

the House extend its precedent-breaking spree over here to our Chamber.

There will be no unfair new rule book written solely for President Trump. The basic organization of the first phase of this trial will track the phase one of the Clinton trial, which all 100 Senators voted for in 1999. I have said for months that this is our preferred route.

By the way, that is exactly what the American people want. Seventy-seven percent told a Harvard-Harris survey that the basic outline of a Clinton trial, reserving the witness question until later in the proceedings, ought to be good enough for this President as well. Fair is fair. In the same survey, 58 percent of Americans said they want Speaker PELOSI to do her job and send the articles to the Senate rather than continue delaying.

It makes sense that American families have lost patience with this act just like we Senators have lost patience with it because this is not just some intramural tiff between the two Houses in our bicameral legislature. This recklessness affects our entire country.

When you take a step back, what has really happened over the last 3 weeks? What has happened? When you take a step back from the political noise and the pundits discussing “leverage”—by the way, that never existed—what have House Democrats actually done?

This is what they have done. They have initiated one of the most grave and most unsettling processes in our Constitution and then refused to allow a resolution of it. The Speaker began something that she herself predicted would be “so divisive to the country,” and now she is unilaterally saying it cannot move forward to resolution.

It is bad enough that House Democrats gave in to the temptation of subjective impeachment that every previous House for 230 years has managed to resist. However unwise, that is their constitutional prerogative. They get to start it, if they choose, but they do not get to declare that it can never be finished. They do not get to trap our entire country into an unending “Groundhog Day” of impeachment without resolution.

Alexander Hamilton specifically warned against a procrastinated resolution of impeachments. In part, that is because our duly-elected President deserves a verdict, just like every American who is accused by their government deserves a speedy trial.

This goes deeper than fairness to one individual. This is about what is fair to the entire country. There is a reason why the Framers did not contemplate a permanently unsettled Presidency. That is true under any circumstances, but consider especially the circumstances of recent days. Even as the Democrats have prolonged this game, we have seen Iran escalate tensions with our Nation. We live in a dangerous world.

So, yes, the House majority can create this temporary cloud over a Com-

mander in Chief if they choose—if they choose—but they do not get to keep the cloud in place forever. Look, there is real business for the American people that the Senate needs to complete. If the Speaker continues to refuse to take her own accusations to trial, the Senate will move forward next week with the business of our people. We will operate on the assumption that House Democrats are too embarrassed—too embarrassed—to ever move forward, and we will get back to the people’s business.

For example, the Senate continues to process President Trump’s landmark trade deal, the USMCA, through our committees of jurisdiction. It passed the Senate Finance Committee this week by a landslide vote of 25 to 3, a major victory for the President and for working families. Now our other committees will continue their consideration.

And there is more. The epidemic of opioids, fentanyl, and other substance abuse continues to plague our Nation. Some colleagues have signaled they may raise privileged resolutions on war powers. The Senate has plenty of serious work to do for our country. So while the Speaker continues her irresponsible games, we will continue doing the people’s business.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to resume consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Paul J. Ray, of Tennessee, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

IRAN

Mr. SCHUMER. Madam President, yesterday the Senate received a classi-

fied briefing for all Senators from the Trump administration on the recent military operation that killed Iranian General Soleimani. Nearly the entire Senate attended, but only 15 Senators were able to ask questions before the administration decided they had to go. As many as 82 Senators were left hanging in the balance without a chance to answer their questions. It was a sight like none I have ever seen in my time in the Senate.

This is a crucial issue: war and peace. These were five of the leading people involved in the decision making, past, present and future. If they couldn’t stay to answer questions in a classified briefing, that is the ultimate disrespect to the Senate.

I have to tell you, it was not just Democrats who were upset and not just on the Republican side. Senator PAUL and Senator LEE were upset. Four or five Senators came over to me, in that room, when I made the request that they come back, and said: Please count me in on that.

As Secretary Pompeo was practically running out the door, I asked the White House representative if they would come back and finish the briefing. Pompeo said no, on his behalf, but the White House representative assured me the group would be back in short order.

I said: Within a week.

In the room, in the SCIF, he said they will definitely come back.

This morning, the White House told me they would explore coming back. They are already backing off, as usual. This is imperative. We are asking, in as polite a way as we can right now, Democrats and Republicans, that these five leaders—the head of DNI, the head of the CIA, the head of the Joint Chiefs, Secretary of Defense, and the Secretary of State—come before us within a week and answer the questions of the 82 Senators who were on the list and wanted to ask questions but couldn’t.

The scene at yesterday’s briefing was unacceptable, as Members of both sides of the aisle have attested. Eighty-two Senators—chairs, ranking members, appropriators, authorized—were snubbed by this administration on a matter of war and peace. They must return.

Again, this administration’s thwarting of the exquisite balance the Founding Fathers put in place between the Congress and Presidency is something that would make the Founding Fathers turn over in their graves and strikes at the core of what America is all about.

Why is it important we have this briefing? Because the danger of war is still very real. There seems to be a sense that Iran’s missile strikes on U.S. installations in Iraq, which resulted in no U.S. or coalition casualties, was a signal that our hostilities between our two countries are deescalating. If that is true, it would certainly be a good thing, but we all know Iran has many different ways of causing trouble in the Middle East. Over

the last decade, Iranian proxies have exported terror, fomented civil strife throughout the region. We know they may seek to strike the United States in many new ways, like through cyber attacks. Undoubtedly, there is still a danger Iran will retaliate for the death of General Soleimani in other ways, not only in the next days, where it is possible they could, but in the next weeks and months.

In a speech yesterday, the Iran Supreme Leader said the Iranian missile strike was just “one slap.” “Such military actions,” he continued, “are not enough as far as the importance of retaliation is concerned.” We have good reason to worry that Iran will do more, particularly, given the fact that they are a regime that has many hard-liners who hate the United States and will try to do us as much damage as they can. For other reasons as well, the risk of confrontation with Iran has grown more acute, some of it because of President Trump’s actions.

At the President’s order, we now have at least 15,000 additional U.S. forces in the Middle East—more forces than we had at the beginning of last summer—15,000 more. The Iranian public, which only weeks ago was protesting its own political leaders, has rallied behind the regime and is directing its entire ire at the United States. Iran has also announced that it will no longer abide by any restraints on its nuclear program that were imposed by the JCPOA, signaling its possible intent to pursue a nuclear weapon.

For all these reasons—that clearly Iran is still a great danger and the risk of war still looms—we need Senator KAINE’s War Powers Resolution more than ever.

The President has made several erratic and impulsive decisions when it comes to foreign policy that have made Americans less safe, put even more American forces in harm’s way. More American troops are now headed to the Middle East. We are not reducing our troop load; we are increasing it.

Iran is no longer constrained by limits on its nuclear program. We find ourselves even more isolated from allies and partners around the world who are shaken by the recklessness and inconsistency of the administration’s foreign policy. The Trump administration cannot even complete a congressional briefing. Congress, unequivocally, must hold the President accountable and assert our authority over matters of war and peace. That is what Senator KAINE’s resolution would do.

We will have a debate on the floor in the Senate. I urge my colleagues to support the Kaine resolution. There are many different ways we can make sure we don’t go into a war recklessly and without check.

Senator SANDERS today is introducing legislation, of which I am a co-sponsor, that will hold back funding for such a war. We Democrats will continue to pursue ways to assert our constitutional authority and make sure

that before the administration takes any actions—because so many of their actions tend to be reckless and impulsive—they have to get the OK of Congress.

IMPEACHMENT

Madam President, on impeachment, I have to respond to Leader MCCONNELL’s hyperbolic accusations that the Speaker is trying to dictate terms of the Senate trial. I know the Republican leader must be upset he cannot exert total control over this process, but Speaker PELOSI has done just the right thing. I can understand why Leader MCCONNELL is so frustrated. If the Speaker had sent the Articles of Impeachment over to the Senate immediately after they passed, Senate Republicans could have moved to dismiss the articles. There was a lot of talk about that a while ago. There wouldn’t have been a fair or even a cursory trial, and they might have even tried to dismiss the whole articles before Christmas. Instead, over the past few weeks, not only have they been prevented from doing that, there have been several crucial disclosures of evidence that appear to further incriminate the President, each disclosure bolstering the arguments we Democrats have made for a trial that features the relevant witnesses and documents. That has been Speaker PELOSI’s focus from the very beginning and has been my focus from the very beginning: getting a fair trial that considers the facts and only the facts. As I have said repeatedly on this Senate floor, as Joe Friday said in “Dagnet,” “Just the facts, ma’am.”

