The motion is agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Jennifer Lee Mascott, of Delaware, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. The Senator from Arkansas.

LEGISLATIVE SESSION

Mr. COTTON. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE BUREAU OF LAND MANAGEMENT RELATING TO ''NORTH DAKOTA FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN''—Motion to Proceed

Mr. COTTON. Mr. President, I move to proceed to H.J. Res. 105.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.J. Res. 105, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Land Management relating to ''North Dakota Field Office Record of Decision and Approved Resource Management Plan''.

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Texas (Mr. CRUZ) and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 553 Leg.]

YEAS—51

Banks	Cramer	Husted
Barrasso	Crapo	Hyde-Smith
Blackburn	Curtis	Johnson
Boozman	Daines	Justice
Britt	Ernst	Kennedy
Budd	Fischer	Lankford
Capito	Graham	Lee
Cassidy	Grassley	Lummis
Collins	Hagerty	Marshall
Cornyn	Hawley	McConnell
Cotton	Hoeven	McCormick
Moody	Ricketts	Sheehy
Moran	Risch	Sullivan
Moreno	Rounds	Thune
Mullin	Schmitt	Tuberville
Murkowski	Scott (FL)	Wicker
Paul	Scott (SC)	Young

NAYS—47

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Luján	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—2

Cruz	Tillis

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE BUREAU OF LAND MANAGEMENT RELATING TO ''NORTH DAKOTA FIELD OFFICE RECORD OF DECISION AND APPROVED RESOURCE MANAGEMENT PLAN''

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

The legislative clerk read as follows:

A joint resolution (H.J. Res. 105) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Bureau of Land Management relating to ''North Dakota Field Office Record of Decision and Approved Resource Management Plan''.

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT REQUESTS

Mr. BLUMENTHAL. Mr. President, I am here to talk about a bill that is a matter of fundamental fairness to our veterans and most especially to our combat-injured veterans—a group that should evoke the sympathies and support of our Nation as no other.

I am here to talk about the Major Richard Star Act. Many of my colleagues know about it because 76 Members of this body are cosponsors. That is a large number, but so far, it has not been sufficient to gain even a vote. So I am asking today that that support be turned into action.

This bipartisan legislation will correct one of the deepest injustices impacting disabled veterans. It is labeled by stakeholders as the ''wounded veterans tax.''

The wounded veterans tax, as it stands now, causes more than 50,000 combat-injured veterans who were forced to retire to be barred from a full military pension that they earned or were promised. Let me explain. They are getting a dollar-for-dollar reduction of their military retirement pay from their VA disability benefits. The reduction, dollar-for-dollar, in their retirement pay is the result of their receiving those disability benefits for their combat injuries.

They are entitled to each of the separate and distinct and different forms of compensation. They have earned both. They are different, separate, and distinct. But right now, under current law, they are deprived of the full benefits of their pension because they were injured in combat. Just to describe this injustice should make our stomachs turn with outrage.

The Major Richard Star Act is really a commonsense bill. We use that word, ''commonsense,'' all the time in this Chamber, but in this instance, it seems particularly appropriate. It would right this longstanding injustice and finally provide these military retirees their full VA disability and Defense Department retirement benefits.

This cause is not only common sense, it is rightfully bipartisan. It has received overwhelming support—those 76 cosponsors in this body but also 304 cosponsors in the House of Representatives—and it is the collectively top priority of the military and veterans services organization communities of the United States. Yet, year after year, this bill has stalled, and detractors have worked to deny a simple vote.

Now, in public—critics have avoided taking a public position on the bill, and they have given lipservice to veterans and advocates requesting their support. What their real reasons are, I can't say.

But the fact of the matter is that these veterans have been denied this simple justice.

And let me speak to those critics.

We can't balance the Federal budget on the backs of combat-injured retirees. Doing so reneges on our obligation. It is a sacred obligation to take care of veterans after their time in uniform.

The bill doesn't create some great, new, overly generous benefit, but it would be enormously impactful and beneficial for each of those retirees who would be affected. The average is about $1,200 a month—some more, maybe some a little bit less. At $1,200 a month—you can do the math—it is not a fortune, but it would make a difference in the lives of these combat-injured veterans.

