

certain amount of energy per year would likely make roughly half of the gas stoves currently sold in the United States illegal and could threaten manufacturers with substantial losses, to say nothing of the way it could limit options for Americans, a substantial number of whom opt for gas stoves.

Then there is the Obama-era waters of the United States rule that President Biden's Environmental Protection Agency has resurrected. The WOTUS rule would give the Federal Government sweeping jurisdiction over most water features on private property, including things like irrigation ditches, ephemeral streams, and even prairie potholes.

The Supreme Court is currently considering a case concerning the Federal Government's authority over the Clean Water Act, the outcome of which stands to nullify or make obsolete much of the Biden WOTUS rule.

But if the WOTUS rule goes into effect, farmers, ranchers, and other private landowners could see parts of their land rendered useless for months while the Federal Government determines what restrictions to impose. Landowners could also be faced with huge compliance costs, and the value of their land could plummet. There are also the Biden administration's oil and gas regulations, which are likely to cost all Americans money by driving up energy prices.

Despite the need to develop American energy—an economic and, I would add, national security imperative—this week, President Biden announced that he is closing off a substantial part of the Arctic to oil and gas development. While I am pleased that he did approve the Willow Project this week, he has undercut that approval with these new restrictions.

The President's decision to close off a substantial part of the Arctic will not only restrict areas for energy exploration and development, it is likely to discourage future energy exploration and development even in unrestricted areas, with a correspondingly harmful effect on energy prices.

As if that weren't enough, yesterday, the EPA piled on with another rule that targets electricity production and industry in 23 States and threatens to shut down essential power sources that help guarantee a reliable supply of electricity to American homes and businesses.

The high energy prices Americans have experienced so far under the Biden administration—up to a staggering 37 percent under his watch—could become a permanent feature of American life if the President continues with policies designed to discourage conventional energy production.

So far, I have focused a lot on the economic costs of regulations and the Biden administration's environmental agenda, but of course his environmental agenda is not the only extreme agenda President Biden is pushing

through regulations. For example, he is also using the regulatory power to push his extreme abortion agenda.

The comment period recently closed for a proposed new regulation that could threaten medical professionals' right to decline to participate in abortions. And in defiance of Federal law which prohibits the VA from providing abortion services, the Biden administration has implemented a rule to use taxpayer dollars to provide abortion counseling and abortion services to individuals served by the VA.

While Presidential administrations have tremendous power to push their agendas—and burden our economy—through regulation, there are things Congress can do to push back against troubling exercises of regulatory power. One way is through the Congressional Review Act, which allows Congress to block regulations if it can gather a sufficient number of votes.

Republicans have put forward a number of Congressional Review Act measures—or what we call CRAs—to block some of the Biden administration's most problematic regulations. Republicans in the House of Representatives—joined by a handful of Democrats recently—approved a CRA to block the waters of the United States rule, and we will soon take up this measure here in the Senate. I also expect us to take up a measure in the near future to prevent taxpayer dollars from going to fund abortions at the VA.

Thanks to Senator CAPITO, we have already managed to block one problematic Biden regulation so far this year. Senator CAPITO announced her intention to challenge a Federal Highway Administration memo, which the Government Accountability Office determined to be a rule, discouraging States from pursuing highway expansion projects and prioritizing funding for projects that reduce emissions. Rather than waiting for a congressional vote, the Federal Highway Administration withdrew the memo, issuing a revised version without the problematic language—a win for infrastructure investments in rural areas of our country.

We are likely to have an uphill battle in Congress when it comes to blocking other problematic Biden administration regulations, but Republicans in both Houses are committed to doing everything we can to protect Americans.

(The remarks of Mr. THUNE pertaining to the introduction of S. 839 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THUNE. I yield the floor.

The PRESIDING OFFICER (Mr. LUIJÁN). The Senator from Indiana.

AUTHORIZATION FOR USE OF MILITARY FORCE

Mr. YOUNG. Mr. President, the Founders of our country understood the dangers of concentrating military power in the hands of a single individual.

They had seen how dangerous this can be, thanks to their experience with

King George III. In fact, the specific charges against the King in our Declaration of Independence, as so many know, lay out "a long train of abuses" by the military.

When it came time to draft the Constitution of the United States, the Framers had to strike a balance between giving the President the flexibility to respond to attacks and imminent threats and safeguarding against military adventurism, so they gave Congress—they gave this body—the power to declare war.

The practices of our early Presidents recognized the distinction between defensive military action—over which the President has control—under Article II of the Constitution and offensive operations, which must be approved by Congress in advance.

Fast forward to today; this process has broken down. And for the last three decades, this body has often neglected what is arguably its most important responsibility.