The Speaker and I are in complete agreement on that point, and because the Republican leader has been unable to bring up the articles and dismiss them or stampee through a trial over the Christmas period, the focus of the country has been on witnesses and documents.

Leader MCCONNELL will do everything he can to divert attention from that focus on witnesses and documents. He knows his Senators are under huge pressure not to just truncate a trial and have no evidence; that it will play very badly in America and back home in their States. He is a very clever fellow, so he doesn’t just say no. He says: Let’s delay this for a while and see what happens.

I have little doubt most people who follow this—most Republicans probably quietly—have little doubt that Leader MCCONNELL has no interest in witnesses and documents, no interest in a fair trial. When we say “fair trial,” we mean facts; we mean witnesses; we mean documents.

When the impeachment trial begins in the Senate, the issue will return to witnesses and documents. It has been out there all along but will come back even stronger. That question will not be decided, fortunately, just by Leader MCCONNELL. Every Senator will have to vote on that question. Those votes at the beginning of the trial will not be

the last votes on witnesses and documents. Make no mistake, we will continue to revisit the issue because it is so important to our constitutional prerogative to hold a fair impeachment trial.

The American people believe, overwhelmingly, and regardless of partisan affiliation, that the Senate should conduct a fair trial. A fair trial means that we get to hear the evidence, the facts, the truth. Every Presidential impeachment trial in history has featured witnesses and documents. The trial of the President should be no different.

The Leader has accused the Speaker of making up her own rules.

Mr. Leader, you are making up your own rules. Every trial has had witnesses. Will you support this trial having witnesses or are you making up your own rules to serve the President’s purpose of covering up?

The argument in favor of witnesses is so strong and has such common sense behind it that my Republican colleagues cannot even argue against it on the merits. They can only say: We should punt the question. Maybe we will decide on that later, after both sides finish making their cases.

As already explained over and over again, but it is worth repeating, that position makes no sense from a trial perspective. Have both sides finish their presentations and then vote on whether there should be evidence? The presentation should be based on evidence, on witnesses, on documents. It should not be an afterthought.

I say to my Republican colleagues, this strategy of voting on witnesses later lives on borrowed time. To repeat, once the trial begins, there will be a vote about the question of witnesses and documents, and the spotlight will be on four Republican Senators, who at any point could join Democrats and form a majority in favor of witnesses and documents. Four Republicans could stand up and do the right thing. Four Republicans could make a difference between a fair trial and a coverup. Four Republicans could do what the Founding Fathers wanted us to do: hold a fair trial with all the facts.

All Leader MCCONNELL can do right now is try to divert attention, call names—he is good at that—and delay the inevitable, but he can only delay it. Every single one of us in this Senate will have to take a stand. How do my Republican friends want the American people, their constituents, and history to remember them? We shall see.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. THUNE. Madam President, I think it is safe to say that most Republicans here in the Senate expect that at some point we will be receiving Articles of Impeachment from the House of Representatives, at which time we will conduct the Senate’s business. We will give the President a fair opportunity to be heard—something that was lacking in the House of Representatives.

I heard the Democratic leader's suggestion that the reason the House had to sit on this is because if they sent this over to the Senate, somehow the Senate would dismiss this earlier, immediately, or something along those lines. I have no idea where that comes from. That has never been the intention here for Republicans in the Senate. Republicans in the Senate know full well that we have a job to do under the Constitution in which we hear the case, hear the arguments, ask questions, and consider the possibility of additional evidence being presented. We have said all along that is how we intend to treat this. But we want to make sure it is a fair process—a process that isn't rushed, a process that isn't partisan, as it was in the House of Representatives.

We have gone so far as to suggest that the precedent to be used be the Clinton precedent—in other words, the precedent that was used during President Clinton's impeachment process back in 1999. At that time, there were 100 votes in the Senate—Republican and Democrat—supporting that particular process, which, as I pointed out, allows for both sides to make their arguments. The managers in the House of Representatives come over and make their case, and the President and his team have an opportunity to respond to that, and then there is an opportunity for Senators to propound questions. It seems to me, at least, that is a fair process.

So far, we haven't seen the articles; nor have we seen any cooperation from the Senate Democrats about a process that would do all the things I just mentioned. So the Democratic leader's suggestion that they needed to wait all this time because they have to somehow ensure that Republicans were not going to dismiss this is a false argument.

I would argue that the House of Representatives sitting on this and stalling it undermines the very point they made about why it was so important that they do this. If they rush it, if they do not hear some of the witnesses, if they do not subpoena some of the witnesses—some of the very people they want the Senate to subpoena and hear from are people they could have subpoenaed and heard from.

They have now evidently concluded that—while at one time “We just have to get this through because this President is such a clear and present danger to the country. We have to do this fast and do it with a sense of urgency,” now, all of a sudden, the brakes have been put on and for no apparent reason other than, I would argue, they see political advantage in doing that.

But the fact is, the Senate will hear this at some point if we receive the articles, and we will employ a process—a fair process—that allows both sides to make their arguments and to be heard. Then we will allow the Senate to do its will, and whatever 51 votes in the Senate decide is ultimately how this will be disposed of.

I can tell you, contrary to the assertions of the Democrats, I believe people across this country are very weary and tired—frankly, in some ways exhausted—from having this thing just drag on. There are so many important issues we need to deal with.

We have a trade agreement that is teed up and ready to go—I hope we can vote on it here in the Senate—that has real relevance to the American people. There are farmers and ranchers in my State of South Dakota and across this country who desperately need to expand and open markets. We have depressed ag prices and low commodity prices in both grains and livestock, and we need to create opportunities for these farmers to get back on their feet and to restore profitability.

Instead of doing that, we are waiting for the Articles of Impeachment to come here. Assuming that they do, we will spend who knows how long on processing that at a time when there are so many pressing needs the American people care deeply about, not to mention the fact that in November of this year, we will have a Presidential election and congressional elections, where the people of this country can weigh in. They can have their voices heard.

That is how we ought to decide the differences we have in this country. If you have a difference with the President of the United States, you will have an opportunity to go vote in November of this year. If you decide you don't like him and you want to vote him out of office, you can do that. That is where the people believe this ought to be decided, not through a long, drawn-out, protracted process here in Washington, DC, where a bunch of Members of Congress, who should be working on important issues like energy, healthcare, economy, jobs and wages, and things like that, are bogged down with this impeachment process.

I believe the American people are weary. I think they know that starting in about 3 weeks in Iowa, they are going to start voting. We have a Presidential election that is underway, and it seems to me that people who have views they want to express can make their voices heard in the election, rather than having a long, drawn-out impeachment process, which, as I said earlier, the House of Representatives initiated in such a hurried way that they came up with some pretty weak tea-type Articles of Impeachment in a rush to try to get it over here. Now they are stalling it and not delivering it.

The Senate is not going to act, obviously, until the House acts and sends over those articles. When they do, we will ensure that, unlike the way they conducted themselves in the House of Representatives, it is a fair process that gives the President of the United States, who has been attacked through this process, a chance to respond and defend himself.

TRACED ACT

Madam President, it is safe to say that pretty much every American has been subjected to annoying and illegal robocalls. Who hasn't picked up the phone to discover it is an automated message telling you that you have won a trip to the Bahamas, which you can secure by passing along your credit card information, or asking for important banking information so your account won't be closed?

These calls are a major nuisance, and too often they are more than a nuisance. Every day, vulnerable Americans fall prey to ever more sophisticated scammers and have money or their identities stolen. Individuals who fall prey to scammers can spend months or years struggling to get their lives back.

