaty. The core premise of article 5 is very simple: An attack against one NATO country should be treated as an attack against all NATO countries. The strength of the NATO alliance depends upon the shared understanding of and respect for this special obligation by each and every member state. But Senator PAUL’s amendment suggests that each member state would be able to offer their own, differing interpretation of article 5, opening the door to confusion, ambiguity, and potential disorder among NATO members. Since the start of the NATO alliance, the Senate has voted eight times to admit a total of 18 new members, and on no such prior occasion was an understanding or reservation like this added. To do so now would only raise doubts about the nature of our article 5 commitment to Sweden and Finland.

For these reasons, I strongly urge the Senate to reject Senator PAUL’s amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I just spoke an hour ago on the floor, and I am a very strong proponent of Sweden and Finland joining NATO. I am also a very strong supporter of NATO, and I want the alliance to endure for decades to come. But alliances can’t endure if shared commitments and burdens are not met.

This is particularly true for democratic alliances, where there must be a sense among the free citizens of such countries that all are pulling their weight for the collective defense and shared goals they all agree to.

So the amendment I just called up an hour ago, No. 5192, is meant to make this clear. It simply states that the U.S. Senate expects all NATO members to spend a minimum of 2 percent of GDP on defense spending as agreed at the NATO summit in Wales in 2014. This will make NATO stronger, as will

the accession of Finland and Sweden as new members.

And I ask for a voice vote on this amendment.

VOTE ON AMENDMENT NO. 5192

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Sullivan amendment.

The amendment (No. 5192) was agreed to.

VOTE ON AMENDMENT NO. 5191

The PRESIDING OFFICER. The question is on agreeing to the Paul amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from Oregon (Mr. MERKLEY) are necessarily absent.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

Further, if present and voting, the Senator from Texas (Mr. CORNYN) would have voted “no.”

The result was announced—yeas 10, nays 87, as follows:

[Rollcall Vote No. 281 Ex.]

YEAS—10

Braun	Johnson	Marshall
Cruz	Lankford	Paul
Daines	Lee	
Hawley	Lummis	

NAYS—87

Baldwin	Grassley	Romney
Barrasso	Hagerty	Rosen
Bennet	Hassan	Rounds
Blackburn	Heinrich	Rubio
Blumenthal	Hickenlooper	Sanders
Blunt	Hirono	Sasse
Booker	Hoeven	Schatz
Boozman	Hyde-Smith	Schumer
Brown	Inhofe	Scott (FL)
Burr	Kaine	Scott (SC)
Cantwell	Kelly	Shaheen
Capito	Kennedy	Shelby
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Lujan	Stabenow
Cassidy	Manchin	Sullivan
Collins	Markley	Tester
Cooms	McConnell	Thune
Cortez Masto	Menendez	Tillis
Cotton	Moran	Toomey
Cramer	Murkowski	Tuberville
Crapo	Murphy	Van Hollen
Duckworth	Murray	Warner
Durbin	Ossoff	Warnock
Ernst	Padilla	Warren
Feinstein	Peters	Whitehouse
Fischer	Portman	Wicker
Gillibrand	Reed	Wyden
Graham	Risch	Young

NOT VOTING—3

Cornyn	Leahy	Merkley
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The amendment (No. 5191) was rejected.

The PRESIDING OFFICER (Ms. SMITH). Under the previous order, any committee conditions, declarations, or reservations, as applicable, are agreed to.

VOTE ON RESOLUTION OF RATIFICATION
(NO. 117—3)

The question occurs on the adoption of resolution of ratification, as amended.

The majority leader.

Mr. SCHUMER. Madam President, since its creation over 70 years ago, no alliance in human history has done more to advance the cause of freedom and democracy than NATO.

Today, at a moment when democracy in Europe is under attack, as belligerent autocrats, like Putin, clamor for European dominance, the U.S. Senate is voting in overwhelming bipartisan fashion to approve Finland’s and Sweden’s accession to the NATO alliance. This is important substantively and as a signal to Russia that they cannot intimidate America or Europe.

(Applause.)

Thank you, Roger.

Putin has tried to use his war in Ukraine to divide the West. Instead, today’s vote shows our alliance is stronger than ever.

I applaud the leaders of Sweden and Finland, who made a bold choice to depart from their long-held position with respect to NATO. I am confident they will be excellent partners in this alliance.

I thank Leader MCCONNELL. Back in May, we met with the Finnish President and the Swedish Prime Minister and promised to approve their accession as quickly as possible. Today, we are keeping that promise.

I also want to thank my colleagues on both sides of the aisle for springing into action on this matter, especially Senator MENENDEZ, the chair of the Senate Foreign Relations Committee, who did such a good job with his ranking member, Senator RISCH, as well as Senators SHAHEEN and TILLIS, who have been our leaders in reaching out to NATO, for their leadership roles. Senators MENENDEZ and RISCH ensured their committee acted quickly.

On a broader note, in the past few months, we have seen an amazing string of bipartisan achievements in this Chamber—achievements rarely seen in such fast succession. We passed the first gun safety bill in 30 years, approved the largest investment in U.S. science and technology in generations, gave veterans the largest expansion of benefits in decades, and today, we are strengthening the NATO alliance. All of this, every bit of this, was done on a bipartisan basis. I have always said this Senate Democratic majority would be willing to work with the other side whenever possible, and these past months have been some of those moments.

Finally, to the Swedish and Finnish diplomats who have worked for months to reach this moment, rest assured, you have many friends in this Chamber. We promise to get this done, and we will always, always stand by your side as allies defending each other.

I thank my colleagues for their work. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.