It simply ensures that the benefits we have promised and the benefits they have earned are the benefits that are now delivered—it is that simple—not clawed back, as happens now, from the heroes who have sustained those combat-related injuries.

The veterans and heroes involved in these bills are similar to the namesake of the bill, MAJ Richard Star, a decorated war veteran and engineering officer in the Army. He suffered from lung cancer caused by burn pit exposure.

We all know about Iraq and Afghanistan burn pit exposure. We passed the PACT Act to provide care and benefits for victims of those burn pits and exposure to other toxic chemicals.

They led to his retirement and his death in 2021. He was 51 years old. Until

his death, he was a dedicated advocate for his fellow veterans and combat-related disabilities.

His wife Tonya Star walked these halls by his side. She died in 2024. She called my staff days before her passing, in tears because another Congress had ended, in 2024, without a vote on the Richard Star Act. Tonya knew the tremendous difference this legislation would make in the lives of caregivers and widows like her.

It would make a difference also in the lives of veterans like Pat Murray of North Kingstown, RI. Pat is a Marine Corps veteran and a staunch veterans advocate. He recently welcomed a baby boy, and he was forced to move back to Rhode Island to be closer to his family because the injuries he sustained from an IED blast in Iraq made it difficult to care for the newborn.

We need to be very clear. This act won't return his amputated leg. But it can provide him and his family with desperately needed financial certainty, which they deserve, they need, and they were promised.

And it would also help veterans like retired MSgt Gabriel Peterson of Biloxi, MS. He was medically discharged as a result of reactive airway disease. He is on five different drugs. They help with his breathing. It is a struggle for him to live, and this act would ensure that he could provide for his family, even if he is no longer able to be employed.

The stories are powerful, and they are persuasive. They depict the scope and impact of this act, if it were passed, in lifesaving and life-enhancing benefits, and what it will mean to the tens of thousands of veterans across this great Nation.

In fact, these veterans and their families—think of their families—deserve a lot better. They deserve elected officials who will stand up and deliver for them the benefits they were promised and the benefits they earned; and they need them and deserve them today.

I am asking my colleagues to advance this legislation now. The principle of taking care of our veterans has never been Democrat or Republican. The Veterans' Affair Committee is supremely bipartisan. My hope is that tradition will continue, including today.

So let's put politics aside. Let's put partisan differences aside and finally do the right thing and advance this important legislation for our Nation's veterans.

And so notwithstanding rule XXII, I ask unanimous consent that the Committee on Armed Services be discharged and the Senate proceed to the immediate consideration of S. 1032, the Major Richard Star Act; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from Mississippi.

Mr. WICKER. Reserving the right to object, let me say that I have deep respect for my colleague and friend, the senior Senator from Connecticut. He is a veteran; I am a veteran. I have no doubt in my mind that Senator BLUMENTHAL has a heart for the veterans and for disabled veterans, and I appreciate that. He is moved with concern for those who have served and who have been injured.

However, my colleague is asking for an entitlement that does amount to a double benefit and that we cannot afford. We are talking about between $9 billion and $10 billion on the Department of Defense authorization act. And we are talking about adding a bill, a piece of legislation, that really belongs in another jurisdiction, as my friend acknowledged.

We cannot possibly add another $10 billion—$9 or $10 billion of entitlement money—to this DOD authorization act and hope to pass it.

And that is the reason that in Democrat majorities and Republican majorities—House Democrat majorities and Senate Democrat majorities—and in Democratic administrations, this legislation has never been accepted—because we simply cannot afford it.

Historically, Congress has provided permanent new benefits only after we have identified an offset, savings of a similar amount. There is no such offset identified in this unanimous consent request.

And when we do not identify offsets, then that $10 billion—almost $10 billion—has to come out of readiness, out of the strength of our military to defend ourselves in the most dangerous time we have had since World War II.

So I have the deepest respect for my friend from Connecticut, and I admire his intentions. But until Congress and until the authors of this proposal identify a way to offset the expense or to make it less expensive, we should not move forward with this legislation.

Therefore, I do object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. I want to respond very briefly to my colleague from Mississippi and my friend, the chairman of the Armed Services Committee. We have worked together, as he does always, in a bipartisan way on armed services issues. So what I am about to say is not personal to him. In fact, I am willing to bet that it isn't his decision to object here.