I have been working on the issue of robocalls for several years now, first as chairman of the Senate Commerce Committee and now as chairman of the Commerce Subcommittee on Communications, Technology, Innovation, and the Internet.

I worked with Senator MARKEY to lobby the Federal Communications Commission to create a single, comprehensive database of reassigned telephone numbers so that legal callers could avoid contacting people who hadn't signed up for messages.

I have spent a lot of time examining ways to discourage illegal robocalling. While Commerce Committee chairman, I held a hearing with notorious mass robocaller Adrian Abramovich. His testimony made clear that current penalties for illegal robocallers were not sufficient. Illegal robocallers have been building the cost of fines into their activities, and so far, there has been no effective mechanism for criminal prosecution.

Based upon Abramovich's testimony and testimony from Federal enforcers, I developed the Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, or what we call the TRACED Act, along with Senator MARKEY. At the end of December, the President signed our bill into law. The TRACED Act provides tools to discourage illegal robocalls, protect consumers, and crack down on offenders.

As I mentioned earlier, criminal prosecution of illegal robocallers can be difficult. Scammers are frequently based abroad and can quickly shut down shop before authorities can get to them. I believe we need to make sure there is a credible threat of criminal prosecution and prison for those who use robocalls to prey upon the elderly and other vulnerable Americans. To that end, the TRACED Act convenes a working group with representatives from the Department of Justice, the Federal Communications Commission, the Consumer Financial Protection Bureau, State attorneys general, and others to identify ways to criminally prosecute illegal robocalling.

In the meantime, it expands the window in which the Federal Communications Commission can pursue

scammers and levy fines from 1 year to 4 years. The bill also makes it easier for your cell phone carrier to lawfully block calls that aren't properly authenticated, which will ultimately help stop scammers from getting through to your phone. The TRACED Act also tackles the issue of spoofed calls—where scammers make the call appear as if it is coming from a known number. TRACED addresses the issue of one-ring scams, where international scammers try to get individuals to return their calls so they can charge them exorbitant fees.

The bill directs the Federal Communications Commission to convene a working group to address the problem of illegal robocalls being made to hospitals. There are too many stories of hospital telephone lines being flooded with robocalls, disrupting critical lines of communication for hours.

Will the TRACED Act completely solve the problem of illegal robocalls? No. But it will go a long way toward making it safe to answer your phone again, and it will help ensure those who exploit vulnerable individuals face punishment for their actions.

I am grateful to Senator MARKEY for partnering with me on this legislation. The Washington Post praised the TRACED Act as an example of “good old-fashioned legislating.”

I am proud of the strong bipartisan support it received in both Houses of Congress. I look forward to monitoring the implementation of the TRACED Act and continuing to work to protect Americans from illegal and abusive robocalls.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. PETERS. Madam President, I ask unanimous consent that Senator JOHNSON and I be able to complete our remarks prior to the cloture vote.

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

NOMINATION OF PAUL J. RAY

Mr. PETERS. Madam President, today I rise to speak in opposition to the nomination of Paul Ray to be the next Administrator of the Office of Information and Regulatory Affairs, more commonly known as OIRA.

Although not many people outside of Washington have heard of OIRA, this office wields an important amount of influence over regulations that impact families, businesses, and communities in countless ways.

If confirmed, Mr. Ray would be responsible for reviewing health, labor, environmental, and many other protections, from safeguarding our source of drinking water to ensuring the cars we drive are safe.

In Michigan, communities like Flint, Oscoda, and Parchment cannot drink water from their own faucets without fear of ingesting toxic chemicals like lead or PFAS.

When meeting with Mr. Ray, I stressed the need to prioritize protections that provide safe and clean drink-

ing water and preserve our Great Lakes and other natural resources. I appreciate that Mr. Ray listened to my concerns. He is clearly very smart and passionate about administrative law and the rulemaking process. However, Mr. Ray is relatively new to Federal service and has relied primarily on his recent tenure at the agency to demonstrate his qualifications.

Given his prior role, the best way for us to understand what Mr. Ray will do if confirmed is to take a closer look at what he has already done. In order to thoroughly examine his qualifications, we asked Mr. Ray to provide information about his tenure, which included reviews of proposals that would weaken critical protections for workers, veterans, children, disadvantaged communities, and the environment.

Unfortunately, the nominee and the agency's Office of General Counsel have refused to meaningfully respond to committee members' request for information or fully participate in the Senate's efforts to meet our constitutional responsibilities. While Mr. Ray expressed a commitment to transparency, his inability to ensure compliance with the committee's requests—including for material that is routinely provided to the public in response to the Freedom of Information Act—raises serious doubts about whether he will cooperate with Congress if confirmed.

Given the unprecedented actions taken by this administration to roll back safeguards, it would be irresponsible to confirm Mr. Ray to OIRA without an opportunity to thoroughly evaluate his record. I have sought to carefully consider Mr. Ray's nomination, but due to this serious lack of transparency, I cannot support his confirmation. For that reason, I will be voting no, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, I rise to ask the Senate to confirm the nomination of Paul Ray to be the Administrator for the Office of Information and Regulatory Affairs of the Office of Management and Budget.

OIRA, as this office is commonly called, is the Federal Government's principal authority for reviewing executive branch regulations, approving government information collections, and overseeing the implementation of government-wide policies related to information policy, privacy, and statistical practices. The OIRA Administrator is responsible for reviewing and approving both rules and then final rules to ensure agencies conduct appropriate cost-benefit analyses.

Under President Trump, OIRA has conducted between 200 and 400 rule reviews each year, and it has made it an administrative priority to reduce the regulations and to control regulatory costs. That includes the important

work of reviewing existing regulations to identify those that are outdated, harmful, or counterproductive and achieving this administration's initial goal of eliminating at least two regulations for every significant new one added.

The good news for our economy is that the administration far exceeded this initial goal by eliminating 22 outdated or harmful regulations for every new one added in 2017, and it has achieved a rate of 7½ regulations removed for each new regulation over the course of the administration. This has saved American families and businesses billions of dollars in compliance costs and has allowed businesses to spend that money and concentrate their efforts on growing their businesses and creating new products, services, and good-paying jobs.

I continue to believe this administration's dedication to regulatory reform and reduction is the single most important factor in the success of our economy, record low levels of unemployment, and growing wage levels, with wage growth being at its strongest at the lower end of our income spectrum.

It is important to note that Mr. Ray has already played a key role in this regulatory rationalization and its resulting economic success.

In his having previously led OIRA as its Acting Administrator and as its Associate Administrator, Mr. Ray has demonstrated the ability to carry out the office's multifaceted mission. In addition to his direct leadership experience at OIRA, he currently serves as the Senior Adviser to the Director of Regulatory Affairs, where he advises on regulations and the regulatory process. He also served as counselor to the Secretary of Labor, where he had a similar role.

Prior to these public service roles, Mr. Ray was an associate at Sidley Austin LLP, and he served as a law clerk to Supreme Court Justice Samuel Alito, as well as to Judge Debra Livingston of the U.S. Circuit Court of Appeals for the Second Circuit. Mr. Ray graduated magna cum laude from Hillsdale College and Harvard Law School.

Because of his background and demonstrated enthusiasm for dealing with regulatory matters, Mr. Ray is uniquely qualified to serve as the next OIRA Administrator. I am grateful to Mr. Ray for his willingness to serve, and I strongly encourage my colleagues to vote yes on his confirmation.

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 Paul J. Ray, of Tennessee, to be

Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget.

Mitch McConnell, John Boozman, James M. Inhofe, John Barrasso, Roy Blunt, Todd Young, Shelley Moore Capito, Michael B. Enzi, Lisa Murkowski, John Cornyn, Steve Daines, Lindsey Graham, Chuck Grassley, Josh Hawley, Roger F. Wicker, Marsha Blackburn.

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 Paul J. Ray, of Tennessee, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 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. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea" and the Senator from Kansas (Mr. MORAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 9 Ex.]