I think many Americans will be surprised to learn that these authorizations for use of military force—or AUMFs—especially the 1991 Gulf war resolution, are still on the books.

Today, these are, in the words of my friend TIM KAINE, who joins me on the floor today, "zombie resolutions." They have fulfilled their purpose, and now they should be removed from our law.

Importantly, the repeal of the 1991 and 2002 resolutions would affect no current military operations. So the issue for us to consider is both what these AUMFs actually do authorize and what they could be used to authorize in the future.

It has been well over a decade since any administration has cited the 2002 AUMF to authorize any military action; however, leaving these authorities on the books creates an opportunity for abuse by the executive branch and bypasses Congress on the most important issue we consider as a body, which is how and when to send our men and women in uniform into harm's way.

On the topic of Iran as it relates to this effort, I share the views of so many of my colleagues on the need to counter Iran. I really do. But reimagining a more than 20-year-old authorization that was passed to combat a totally different enemy is not the way to do it.

Practically, repeal of the 1991 and 2002 AUMFs is very important because of the message that we send to our partner Iraq and to our other partners in the region and beyond.

Let us be clear. Saddam Hussein is dead, and we are no longer worried about the threat posed by Iraq, as stated in this AUMF, which we propose repealing.

Iraq has faced pressure from Iran for the past 20 years. The presence of the 1991 and 2002 AUMFs has not changed that. Going forward, as Iraq continues to face Iranian coercion and violence,

we must increase our resolve to stand with them as partners, not as our enemy, and repealing these authorizations would help us do just that.

This legislation is the rare issue that brings together supporters of all political persuasions. It doesn't fall on party lines. It certainly doesn't fall on ideological or philosophical or geographical lines.

In addition to bipartisan congressional support from across the political spectrum, this important effort has earned the support of a number of outside groups. Just a few of them are the American Legion, Concerned Veterans for America, Heritage Action, and FreedomWorks.

Later this morning, we will vote on cloture on the motion to proceed to this important bill. We don't need to debate extensively whether or not we even proceed to consideration; therefore, I urge a "yes" vote as we work together to reclaim these important authorities and arrest the trend of giving away our war powers to an unchecked Executive.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I ask unanimous consent that I and then Senator MENENDEZ be permitted to complete our remarks prior to the opening of the first vote.

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

Mr. KAINE. Mr. President, to my colleague from Indiana, I am so glad to be on the floor with you as we approach a most historic vote, a vote that has not been conducted in the Senate since 1971, a vote to repeal a war authorization.

We will start the first procedural steps to formerly end the Iraq war. Right now, we still have not one but two active war authorizations against the Government of Iraq that is no longer an enemy, but, in the Biblical phrase, we have beaten the sword into a plowshare. Iraq is now a strategic partner of the United States.

The bill that Senator YOUNG and I have worked on in close coordination with other colleagues would repeal both authorizations. It is a clean and simple bill, barely a page long. It has attracted bipartisan support, as my colleague mentioned, not only in the Senate and House but from stakeholder groups who care about Americans' military national security and the health and fate of our troops and veterans and their families. It is a very, very broad ideological spectrum of America that support this bill. It is a rare coalition, and it speaks to how painfully evident it is that the repeal of these authorizations is long, long overdue.

This Sunday, March 19, marks the 20th anniversary of the U.S. invasion of Iraq in March of 2002. That war ended 12 years ago. The Persian Gulf war of 1991, Operation Desert Storm, ended 30 years ago.

I want to thank my friend from New Jersey, the chair of the Senate Foreign Relations Committee, Senator MENENDEZ, for his longstanding support for this repeal effort. I want to thank my colleague from Indiana for partnering with me for years and his indefatigable effort to move us to this day. I also want to acknowledge the ranking member of the Foreign Relations Committee, Senator RISCH, who does not support my bill, who voted against it in committee, but who has worked in a cooperative way on the committee both in the 117th Congress and in the 118th Congress to make sure that this bill would be heard, that there would be a robust process for amendments in committee, and now that it can be heard on the floor.

The discussion over Congress's role in determining how and when the United States utilizes its military power—having that discussion—is so important, maybe even more important than ultimately how people vote on this bill, because, too often, the article I branch has deferred on matters of war, peace, and diplomacy to the article II branch, to the executive, even though these powers are some of the most specific and somber powers granted to Congress in article I of the Constitution. Congress must exercise our article I authority over war, peace, and diplomacy, and that is what this bill and this debate is about.