But I want to refute two points. No. 1, on double-dipping, let's be clear that these are two separate programs, and the right to payment under each of them is separately deserved. Not everyone who is entitled to retirement pay gets disability benefits. You have to be in that club that nobody wants to join of being combat injured. And it is a separate form of right that in no way involves double-dipping, as we commonly refer to it. The retirement pay is for years of service in the military. VA disability compensation is for the loss of future earnings due to service-connected injuries or illnesses.

And I just want to make clear that this point is really about equity and fairness. Congress eliminated this option for nearly a million veterans who have served 20 years and have a 50-percent VA disability rating or higher. It has already dealt with one segment of this group. This unjust assessment ultimately ought to be eliminated for all the 430,000 veterans who had their military retirement pay clawed back because they are receiving VA disability benefits.

But we are starting here or taking the next step with 50,000 of those 430,000 who, in fairness, should receive both, the retirement pay and disability benefits. And we are doing it because these 50,000 have combat-related injuries.

And as to the total cost—again, not personal to my colleague from Mississippi—but the CBO told us that the Republican-supported tax cuts exploded the deficit by about $3.4 trillion.

Let me repeat that: $3.4 trillion, in large part tax cuts to people who didn't need them.

These veterans need these benefits. This cost is a minuscule fraction of those trillions. This country can afford to do right by these combat-injured veterans. The DOD Office of the Actuary has indicated it could implement the Richard Star Act in an ''actuarially sound manner.''

It is not too costly. It is financially sound. I regret that the Richard Star Act will not be passed today, but I have another measure that I would like to bring to the floor. And it is, with regret, that we are not providing unanimous consent to the bill itself.

And I understand the points made by my colleague, but I would like to present a middle ground. Since we don't have unanimous consent for the Major Richard Star Act today, let's agree to a vote. Let's have a time agreement that would authorize the Senate to take a single up-or-down vote on passage of this bill before the end of the year. This time agreement doesn't guarantee passage. It simply guarantees a vote.

One vote, that is all I am asking. Give us a vote on passage of the Major Richard Star bill, and it would be passage by a 60-vote margin, filibuster proof. If we get 60 votes, the bill passes. If not, it goes down. Let's do it before the end of the year.

I happen to think that we ought to spend whatever time is necessary on this bill. But I understand that leadership is concerned about time. And so my proposal strips away all the time-consuming procedural stuff—I have another word for it—but it allows us to go forward expeditiously. One vote scheduled entirely at Majority Leader THUNE's discretion, before the end of the year—it could start and finish in half an hour or 45 minutes.

Surely, the Republican leadership can spare that short time, scheduled at

their discretion, to give these combat-injured veterans a single vote on this bill before the end of the year.

And so notwithstanding rule XXII, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader but no later than December 31, 2025, the Committee on Armed Services be discharged and the Senate proceed to the immediate consideration of S. 1032; further, that there be up to 2 hours of debate on the bill, equally divided between the two leaders or their designees, and that upon the use or yielding back of that time, the bill be considered read a third time and the Senate vote on passage of the bill, with 60 affirmative votes required for passage, all without further intervening action or debate and no amendments or motions in order to the bill prior to the vote on passage.

The PRESIDING OFFICER (Mr. SCHMITT). Is there an objection?

The Senator from Mississippi.

Mr. WICKER. Mr. President, reserving the right to object, every time my Democratic friends want to advocate for another expensive program, they mention the tax cuts.

Let me just stray from the issue at hand to say, as I have always said, when Republicans cut taxes on job creators, on small business people, on 95 percent of the people who file a tax return back in 2017, jobs were created. And until the pandemic was visited upon the whole world, jobs were created and revenue rose for the United States of America. I have to say that.

Let me also say this: There have been times, very recently, when the Democratic party controlled the Presidency, the House of Representatives, and the U.S. Senate. And even in those situations—those recent situations—this legislation costing in excess of $9 billion in mandatory spending was not brought forward.

Now, why would our friends across the aisle and the President of the United States, who was a Democrat, not advocate for that and make sure it comes to a vote is that you have got to make choices when it comes to national defense. Where would we take the money, the $9 billion? Are we going to take it out of salary increases for our junior enlisted people, which is in this bill? Are we going to take it out of munitions? Are we going to take it out of modernization of our nuclear strategic system, which is behind and needs it so desperately?