YEAS—50

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

NAYS—45

Baldwin	Hassan	Reed
Bennet	Heinrich	Rosen
Blumenthal	Hirono	Sanders
Brown	Jones	Schatz
Cantwell	Kaine	Schumer
Cardin	King	Shaheen
Carper	Klobuchar	Sinema
Casey	Leahy	Smith
Coons	Manchin	Stabenow
Cortez Masto	Markey	Tester
Duckworth	Menendez	Udall
Durbin	Merkley	Van Hollen
Feinstein	Murphy	Warner
Gillibrand	Murray	Whitehouse
Harris	Peters	Wyden

NOT VOTING—5

Alexander	Moran	Warren
Booker	Perdue	

The PRESIDING OFFICER. The yeas are 50 and the nays are 45.

The motion is agreed to.

The Senator from Texas.

IMPEACHMENT

Mr. CORNYN. Mr. President, it has now been more than 3 weeks since the House passed two Articles of Impeachment against the President of the United States. It was a big day for them at the time and one they have been dreaming of and speaking of since the President was inaugurated nearly 3 years ago.

For as long as the House Democrats have been wanting to impeach the President, they spent only a short time on the impeachment inquiry itself. As a matter of fact, they rushed headlong into the impeachment process, and now they are trying to make up for the mistakes that Chairman SCHIFF and Speaker PELOSI made when proceeding in the first place.

For example, now they want to relitigate things like executive privilege and whether the testimony of other witnesses should be included in the Senate impeachment trial. In other words, the House wants to tell the Senate how to conduct the trial.

Well, the House had its job to do—and, frankly, I think mishandled it—but now they have no say in the way the Senate conducts the impeachment trial, when and if Speaker PELOSI decides to send the articles over here. Twelve weeks was all it took for House Democrats to come up with what they believed was enough evidence to warrant a vote on Articles of Impeachment. I think they are experiencing some buyers' remorse. During that 12 weeks, we repeatedly heard House Democrats say how urgent the matter was, seemingly using urgency as an excuse for the slapdash investigation that they did and that they now regret. When the House concluded their rushed investigation and passed two Articles of Impeachment, we expected those articles to be sent to the Senate promptly.

This will be only the third time in American history where the Senate has actually convened a trial on Articles of Impeachment, so this is kind of a new, novel process for most of us here in the Senate. I think there are only 15 Senators who were here during the last impeachment trial of President Bill Clinton. Most of us are trying to get up to speed and figure out how to discharge our duty under the Constitution as a jury that will decide whether to convict or acquit and, if convicted, whether the President should be removed. This is serious.

Here we are, about 11 months before the next general election. It strikes me as a serious matter to ask 535 Members of the U.S. Congress to remove a President who was voted into office with about 63 million votes. This is very serious.

Well, despite the House leadership and Members stating time and again before the Christmas holidays how pressing the matter of impeachment was, there hasn't been an inch of movement in the House since those Articles of Impeachment were voted on. Here

we are, more than 3 weeks later, and Speaker PELOSI is still playing her cat-and-mouse game with these Articles of Impeachment.

Last night, the Speaker appeared to have dug in her heels even deeper when she sent a letter to our Democratic colleagues about the delay. Following the majority leader's announcement that every Republican Senator supports using exactly the same framework that was used during the Clinton impeachment trial, the Speaker, as you might imagine, was not particularly happy because her gambit obviously didn't work. She has zero leverage and zero right to try to dictate to the Senate how we conduct the Senate trial, just as we had zero leverage and zero input into how the House conducted its responsibilities.

Speaker PELOSI told her caucus that the process is both unfair and "designed to deprive Senators and the American people of crucial documents and testimony." Clearly, she doesn't think those documents and testimony were crucial enough to be included in the House investigation in the first place, but I digress.

The Speaker is trying to make the most out of a very bad situation of her own creation and intentionally trying to mislead the American people into thinking this framework prevents any witnesses from testifying, which is a false impression. It is demonstrably false. These are the same parameters that guided the Clinton impeachment process, during which witnesses were presented by deposition, giving sworn testimony that was then presented by the parties.

In 1999, 100 Senators agreed to this model. You would think if this was fair enough for President Clinton, it would be fair enough for President Trump. To apply a different standard would be just that—a double standard.

All 100 Senators agreed during the Clinton impeachment trial to allow the impeachment managers to present their case, to allow the President's lawyers to present their case, and then to permit the Senators to ask questions through the Chief Justice and to get additional information, and then—and only then—decide whether additional witnesses would be required.

Under the Clinton model, and now under the model that will be used—the Clinton model that we will be using in the Trump impeachment trial—if Members felt like they needed more information, they could vote to hear from additional witnesses. That opportunity is still available to them under the Clinton precedent that will be applied in the Trump impeachment trial. That is exactly what happened in the Clinton impeachment trial. After the arguments and evidence were presented, Senators voted to hear from three additional witnesses who were then deposed and whose sworn testimony was then offered.

You know, it makes me a little crazy when people say that this is a question

of witnesses or no witnesses. There were about 17 witnesses, as I count them, who testified in the House impeachment inquiry. All of that evidence, such as it is, is available to the impeachment managers to offer here in the Senate. If, in fact, the Senate decides to do as the Senate did in the Clinton impeachment, authorize subpoenas for three additional witnesses or more, that still is the Senate's prerogative, which is not foreclosed in the least by this resolution.

Well, the Intelligence Committee alone held 7 public hearings with 12 witnesses that totaled more than 30 hours. Presumably, they are proud of the product—the evidence—that was produced during the course of those hearings or else they wouldn't have conducted them in the first place. This isn't a matter of witnesses or no witnesses, as some of our Democratic colleagues and the media attempts to characterize it; this is a matter of letting the parties to the impeachment decide how to try their case.

I had the great honor, over a period of 13 years, to serve as a State court judge. I presided over hundreds of jury trials during the course of my experience as a district judge. Never have I seen a model where the jury decides how to try the case. The jury sits there and listens to the evidence presented by the parties, and that is exactly what we are proposing here. So this idea of letting Senators decide how to try the impeachment managers' case or the President's case is something totally novel and unheard of.

Setting the rules on whom we hear from, when, and how—as the Speaker wants to do—on the front end makes no sense. Let me try an analogy. It would be like asking an NFL coach to outline every play in the Super Bowl—in order—before the game actually starts. Well, that is not possible. Having this discussion over Speaker PELOSI's demands on witnesses completely ignores the fact that this is simply not her prerogative.

Now, I know the Speaker is a powerful political figure. She rules the House with an iron fist, but her views simply have no weight whatsoever, in terms of how the Senate conducts its business, including an impeachment trial under the Constitution.

This has all been diversion and, frankly, a lot of dissembling and misleading arguments about things that just simply aren't true. The Constitution outlines a bicameral impeachment process, with each Chamber having its separate and independent responsibilities.

As I said, just as the Constitution gives the House “the sole power of impeachment”—that is a quote from the Constitution—it also gives the Senate “the sole power to try all impeachments.” Nowhere is found a clause granting the Speaker of the House of Representatives supreme authority to decide this process. Yes, she has been very influential leading up to the vote

of the Articles of Impeachment, over which the Senate had no voice and no vote. Now her job is done, such as it is, but for sending the Articles of Impeachment to the Senate.

Speaker PELOSI's refusal to transmit the articles unless her demands are met is a violation of the separation of powers, and it is an unprecedented power grab. I must say, I have some sympathy with the Speaker's position. Last March, she said that impeachment was a bad idea because it was so divisive, and unless the evidence was compelling and the support for the Articles of Impeachment was bipartisan, it wasn't worth it. Well, that was in March of 2019. Obviously, things changed, and the best I can tell is she was essentially forced by the radical Members of the House Democratic Caucus to change her position, and now she finds herself in an embarrassingly untenable and unsustainable position. This isn't entirely her fault.

While she has been playing games, though, with the Articles of Impeachment, she has been infringing, I believe, on the President's constitutional right to due process of law. Due process is based on the fundamental notions of fairness. That is what we accord everybody in a civil or criminal proceeding—due process of law. The Sixth Amendment, for example, guarantees the right to a speedy trial for every American, and it doesn't exempt certain cases no matter how high- or low-profile they may be. Now, while the Sixth Amendment right to a speedy trial may not, strictly speaking, apply to an impeachment trial because this isn't a civil or criminal case, the whole fundamental notion of fairness does apply: a right to a speedy trial.