I think we need to repeal the Iraq war authorizations, first to recognize reality: An enemy that we were trying to push out of Kuwait in 1991, an enemy whose government we voted to topple in 2002, that enemy no longer exists. Iraq, today, is an American security partner of incredible importance. Defense Secretary Austin just visited Iraq last week, had productive meetings with the new Prime Minister, Prime Minister al-Sudani.

Those meetings included Iraq's request that we stay—we have about 2,500 troops in Iraq right now—and work with them to counter ISIS and other nonstate terrorist threats that threaten not only Iraq but other nations in the region. Iraq is asking us to stay so we can help them check Iranian aggression in the region.

Secretary Austin talked about the value of this strategic partnership with Iraq. Iraq is no longer a force for chaos. Iraq is now a force for regional stability, and the United States is their partner of choice. Why would we want two war authorizations against a nation that has become a partner of choice?

Our servicemembers had the courage to put their lives on the line, and everyone in this Chamber knows families, knows servicemembers who served in Iraq, who were injured in Iraq. Many of us know families of those who were killed in Iraq. They had the courage to do their job. How dare we, as Congress, not have the courage to simply say, after 20 years: This war is over; the job is done.

This is partly a way of thanking those who have borne the battle here at home. We owe it to our servicemembers to fulfill our constitutional obligations and vote to end endless wars.

Repeal also sends a powerful message to adversaries of the United States today. Repeal says: You may be an adversary of the United States today—and we know we have challenges around the world today with Russia or China or Iran or North Korea. But the repeal of this authorization sends the message: You may be our adversary today, just as Iraq once was, but the United States specializes, throughout our history, in turning adversaries into partners, allies, and friends.

Look at the U.S.-Germany relationship. We fought two wars against Germany in the 20th century. The relationship now is so powerful, and that powerful relationship is helping as we try to protect Ukraine from an illegal invasion by Russia.

Look at Japan. We fought a war against Japan, a devastating war. We were attacked by Japan in 1941. Yet, now, Japan is one of our closest allies in the world.

Look at Vietnam. When Vietnam invites the USS *John McCain* to make a port call in Vietnam to celebrate the relationship that has been built between our two nations—a relationship that still has some challenges but a relationship that few could have predicted during the Vietnam war—we send a message to the entire world that the United States will turn a sword into a plowshare, will beat a spear into a pruning hook; that we will embrace diplomacy. And that is a message that the U.S. adversaries of today should draw from an action to repeal this war.

The Biden administration has reissued a statement of administration policy on this particular bill, stating that they fully support it. Let me just read briefly from it:

The Administration notes that the United States conducts no ongoing military activities that rely primarily on the 2002 AUMF, and no ongoing military activities that rely on the 1991 AUMF, as a domestic legal basis. Repeal of these authorizations would have no impact on current U.S. military operations and would support this Administration's commitment to a strong and comprehensive relationship with our Iraqi partners. That partnership, which includes cooperation with the Iraqi Security Forces, continues at the invitation of the Government of Iraq [to] . . . advise, assist, and enable [them].

The Great Seal of the United States, which you can see here on the wallpaper around this Chamber, was created early in our Nation's history, and it shows an eagle holding 13 arrows in one talon—those 13 to represent the first 13 American States—and an olive branch in the other talon. The design was chosen very intentionally. The arrows signify the U.S. military capacity, might, and will. The olive branch signifies the American desire to be a peacemaking, diplomatic nation.

On the Seal of the United States, the eagle is facing toward the olive

branch—facing toward the olive branch—because we want everyone to know how we define ourselves as a nation—that, yes, we will have the military capacity to defeat enemies if we must, but, as a nation, our preference, permanently and always, is to seek peace and diplomatic solutions with all the nations of the world.

After 20 years, it is time to repeal the Iraq war authorizations. I urge my colleagues to vote yes on this procedural vote today. It will begin a robust and fulsome debate that will go into next week. Senator YOUNG and I and our colleagues are committed that that debate shall include opportunities for Members to offer amendments. That is being worked on by Democratic and Republican leadership.

We haven't had a discussion of this kind for nearly six decades. It is good that we are going to give it the time and attention it deserves, and I urge my colleagues to vote yes on the cloture motion later this morning.

Mr. President, 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. MENENDEZ. 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. MENENDEZ. Mr. President, as Senators, our gravest responsibility is deciding when to authorize the use of military force because that is a decision about life and death. It is a decision about sending our sons and daughters into harm's way.

More than 20 years ago, we voted on whether to authorize the use of military force against Iraq. Decades later, we have a chance to formally end that war and claw back an outdated authority.

When authorizations for military force have outlived the purpose that Congress intended, we should repeal them. We should repeal them to ensure that Congress determines when to send Americans into harm's way, so that our laws reflect current threats and protect U.S. interests, and to guard against future executive abuse.