We can't just print up another $9 billion or $10 billion for this purpose, particularly when there is the question that has not been answered about double compensation here.

And so I would just say it is easy to point fingers at this side of the aisle on this occasion and on this unanimous consent request, but there is a reason that there has been a bipartisan reluctance to spend this extra money, which we would love to have if we had it, if we could just wave a magic wand and create the money out of thin air, but we cannot do it.

The responsible thing, regardless of who has been in charge of this Chamber, has been to do the best we can for our veterans with one or the other of these compensation programs. And so for that reason, I do object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I respect the points that are being made by my friend from Mississippi. In fact, we share support for every one of those armed services measures that he had described, whether it is bolstering our nuclear force, providing for more drone protection, increasing well-deserved compensation for our military men and women, and it is the reason why he has led, and I have supported, the current National Defense Authorization Act that, hopefully, will be approved by this body within days.

Where we differ is, I think, that I believe that the $9 billion or $10 billion that would go to ensure fundamental fairness to our military is there or a great nation should ensure it is there when we are talking about the trillions that we will spend on many other things, some of them very worthwhile, but, in my view, none more worthwhile than doing right by these veterans.

It isn't double dipping. It isn't overly generous. It isn't going to break the bank, so to speak. To the Federal Government as a whole, with its trillions of dollars, it is a miniscule fraction; to those veterans, it is not only a matter of quality of life and sometimes survival, it is fundamental fairness.

They were promised. They have earned it. They deserve it. They need it. They ought to have it.

And this measure simply would assure a vote—a vote. We ought to face our responsibilities. Maybe my colleagues, even though 76 of them have cosponsored—that is three quarters of this body—maybe it would still fail for whatever reason. But I would like to take my chances. And I assure my colleague from Mississippi, who I think supports the basic goal from what he has said, that I will continue fighting and working for this measure to pass. I know there is deep and broad support in this body for it, and I look forward to a time when he and I will be on the floor together, both of us, supporting this measure in a vote.

I am not giving up, and I am very hopeful that this cause will continue to be bipartisan.

The PRESIDING OFFICER. The Senator from Arizona.

UNANIMOUS CONSENT REQUEST—S. 1337

Mr. GALLEGO. Mr. President, I rise today in support of the Cybersecurity Information Sharing Extension Act, bipartisan legislation led by my colleagues Senator PETERS and Senator ROUNDS.

For nearly a decade, this law has been one of our most effective tools to protect Americans from cyber attacks. It allows the Department of Homeland Security and its Cyber Infrastructure Security Agency, CISA, to share real-time threat information with the private sector, State and local governments, and critical infrastructure.

When a hospital or water system is hit with ransomware or when a foreign adversary targets one of our Agencies, this law lets CISA warn others before they become the next victims. It is how we connect dots, stop attacks from spreading, and protect Americans in real life.

Just last year, we saw what happens when a single cyber attack can ripple through an entire sector. The ransomware attack on Change Healthcare shut down hospital billing systems across the country, delaying prescriptions and paychecks and patient care for weeks. Imagine if we didn't have the ability to share those threat indicators quickly enough to change that.

But, unfortunately, the law expired on September 30. Right now CISA is operating without its core legal framework for threat sharing, and every day that passes without reauthorization means slower alerts, weaker defenses, and more Americans put in harm's way.

We can't afford for our cyber defenses to be further degraded.

This bill is a simple, bipartisan, 10-year extension of a proven law that protects every American. We should reauthorize it today.

Notwithstanding rule XXII, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 1377 and that the Senate proceed to its immediate consideration; that the bill be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there an objection?

The Senator from Kentucky.

Mr. PAUL. I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Arizona.

Mr. GALLEGO. Mr. President, the authority already is expired. Every day we delay, our cyber defenders have less information to work with, and Americans are less safe. This isn't a partisan issue. It is about whether the United States can see and stop cyber threats before they are hit.

The experts all agree the program is needed. The only people that benefit from inaction are the hackers who try to exploit our systems.