It is clear that while Speaker PELOSI dangles these Articles of Impeachment over the President like a sword of Damocles, this is not fair to the President. It is not fair to the Senate. It is not fair, most importantly, to the American people. This distraction—this impeachment mania—has consumed so much oxygen and attention here in Washington, DC, that it has prevented us from doing other things we know we can and should be doing that would benefit the American people.

I came here on two occasions to offer a piece of bipartisan legislation that would lower out-of-pocket costs for prescription drugs by eliminating some of the gamesmanship in the patent system, only to find—even though it is a bipartisan bill, voted unanimously out of the Judiciary Committee—that the only person who objected to us taking it up and passing it was the Democratic minority leader. Those are the sort of games that, unfortunately, give Washington and Congress a bad name and a bad reputation.

I must say this is not just this side of the aisle that thinks the time is up for Speaker PELOSI to send the Articles of Impeachment over here. There is bipartisan agreement here in the Senate that it is time to fish or cut bait.

Speaker PELOSI's California colleague, our friend, Senator FEINSTEIN from California, said:

If we're going to do it, she should send them over. I don't see what good delay does.

Well, good for Senator FEINSTEIN. Our friend and colleague from Connecticut, Senator BLUMENTHAL, said:

We are reaching a point where the articles of impeachment should be sent.

Senator MURPHY, his colleague from Connecticut, said:

I think the time has passed. She should send the articles over.

I think we all share the sentiment expressed by Senator ANGUS KING from Maine. He said:

I do think we need to get this thing going.

He has a gift for understatement.

It is high time for the Speaker to quit using these Articles of Impeachment as a way to pander to the most radical fringes of her party. The Members of the House have completed their constitutional role. They launched their inquiry. They did their investigation, such as it was, and they held a partisan vote. That is their prerogative. I don't agree with it, but that is their prerogative, and they have done it. The Speaker should send the Articles of Impeachment to the Senate without further delay so we can perform our responsibilities under the Constitution in a trial.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is an interesting time. I was thinking that over the holiday break. I was home, and I talked to many Vermonters. These are Vermonters who are Republicans, Democrats, Independents, and across the political spectrum. All of them expressed concerns about how the Senate will handle the impeachment of President Trump or the trial. He has been impeached, but now it is the trial. I suspect that all 100 Senators had similar conversations.

I have been asked not just about President Trump's actions in Ukraine but also about how the Senate will conduct a trial and whether the Senate is even capable of holding a genuine, fair trial worthy of our constitutional responsibilities.

I would remind Senators that at the start of an impeachment trial, we each swear an oath to do impartial justice according to the Constitution and laws. During my 45 years in this Chamber, I have taken this oath six times, and I take this oath extraordinarily seriously. But I fear the Senate may be on the verge of abandoning what this oath means.

The majority leader has vowed a quick acquittal before we hear any witnesses. He has boasted that he is “not an impartial juror,” and he has pledged “there will be no difference between the President's position and our position as to how to handle this.” He ignores the fact that the U.S. Senate is a separate and independent body. Actually, what the majority leader said is

tantamount to a criminal defendant being allowed to set the rules for his own trial, while the judge and jury promise him a quick acquittal. That is a far cry from the “impartial justice” required by our oaths and the U.S. Constitution.

Given this, I understand why Speaker PELOSI did not rush to send the Articles of Impeachment to the Senate. A sham trial is in no one’s interest. I would say a sham trial is not even in the President’s interest. A choreographed acquittal exonerates no one. It serves only to deepen rifts within the country, and eviscerates the Senate’s constitutional role.

Now, how the Senate conducts the trial will be up to each of us. It is not up to one or two Senators, and it is certainly not up to the President. The duration and scope of the trial, including whether to call witnesses or compel document production, will be decided by a simple majority of the U.S. Senate.

I know many on the Republican side have said we should postpone any agreement on witnesses. They argue that the Senate did that for President Clinton’s trial, so why not now. That argument sounds reasonable—until you look at the facts. You know, facts are always troublesome things.

Today, following President Trump’s instruction, nine key witnesses—key witnesses—with firsthand knowledge of the allegations have refused to cooperate with the House investigation. Because of President Trump, they are told they are not allowed to testify. Now, compare that to the Clinton trial. Then, every key witness, including President Clinton, provided testimony under oath before the trial. Indeed, we had a massive record from the independent counsel to consider: 36 boxes of material covering the most intimate details of the President’s life. Just think of that, every witness testifying, as compared to the Trump impeachment, where he wouldn’t allow any key witness to testify, and even though he said he wanted to testify, of course he never did.

Now, even with all that, even with those 36 boxes of material, the Senate did end up hearing from three witnesses during the Clinton trial. Let me tell you how that worked. These are three witnesses who already had given extensive, voluminous testimony: Sidney Blumenthal, he testified before the grand jury for three days; Vernon Jordan, he testified before the grand jury for five days and was deposed by independent counsel; and Monica Lewinsky had testified for two days before the grand jury, was deposed by independent counsel, and was interviewed by the independent counsel 20 times.

Let’s be clear: Even Republicans, at the time, acknowledged they did not expect to learn new information from these witnesses. I know that Republicans and Democrats picked a small group of Senators to be there for their depositions. I was one of them. In fact,

I presided over the Lewinsky deposition. One of the House managers—Republican managers—said that “if [the witnesses] are consistent, they’ll say the same that’s in here,” referring to their previous testimony already before the Senate. Another told Ms. Lewinsky: “Obviously, you testified extensively in the grand jury, so you’re going to obviously repeat things today.” And the third House manager told Mr. Jordan, “I know that probably about every question that could be asked has been asked”—and, I might say, answered.

And indeed those Republicans were correct. We did not learn anything material from these depositions.

Now, unlike the claims made on the other side, the situation today could not be more different. The Senate does not have any prior testimony or documents from four key witnesses: John Bolton, Mick Mulvaney, Robert Blair, and Michael Duffey—all people who have significant information about what Donald Trump has been charged with. We don’t have a single document. We don’t have a single amount of testimony under oath. Why? Because the President directed them not to cooperate with the House, not to testify under oath, and not to say anything. If these witnesses had performed their legal duty, having been subpoenaed, and if they had cooperated with the House’s inquiry, we wouldn’t be in this position.

There is no question that all Senators—Republicans and Democrats alike—will benefit from hearing what those witnesses have to say. All of them have direct and relevant information about President Trump’s actions with respect to Ukraine. There is no good reason to postpone their testimony.

Take just one, the President’s former National Security Advisor, John Bolton. My question for all the Senators is this: We already know that, according to Mr. Bolton’s lawyer, “he was personally involved in many of the events, meetings, and conversations . . . that have not yet been discussed in the testimonies thus far.” We already know that includes a one-on-one conversation with the President about Ukraine aid. We already know that Mr. Bolton described the President’s aide’s efforts as “a drug deal.” And we now know that Mr. Bolton is willing to talk to us for the first time if asked. How can we say we are fulfilling our constitutional duty if we don’t even ask? How can we ignore such critical, firsthand testimony?

No matter how each side ultimately votes on guilt or innocence, the decision of whether to keep both the Senate and the American people in the dark would effectively make the Senate complicit in a cover-up. That would fall on the Senate, and that will shape our system of checks and balances for decades to come. It will haunt both Democrats and Republicans. Senate Republicans must not close the Sen-

ate’s eyes and cover its ears. We should be Senators. We should follow our oath to uphold justice.

I recognize, of course, that this is an era of deep partisan acrimony. But that was true during the Clinton impeachment trial, and it was true during the Johnson impeachment trial. The question that each of us has to answer now is whether we will allow the label of Democrat or Republican to matter more than our constitutional role as Senators. We are first and foremost U.S. Senators. There are only 100 of us to represent over 300 million Americans. That is why I believe the Senate itself is now on trial.