Now, it has taken a long time to get here. I want to commend Senators KAINE and YOUNG, two esteemed members of the Senate Foreign Relations Committee who have been pursuing repeal of the 1991 and 2002 AUMFs against Iraq for years, and I applaud their relentless focus on this issue.

As we mark the 20th anniversary of the invasion of Iraq, we cannot ignore its heavy toll. It destabilized the Middle East. It empowered Iran. It turned al-Qaida into a regional franchise. By some estimates, it killed more than a half million Iraqis. It was a war our partners in the region did not support, and it damaged American leadership on the global stage. But, most gravely, it cost our Nation nearly 5,000 lives—

Americans who fought bravely and served their Nation and didn't ask the question whether it is right or wrong but just answered the call.

Now, I am proud to have voted against going to war with Iraq in 2002 when I served in the House. I believe history has proven that that was the right call. But that is not the question before us today. The Iraq of 2023 is far different than the Iraq of 2003. Today, Iraq is a critical strategic partner. We fight ISIS together. We protect American personnel and American assets together. This relationship also goes far beyond security. We are partnering on health, education, on climate change. We are working to stabilize global energy markets together.

Repealing these outdated authorizations would cement this important relationship with serious bilateral diplomacy. It would help Iraq chart a course for the future that is independent and more closely integrated with its Arab neighbors. It also removes a major Iranian talking point, however false, that the United States is a colonial power in Iraq.

Now, there are real threats in this part of the world. We must be clear-eyed about those, but the answer to those threats is not the 1991 or 2002 AUMF.

Now, I know, when we get to amendments, my colleagues will offer amendments to this bill. They will try to delay repeal. They will argue that we need these authorizations to respond to Iranian-led and Iranian-backed attacks. They may even offer amendments to expand these authorizations and give the President even broader authority. But I urge my colleagues to remember this: The President is clear in his view that he has the authority, under the 2001 AUMF and the Constitution, for defensive military operations against ISIS or Iranian threats against U.S. personnel and interests. In fact, the President has responded to Iranian-led and Iranian-backed attacks repeatedly and has done so without—with-out—relying on the 2002 AUMF.

Now, take it from me, as someone who has worked for decades to confront the challenge of Iran, I know well the threat that Iran poses to us and to our allies in the region. We cannot be naive about their intentions, and we need to have the political will to respond how and when we deem necessary. But repeal will have no impact on our ability to defend U.S. interests against Iran—none whatsoever.

After 20 years, this is a defining moment. Congress needs to repeal these authorizations for the use of military force to reassert our constitutional role on war powers.

We should not just declare war; we need to be able to end them as well. And let's be clear: This is not some theoretical debate. This is about the lives of our servicemen and -women who may be called upon to fight and make the ultimate sacrifice.

In our democracy, those decisions must be made by Congress. So I am

proud that we are stepping up to have the difficult debates that we should have. And I look forward to passing this bill with a strong bipartisan vote, as it passed out of the Senate Foreign Relations Committee, which has jurisdiction over the authorizations for use of military force. That bipartisan vote there, I think, will be reflected in a bipartisan vote in the House.

I urge my colleagues to vote to repeal these authorizations, and, in the first instance, to start by doing so by voting to have cloture.

I yield the floor.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 27, Jessica G. L. Clarke, of New York, to be United States District Judge for the Southern District of New York.

Charles E. Schumer, Richard J. Durbin, Richard Blumenthal, Christopher A. Coons, Benjamin L. Cardin, Tina Smith, Christopher Murphy, Mazie Hirono, Tammy Baldwin, Margaret Wood Hassan, John W. Hickenlooper, Sheldon Whitehouse, Catherine Cortez Masto, Brian Schatz, Gary C. Peters, Alex Padilla, Michael F. Bennet.

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

The question is, Is it the sense of the Senate that debate on the nomination of Jessica G. L. Clarke, of New York, to be United States District Judge for the Southern District of New York, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) and the Senator from Pennsylvania (Mr. FETTERMAN) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Wyoming (Mr. BARRASSO), the Senator from Texas (Mr. CRUZ), the Senator from North Dakota (Mr. HOEVEN), and the Senator from Kentucky (Mr. MCCONNELL).

Further, if present and voting, the Senator from North Dakota (Mr. HOEVEN) would have voted "nay."

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

The yeas and nays resulted—yeas 49, nays 45, as follows:

[Rollcall Vote No. 60 Ex.]

YEAS—49

Baldwin	Cantwell	Cortez Masto
Bennet	Cardin	Duckworth
Blumenthal	Carper	Durbin
Booker	Casey	Gillibrand
Brown	Coons	Hassan