I urge my colleagues to drop the politics and restore this critical act before any more American businesses or hospitals pay the price for our delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

WAR POWERS RESOLUTION

Mr. PAUL. Mr. President, somewhere off the coast of Venezuela a speed boat

with 11 people on board is blown to smithereens. Vice President Vance announces that ''killing cartel members that poison our fellow citizens is the highest and best use of our military.''

When challenged that killing citizens without due process is a war crime, the Vice President's response was that he ''didn't give a shit.''

Sometimes, in fits of anger, loud voices will say they don't care about the niceties such as due process. They just want to kill bad guys. For a brief moment, all of us share that anger and may even embrace revenge or retribution.

But over 20,000 people are murdered each year in the United States, and somehow we find a way to a dispassionate dispensation of justice that includes legal representation and a trial.

Why? Because sometimes the accused is actually not guilty. Even with the best of care, even with the best of justice, sometimes we find out it is the wrong person.

As passions subside, a civilized people should ask questions. To be clear, the people bombed to smithereens were guilty, right?

If anyone gave a you-know-what about justice, perhaps those in charge of deciding whom to kill might let us know their names, present proof of their guilt, show evidence of their crimes. The administration has maintained that the people that they blew to smithereens were members of a gang, members of Tren de Aragua, and therefore narcoterrorists.

Why? Because we say so.

But certainly, then, if they know that they belong to a particular gang, then someone must surely know their names before they were blown to smithereens. Is it too much to ask to know the names of those we kill before we kill them, to know what evidence exists of their guilt?

At the very least, the government should explain how the gang came to be labeled as ''terrorists.'' How did the people who you say are in a gang, how did they come to be labeled as a ''terrorist''?

U.S. law defines a terrorist as someone who uses premeditated, politically motivated violence against noncombatants.

Show us evidence of that. Show us evidence of their guilt. Show us evidence that they are terrorists, perhaps before we blow people to smithereens.

Since the U.S. policy is now to blow people to smithereens if they are suspected of being in a terrorist gang, then maybe someone should take the time to explain the evidence of their terrorism.

Critics of this whole terrorist-labeling charade, such as Matthew Petti at Reason, explained that, in practice, what we are doing in practice ''means that a 'terrorist' is whoever the executive branch decides to label one.'' You are a terrorist because you are labeled one. You can be killed because you are called a terrorist.

But where in all of this is some sort of evidence that you are guilty of something?

While no law dictates such, once people are labeled as ''terrorists,'' they appear to be no longer eligible for any sort of due process—no, the blow-them-to-smithereens crowd, at this point, will loudly voice their opinion that people in international waters don't deserve due process.

Vice President Vance asserts:

> There are people who are bringing—literal terrorists—who are bringing deadly drugs into our country.

Which, of course, raises the question: Who labeled them as ''terrorists''? And what is the evidence of these specific people who had names before they were blown to smithereens? What is the evidence against them individually? What are their names? What, specifically, shows their membership and guilt? Were they armed at the time they were blown to smithereens?

The blow-them-to-smithereens crowd also conveniently ignores the fact that death is, generally, not the penalty for drug smuggling.

The mindless trolls that occupy much of the internet whine that such questions show weakness or commiseration with drug pushers who are killing our children, a ludicrous assertion to most sentient humans but one I fear that requires a response: International law and norms have always granted due process to individuals on the high seas not actively involved in combat. U.S. maritime law explains in detail the level of force and the escalation of force allowed in the interdiction of drugs. You realize we interdict hundreds of ships off the shore of Miami, off the Pacific coast, and we don't always blow them to smithereens. Why? Because some of them don't actually have drugs on them. Hundreds of ships are stopped daily, yearly. The blow-them-to-smithereens crowd might stop to ponder that a good percentage of these ships that we actually search turn out not to be drug smugglers. Coast Guard statistics show that one in four interdiction finds no drugs.

So far, the administration has admitted to blowing up four boats suspected of drug smuggling. So there is a one-in-four chance, statistically speaking, that one of these boats may not have had any drugs on it. We will never know because they were blown to smithereens. We may never know the names of the people because they were blown to smithereens. We may never know whether they had arms because they were blown to smithereens.

It seems someone should ask, if the U.S. policy is to blow up all suspected ships, should that policy really be extolled as the ''highest and best use of our military?'' What an insult to our military.