I have never seen a trial without witnesses when the facts are in dispute. I have tried many, many, many cases, both in private practice and as a prosecutor. I have never tried a case where there are no witnesses. More to the point, the Senate has never held a Presidential impeachment trial without hearing from witnesses. The Senate and the American people deserve, to have the full story. We shouldn’t be complicit in a cover-up.

I would not suggest to any Senator that his or her oath requires at this time a specific verdict—that is going to depend on the trial. But I strongly believe that our oath requires that all Senators behave impartially and that all Senators support a fair trial, one that places the pursuit of truth above fealty to this or any other President, setting the rules for the time to come.

The Senate has a job to do. It is not to rig the trial in favor of—or against—President Trump. Impeachment is the only constitutional mechanism that Congress has to hold Presidents accountable. Whether or not the Senate ultimately votes to convict, if the Senate first enables a cover-up with a sham trial, then it means it is placing one President above the Constitution. In doing so, the Senate would eviscerate a foundation of our democracy that has thus far survived 240 years. No one—no one—is above the law.

I see other Senators waiting to speak.

I yield the floor.

The PRESIDING OFFICER (Mrs. FISCHER). The Senator from Florida.

IRAN

Mr. RUBIO. Madam President, a President of the United States is summoned by his or her national security team and informed that he or she has a limited window of opportunity in which to potentially prevent an attack that could cost the lives of dozens, if not hundreds, of Americans or U.S. troops. They are advised this by their national security team—the entire team—in unanimity. What would you do?

That is the most fundamental and difficult question that should be asked of anyone who seeks the Office of the Presidency. It is one of the most important things we need to know about those who seek the office and those who occupy it. It is the proverbial “3 a.m. call.”

It also happens to describe the choice before President Trump a few days ago. You wouldn't know that from listening to some of the rhetoric I see on television. The Speaker of the House just held a press conference in which the messaging implies that the strike on the terrorist, Soleimani, was the act of a reckless madman—a reckless and irresponsible escalation. The alternative argument is that, by the way, he should have consulted with us before doing it.

I reiterate: The entire national security team of the President, including the Chairman of the Joint Chiefs, General Milley, has been unequivocal, both privately and publicly, that he agreed with the assessment and he believed that this strike was necessary in order to protect the lives of Americans from a near-term attack.

I want to be frank. Anyone who left a briefing or goes around saying: Well, I don't think that that was true, frankly, is not questioning the President. They are questioning the 40 years of military service that General Milley has rendered this Nation and, frankly, questioning the judgment of the entire national security apparatus—all of the leadership of the national apparatus—of the United States of America. That question has been clearly answered by them.

It is interesting, too, that had the President not acted and, God forbid, American lives had been lost, we could very easily have been here this week talking about how the President should be removed. There would be a third article of impeachment for refusing to listen to the experts, for refusing to listen to his military advisers.

Ironically enough, just yesterday, before this entire Senate had the opportunity to be briefed by the national security team, I had a colleague of mine from across the aisle say: Everything is going to be fine if the President will just listen to General Milley and the military experts. But he did. Isn't that, ironically, at the crux of a lot of these arguments about Ukraine, that all of the experts—the career experts, the uniformed experts—disagreed with what the President was doing? Yet when he listens to what they say, somehow it is the act of a reckless madman. I think that speaks more to the hysteria that has overcome our politics and has now reached into the realm of national security.

It is also important to note when people say these things, that those who walk around talking about intelligence sometimes are not consumers of it on a regular basis or don't understand how it works. It is never about one piece. It is about patterns and trends and known capabilities and known intentions and about windows of opportunity. That is an important point to make.

As far as consulting with congressional leadership before taking this action, that is not how things like this develop. Very rarely do you have the luxury of time.

No. 1, I would start out by saying that there is no legal requirement. The President of the United States has no legal requirement, and, in fact, I believe has an imperative, inherent in the Office, to act swiftly and appropriately to the threat against the lives of Americans, especially American troops that he or she has sent abroad to defend this country's interests.

No. 2, it is unrealistic and not possible. Oftentimes, these windows of opportunity do not allow you the luxury of reaching some congressional leader in the middle of their ski trip or Christmas break, and even if you could, there is always the risk that the information would be disseminated and the window would close. So I am not sure if what they are asking for is even possible.

The other thing that is troubling is, if you listen to some of the rhetoric out there, you would think that the only two options with Iran are a full-scale diplomacy and capitulation to what they are doing or an all-out war. That is absurd, a false choice. It is a false choice.

The President has argued—he said it again clearly yesterday—that he is ready for serious—serious—and real talks toward how Iran becomes a normal nation and its clerical nation behaves in a normal and civilized way. In the meantime, he has an obligation—this President, a future President, and past Presidents—to protect America's interests and, more importantly, American lives and to do so through a concept of active deterrence.

What does that mean? Active deterrence means that the people who want to harm you decide not to because the cost of harming you is higher than the benefit of harming you. That is an important point here. The strike on Soleimani was not just about preventing an imminent attack. That, in and of itself, alone was reason to act, but the second thing that was important was reestablishing active deterrence.

For whatever reason, the Iranians have concluded that they could go further than they have ever gone before in directly attacking Americans or using their proxies to attack Americans. So much so that they tried—they failed, but they tried—and could have breached our Embassy compound in Baghdad and killed Americans, civilians, and diplomats, and our military personnel stationed there. They tried to. And they could have and want to launch lethal attacks to kill as many Americans as they possibly can because, for whatever reason, they concluded they could get away with it, that we would tolerate it. It was critical to the defense of this country, to our national interests, and to the lives of our men and women in uniform deployed abroad that we restore active deterrence.

Now, time will tell how much was restored, but, clearly, I believe some of it was restored. Even the comments

today of an Iranian commander—“Well, we shot missiles, but we didn't try to kill anybody”—are indicative of a desire to deescalate, at least for the time being.

The other thing I hear is this: Well, the President has no strategy. That is the problem. There is no strategy.

I think you could argue that they haven't done a good-enough job of outlining a strategy, but I don't think it is fair to say they have no strategy.

The strategy begins with a goal. The goal is pretty straightforward: a prosperous Iran that lives in harmony with its neighbors and does not have nuclear weapons or continues to support terrorism and terrorist groups. That is the goal.

How do you achieve it? By Iran's abandoning its desire for nuclear weapons and by no longer standing up these terrorist groups that, for over a decade or longer, have been killing Americans and trying to harm Americans, Israelis, and other allies.

How else do you achieve it? By imposing crushing economic sanctions, while leaving open the door for real—not fake, not talk for the sake of talk—diplomacy, but, at the same time, making it abundantly clear that you will deter, repel, and act against any effort to harm Americans.

All this talk about military conflict and U.S. actions overlooks the fundamental fact that what is happening here is that Iran has decided to respond to economic sanctions with violence. Their response to economic sanctions has been this: Can we get one of these terrorist groups using weapons that we give them to kill Americans? Can we put limpet mines on merchant ships? Can we attack the Saudis? That has been their response to economic sanctions: violence.

Presidents don't have the luxury of bluffing. You can't go around saying “If you kill Americans, there will be consequences,” and then they try to kill Americans—or, in the case of Iran, did—and do nothing about it because now what you have done is you have invited a committed adversary to do more of it—not just to tragically kill one brave American contractor but to kill dozens or hundreds of Americans in various spots throughout the world.

The last point I want to make is all this talk about an authorization for use of force. I want to begin by sharing my personal view. I believe the War Powers Resolution is unconstitutional. I think the power of Congress resides in the opportunity to declare war and to fund it. Every Presidential administration, Republican and Democrat alike, has taken the same position.

That doesn't mean we should never have an AUMF. I think our actions are stronger when it is clear that they have strong bipartisan support from both Houses of Congress. I also think all this talk about AUMFs is completely and utterly irrelevant to the case in point.

No. 1, under the Constitution of the United States—and the War Powers

Resolution, by the way—the President of the United States not only has the authority to act in self-defense but an obligation to do so. An obligation to do so. That is No. 1.