Jake Romm puts the dilemma of whom to designate as a terrorist into sharp relief. Jake Romm writes:

> The hollowness and malleability of the term [terrorism] means that it can be applied to groups regardless of their actual conduct and regardless of their actual ideology. It admits only a circular definition . . . that a terrorist is someone who carries out terrorist acts, and a terrorist act is violence carried out by a terrorist. Conversely, if someone is killed, it is because they are a terrorist, because to be a terrorist means to be killable.

It is a circular definition which no one ever bothers to say: Why are they a terrorist? What is their name? What are they guilty of? What have you accused them of?

We say just say: You are a terrorist; therefore, you are killable.

It devolves to madness.

Can you imagine a doctrine in which we just blow up ships off of Miami and say ''whoops'' if they didn't have any drugs on board? Twenty-five percent of the ships that we board currently don't have any drugs on them. It is a mistake. And we allow it because it is a search, and typically it is a voluntary search. But we allow searches. But we don't kill every suspected boat off of Miami suspected of having drugs because 25 percent of them don't have any drugs.

There is a shortage of independent legal scholars who argue that these strikes are legal. Even John Yoo, a former Deputy Assistant Attorney General under George Bush who infamously offered the Bush administration's legal justification for waterboarding, has criticized the administration's justification for the strikes, saying:

> There has to be a line between crime and war. We can't just consider anything that harms the country to be a matter for the military. Because that could potentially include every crime.

John Duffy, a retired Navy captain, eloquently summarizes our current moment:

> A republic that allows its leaders to kill without law, to wage war without strategy, and to deploy troops without limit is a republic in deep peril. Congress will not stop it. The courts will not stop it. That leaves those sworn not to a man, but to the Constitution [to stop this].

Congress must not allow the executive branch to become judge, jury, and executioner.

Often, people will say: What about the Barbary pirates? What about the Barbary pirates? Jefferson went after them; it should be OK.

But Jefferson understood that the Framers' intention was that the President defer offensive war to Congress, to authorization.

So while there was always a justification and still is a justification for violent defensive maneuvers to protect your shipping, there was never an authorization for offensive unless approved.

This is why President Jefferson, when faced with the belligerence of the Barbary pirates in 1801, recognized that he was ''unauthorized by the Constitution'' only with the authorization of Congress ''to go beyond the line of defense.'' Jefferson wanted the authority

to act defensively against the pirates, but he respected the intentional checks placed on the Executive within the Constitution. Only after Congress had passed the Act for the Protection of Commerce and Seamen of the United States Against the Tripolitan Cruisers in February 1802 did he change it from defensive maneuvers to protect the ships to offensive maneuvers.

Our history is prescient. If the Trump administration wants to use military power, they should seek authorization from Congress. There is a difference between war and peace. There is a difference in the rules of engagement. There has to be. Our police don't shoot people on sight. We have a process. Even off of the coast, we have a process.

We have longstanding maritime laws that we obey as well as every other civilized nation in the world obeys. We board ships after announcing who we are and that we are going to board the ship. There is an escalation if there are weapons fired, if there is a reason where the Coast Guard can escalate, but we don't just blow ships to smithereens.

The vote before us today offers every Member of this body an opportunity to reverse the decades-long abdication of this critical responsibility, of leaving this to the executive branch. Our Founding Fathers said Congress shall authorize war. The Executive is not authorized to do this.

I encourage my colleagues to support this resolution.

TERMINATING THE NATIONAL EMERGENCY DECLARED WITH RESPECT TO ENERGY

Mr. KAINE. Mr. President, I ask the Chair to execute the order of September 17, 2025, with respect to S.J. Res. 71.

The PRESIDING OFFICER. Under the previous order, S.J. Res. 71 is discharged, and the Senate will proceed to the consideration of the joint resolution, which the clerk will report.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 71) terminating the national emergency declared with respect to energy.

Under the previous order, the joint resolution was discharged from committee, and the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. There will now be up to 6 hours for debate only, with the time equally divided between the leaders or their designees.

Mr. KAINE. Mr. President, I rise to begin a discussion that we will have over the course of the next couple of hours about this Senate joint resolution—a privileged motion pending before the Senate that I filed, together with Senator HEINRICH, to terminate a Presidential declaration of an energy emergency that he issued on his first day in office.

The President took a number of actions on his first day in office, and obviously the one that got the most attention was the fact of his inauguration and the celebrations about that. There were other actions that were taken—the pardon of the January 6 criminal convicts and other pardons of individuals, including one notorious drug trafficker.

But there was also an action that was taken that did not get attention immediately, but I started to pay attention to it a few days after the inauguration. That was President Trump's use of the National Emergencies Act and a related statute known as IEEPA to declare national emergencies in the United States. The IEEPA statute is broadly worded. It allows a President to declare an emergency when there is a significant and unusual challenge to the United States that stems primarily from a source outside the United States' shores.

The President has used the NEA to declare an energy emergency. He has used IEEPA to declare tariffs on virtually every nation in the world.

And he has also used the statute in other ways.

I was puzzled by the President's determination that America, in January of 2025, was in an energy emergency because I went back and checked and found that the United States, at the beginning of the Trump administration, was producing more energy than at any time in the history of the United States. Where is the emergency? We were producing more oil, gas, and coal than at any time in the history of the United States. Where is the emergency?

Even more exciting to me because of its tremendous acceleration, we were producing more alternative energy—low-carbon energy, geothermal, wind, solar—than at any time in the history of the United States.

We have seen this in Virginia. To give you an example, when I came into the Senate, Virginia was deep in the bottom half in this country in solar deployment. Now we are in the top 10. Offshore wind was nowhere in the United States. Now we are nearing completion of an offshore wind farm off the shores of Virginia Beach, VA, and we will be the leaders in the Nation and begin producing components that can help us lead in the world when it comes offshore wind.

So where is the emergency? I look through the President's declaration and can see nothing suggesting that the United States was in an energy emergency. But you declare an emergency for a reason, and the emergency was declared not because there was an emergency but because there was something the President wanted to do. As you read down in the emergency declaration, you found what the President wanted to do was allow a bypass of environmental regulations for energy projects. That is what he wanted to do, and he declared a sham emergency in order to do that.

I found it further interesting as I read—well, what is the definition of energy projects that are getting a bypass around environmental regulations? It was not all energy projects. It was oil and gas and coal but not wind, not solar, not hydropower, not geothermal.

Sometimes, I hear folks say they are for an all-of-the-above energy policy. President Trump is embracing an all-of-the-below energy policy. If it is not a fossil fuel under the Earth, it will not be prioritized by this administration.

That was the President's action on day one. There is an energy emergency, and we need an easy-pass lane for fossil fuel projects, but we are going to make it hard for alternative energy projects.

So I dusted off the statute, IEEPA, and found that a single Senator, even in the minority party, can challenge a Presidential declaration of emergency and be guaranteed a privileged vote on the Senate floor within a set period of time, a prompt vote on a simple majority that cannot be filibustered, and that is what we are doing today.

In fact, you can challenge a Presidential emergency every 6 months. I challenged the President's energy emergency with Senator HEINRICH in March, and it was a partisan vote.

Democrats said: There is no such emergency; it is a sham.

Republicans said: We are sticking with President Trump.

Senator HEINRICH and I issued a warning on the floor in March. We said: You are going to see higher energy costs because of what President Trump is doing, and you are going to see jobs lost because of what President Trump is doing. Energy costs will go up because the cancelation of clean energy projects will constrict the supply of energy at a time when the demand is increasing, and the natural economic reaction when you constrict supply at a time of increasing demand is that people are going to pay more for household energy.

We were not convincing then. Maybe people didn't believe that our prediction would come to pass, but 6 months later, we are renewing the challenge. We are here to say that what we said on the floor last spring has happened, and we are seeing dramatic increases in the price of energy for American consumers and businesses and the slashing of American jobs so that Donald Trump can give an easy pass to the fossil fuel industry.

It took a while for these effects to come to pass, but by the time we got to the debate over the reconciliation bill here in this body in late June and early July, it was pretty clear that the only energy emergency was our President. President Trump is the energy emergency.

We were debating the spending law, the reconciliation bill, and I am just going to go through some of the headlines.

NPR:

Power prices are expected to soar under the new tax cut and spending law.

Why would they soar? Because that tax cut and spending law reduced all