No. 2, it is especially true in this case, where the lives and the troops he sought to protect were deployed to Iraq on an anti-ISIS, anti-terrorism mission approved by Congress through an AUMF, an AUMF that states very clearly that one of the reasons we are allowed to use military force, as authorized by Congress, is to defend against attacks.

I don't believe there is a single Member of Congress who has the willingness to stand before the American people and say: I think, when we deploy troops abroad, they should not be allowed to defend themselves.

Not only do you not need an AUMF or congressional authority to act in self-defense, but the troops who were defending themselves here—and the troops we were defending in the Soleimani strike and preventing an attack against—are deployed pursuant to a congressional authorization.

Honestly, what I see here, in addition to the arguments I have already discussed about how ridiculous it is to portray this as the actions of a reckless madman who is escalating things, is an argument about when might you need an AUMF. Give us some theoretical, hypothetical scenario in which you might need an AUMF. The hypotheticals they are posturing are ones that this administration has never, never proposed and, frankly, haven't even contemplated.

No one is talking about an all-out invasion of Iran. If you were telling me the President is putting together plans to invade Iran, to go in and capture territory, to remove the Ayatollah and install a new government, I would say: All right, that is something that there should be a debate about.

Who is talking about that? I haven't heard anybody propose that. Yet, somehow, the House today is going to spend time on this. People have filed bills on this. Look, we can debate anything we want. People can file any bill they want. That is a privileged motion. It comes to the floor. Great.

By the way, no one said: Don't go around talking about this; just be quiet.

Perhaps it should have been stated more artfully, but the point that was being made, which is a valid point, is that, when the Iranians analyze responses to the United States, one of the things they look at is this: Do domestic politics and differences of opinion and divisions among American officials restrain what the President can do against us? You may not like it, but I want to be frank with you. They believe that our political differences in this country and that our disagreements constrain the President's ability to respond to attacks. They believe it limits his ability to deter. Now, hopefully the strike on Soleimani may have

reset that a little bit. That doesn't mean we shouldn't debate it, and I don't think you should ever tell Congress not to discuss these things. We have a right to. Frankly, everybody here has been elected by a constituency, so people can choose to raise whichever issue they want.

I also don't think it is invalid to point out that these internal debates we have in this country do have an impact on what our adversaries think they can get away with. It doesn't make anyone an appeaser or a traitor, but it is a factor I think people should recognize. That is all.

In closing, I would say, look, there was a time—I am not one of these people who pine for the golden era. It is funny. I hear people talking about the Clinton impeachment trial. Oftentimes people come to me and say: In the good old days, back in the nineties, when everybody got together and Congressmen were all friends—and I don't know what it was like then because I wasn't here, but I remind them that, in the golden days about which they often talk, we were impeaching Bill Clinton around here. They didn't do it on social media and Twitter and 24-hour cable news at the time, but there has always been friction in American politics.

One thing I can say that is evident is that there was a time in American politics that I hope we can return to, and that is a time which, when it came to issues of national security, there was some level of restraint because we understood, when it came to that, the people who would ultimately pay the price for overpoliticizing any issue, for reckless talk, and for unnecessary accusations were not the political figures. Presidents and Ayatollahs don't die in conflicts like these. Do you know who dies? The young men and women we send abroad, the innocent civilians caught in the middle, and the refugees who are forced to leave their homes as a result.

There are real-world, life-and-death implications. That is why it has long been American tradition that, when it comes to issues of foreign policy and national security, they were always treated just a little bit differently, with some deference. Even if you disagreed, you sort of tailored it in a way that you thought would not harm those interests.

I think that has been lost, probably, on both sides. I still make it a habit when I travel abroad not to discuss or criticize U.S. leaders at home, but I understand times have changed.

I would just say, in this particular case, I know that this Nation remains conflicted about the conflicts that led us into Iran and Afghanistan and that keep us in the region to this day. That is a valid, valid debate. I just don't think this looks anything like it. This is about a strike that every single member of the President's national security team, including the chairman of the Joint Chiefs, believes was necessary in order to prevent a near-term

attack against Americans that could be lethal and catastrophic.

This is about restoring active deterrents, effective deterrents, against future strikes, and I hope that we can bring that debate back to where it belongs so that, on matters of such importance, we can figure out solutions and not simple rhetoric.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

RECOGNIZING THE NSA

Mr. CARDIN. Madam President, I want to extend the thanks of all Members of the U.S. Senate and the American people to the men and women who are serving our Nation at the National Security Agency based at Fort Meade, MD, the Defense Special Missile and Astronautics Center. It has been in existence since 1964. It is a 24/7 operation. I mention that because it was the work done here in the State of Maryland—and I am proud to represent that State—that gave the early warning information that allowed us to get information to our American forces in Iraq and to the Iraqis that, literally, saved lives.

I want to thank them for their dedicated service. We have the best intelligence information and the best trained people protecting our Nation, and I just wanted to pause for one moment to thank those who are serving at the National Security Agency who are keeping us safe.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Madam President, shortly we will be considering the United States-Mexico-Canada Agreement, the USMCA. It updates and replaces the North American Free Trade Agreement, NAFTA. I support the USMCA and supported it earlier this week, when it passed the Senate Finance Committee on a strong 25-to-3 vote. This strong vote was possible because of the hard work of Democrats in the House and Senate to make this agreement the strongest, fully enforceable, pro-environment, pro-labor trade agreement the United States has ever entered into.

First let me talk about why I think trade is important. I would point out to my colleagues that the maiden speech I gave in the House of Representatives when I was first elected was on trade and the importance of trade agreements. I recognized how important the Port of Baltimore was to our economy and how important free trade and trade was to the Port of Baltimore. So, clearly, trade agreements are critically important to the people of Maryland, and they are important to this country.

First, international trade can lead to better economic outcomes. From leveling the playing field for American businesses to ensuring our trading partners have adequate labor standards to make competition fair, trade can be the catalyst for these outcomes. Second, trade can raise the standard of living for citizens in this country.

Tariffs can disproportionately harm lower income Americans. If the cost of things like milk, soap, or school supplies goes up because of higher tariffs, it doesn't mean these families will stop buying these essentials. It means they will have less to spend on other essentials they depend on to keep their families safe and healthy, like clothes and medicine.

Trade agreements allow us to ensure a zero or low tariff price for these items on which Americans depend, which raises the standard of living for all of us.

Third, trade is important to U.S. foreign policy. The world can be better, safer, and a fairer place when we are working with our allies. Trade agreements ensure the rest of the world starts to act a little bit more as we do, with our values.

This administration's harmful and nonstrategic trade policy has strained our relationship with our allies, including Canada and Mexico. I think it has been misguided and damaging to the future of our country, but this agreement has the potential to begin a healing process with our North American neighbors: Canada and Mexico.

As we move forward with trade agreements, it is important that our values are represented in those agreements, that we strengthen American values. I support good governance and protecting workers and our environment, and I am pleased that they are included in such agreements.

For more than 25 years since the enactment of NAFTA, our economy has changed dramatically, from the proliferation of the Internet, which has changed how businesses can easily be connected to the rest of the world, to how consumers shop, compare prices, and buy goods and services from all around the world, and it is clear that NAFTA is a trade agreement that didn't foresee these changes with our two largest trading partners. In addition, over time, we identified weaknesses in NAFTA and other free trade agreements that needed to be addressed.

All that is to say that NAFTA is overdue for an update. For the past 2½ years, the administration, congressional leaders, and our trading partners have been engaged in the process to update NAFTA to be a trade agreement for the 21st century. In late 2018, an agreement was reached between the United States, Canada, and Mexico. Importantly, reaching this agreement alleviated the threat of this administration to unilaterally withdraw from NAFTA.

The agreement reached in 2018 was, in my view, incomplete and largely just continued the existing NAFTA, but it did have some provisions important to me and my constituents in the State of Maryland.

Maryland is home to a thriving poultry industry. The agreement includes new market access to Canada for U.S. poultry. Maryland farms produced \$1

billion worth of chickens in 2017, surpassing that milestone for the first time. Our poultry industry production grew 12 percent from 2016 to 2017.

The growth in value came even as the amount of chickens produced on the Eastern Shore declined by about 10,000 pounds to about 1.84 million pounds. Maryland is the Nation's ninth largest producer of broiler chickens.

This additional market access is good for Maryland's poultry industry because it means more poultry produced in Maryland will make its way to Canada and Mexico, creating jobs and supporting the economy here locally.

The agreement also included a few provisions that are very important for small businesses. Most important to many small businesses is a provision that raises the level of the so-called de minimis customs and tariff treatment of goods. The de minimis system is important to small businesses. For example, small sellers who list their goods on eBay or Amazon frequently ship to consumers not in the United States. Under the de minimis system, if a shipment under the de minimis level crosses the border, it enjoys expedited customs and lower tariff treatment than larger shipments would.

Under this agreement, the United States agreed to increase its customs de minimis levels to \$800 for exports to Mexico and Canada, and Mexico and Canada have made favorable changes to their systems. As ranking member of the Small Business and Entrepreneurship Committee, this was a welcome change to ensure small businesses aren't bogged down by unnecessary redtape.

The agreement's small business chapter also includes support for small businesses to promote cross-border cooperation, tools for small businesses to identify potential opportunities and increase competitiveness, and public-sharing tools to promote access to capital. These are important issues to highlight for small businesses.

Finally, the initial agreement included a landmark achievement for the first time in U.S. trade history: It included a full chapter on anti-corruption.

During 2015, when the Senate was considering so-called fast-track trade promotion authority, under which the USMCA is now being considered, I authored a principal negotiating objective in the trade promotion authority legislation that requires any trade agreement the USTR negotiates to emphasize good governance, human rights, and the rule of law. These are our values. These values need to be reflected in our trade agreement. It is an important step toward a level playing field for trade with the United States for our farmers, our producers, and our manufacturers. We know our system is a fair system, but in so many other countries we deal with, that is not the case.

This principal negotiating objective really represents an enduring theme in

the way I approach trade. I believe we should use the economic power of the United States to advance human rights and good governance in other countries that may comparatively struggle on that front. I also believe we should not have favorable free-trade agreements with countries that do not believe human rights and good governance are important to uphold.

Because of my focus on this requirement in 2015 and thanks to USTR Ambassador Robert Lighthizer, the USMCA is a trade agreement that for the first time includes a chapter on anti-corruption and good governance. This is our first agreement that includes such a chapter, and I anticipate this will be the template for any future trade agreement involving the United States.

The USMCA's anti-corruption chapter includes a number of commitments on transparency, integrity, and accountability of public institutions and officials.

First, on anti-corruption laws, under the USMCA, countries are required to outlaw embezzlement and solicitation of bribes by public officials and must make it a criminal offense for anyone to offer bribes to public officials to influence their official duties or to officials of foreign governments or international organizations to gain a business advantage.

I know that sounds like a no-brainer. Why wouldn't all countries already have those types of laws? But the reality is that they don't. The reality is that many of our trading partners have corrupt systems, and that puts American companies at a disadvantage. But also, we should be using our economic power to advance our values. This chapter carries that out.

Second, on transparency and accountability, under the USMCA, countries must take proactive steps against corruption by implementing and maintaining accounting and auditing standards and measures that prohibit the creation of false transaction records and off-the-book accounts.

Third, the USMCA requires parties to create codes of conduct and procedures for removal of corrupt officials, as well as adopt measures requiring officials to disclose outside activities, investments, and gifts that could create conflicts of interest.

Fourth, on public engagement, under USMCA, countries must agree to promote the engagement of the business community, NGOs, and civil societies in anti-corruption efforts through information campaigns, developing ethics programs, and protecting the freedom to publish information about corruption.

Finally, on good regulatory practices, under the USMCA, countries must follow a transparent regulatory rulemaking process, which the agreement clarifies includes publishing the proposed regulation with its regulatory impact assessment, an explanation of the proposed regulation, a description

of the underlining data and other information, and the contact information of responsible officials.

USMCA further requires parties to follow the U.S.-like system of notice and comment periods for proposed regulatory rulemaking in which the regulators are required to consider comments of any interested party, regardless of nationality, which means Americans will have input in the regulatory process in Canada and Mexico, which has direct effect on our access to their markets.

The countries also agreed to publish an early planning document of regulations the country intends to revise in the next 12 months and to ensure that regulations are written in a clear, concise, and understandable manner.

The USMCA encourages authorities to consider the impact of new regulations when they are being developed, with particular attention to the benefits and costs of regulations and the feasibility of other approaches.

This is an incredibly important achievement, and it is important as a model for U.S. agreements going forward.

By including the good governance and anti-corruption provisions in the USMCA, we are signaling to our trading partners and the rest of the world what our values are—yes, economic values, but also the principles we advance.

However, with these good achievements in the original USMCA, the agreement did not go far enough. There was no deadline to getting it done quickly, so we chose to get it done right.

I wanted to see strict, high standards in the USMCA on labor, environment, and more. Democrats were united in this message. Democrats worked behind the scenes with labor and environmental stakeholders to identify issues and create solutions that could make this agreement one we could support.

Do I think the USMCA lives up to these standards? Yes, I do. The updated USMCA includes important provisions regarding labor standards, which have the potential to improve working conditions and create a more level playing field for U.S. workers.

These changes include the Brown-Wyden rapid-response mechanism, which enables the United States to take swift enforcement action against imports from individual facilities, and stronger labor obligations in the agreement. The changes include a number of other important labor issues, including strengthened labor obligations, new labor-monitoring mechanisms, and extra funding for labor efforts. The implementing bill includes new mechanisms and resources to ensure that the U.S. Government effectively monitors Mexico's compliance with the labor obligations.

The result of these labor additions earned support for the USMCA by the AFL-CIO, United Steelworkers, and the International Brotherhood of

Teamsters. Truly, this is an agreement that is good for labor.

Another critical aspect of the USMCA is that it ensures that our trading partners meet the environmental standards of this country. We want a level playing field. We also want to help our environment.

With respect to the environment, the updated USMCA is a significant improvement over the original NAFTA. The USMCA incorporates environmental obligations into the agreement itself, which are subject to dispute settlement, unlike the original NAFTA, which only included an unenforceable side-agreement.

The USMCA includes upgraded commitments on topics including fisheries subsidies, marine litter, and conservation of marine species.

Democrats secured amendments to the agreement, as well as provisions in the implementing bill, to strengthen the ability of the United States to monitor and enforce the obligations and ensure that the parties are bound to their environmental obligations.

I want to acknowledge my colleague Senator CARPER, the ranking member of the Senate Environment and Public Works Committee, which I also sit on. Together, we pushed to improve this agreement with respect to the enforceability of the environmental provisions. We were happy to see this agreement include many of the things Senator CARPER and I worked and pushed to have done.

Included in the new USMCA is a new trigger mechanism to give environmental stakeholders an expanded role in environmental enforcement matters and create accountability for the administration with regard to seeking environmental enforcement actions under USMCA.

Under the existing NAFTA, any person in a NAFTA country can make a submission to an intergovernmental organization established by NAFTA to address environmental issues, alleging that a NAFTA partner is not living up to its environmental obligations. You can do that. Submissions undergo a public factfinding process by the head of that body, which produces a factual record if the allegation is found to have merit.

Here is where the problem comes in: Once the production of that factual record is done, there is no enforcement mechanism. We have corrected that. Through this new trigger mechanism in the USMCA that was developed, if a factual record is produced, the new Interagency Environment Committee, headed by the USTR, will have 30 days to review the record and make a determination as to whether to pursue enforcement actions under USMCA against the violating country. If the committee, headed by the USTR, decides not to pursue enforcement actions under USMCA, within 30 days after its determination, the committee must provide Congress with a written explanation and justification of its de-

cision. This is a huge step forward in quickly identifying and addressing any environmental action that needs to be taken under this agreement.

In addition, the agreement includes an additional \$88 million of funding appropriated over the next 4 years for environmental monitoring and enforcement to ensure that the goals of the USMCA's environment chapter can be realized. This includes \$40 million appropriated over the next 4 years for the new environment sub-fund Senator CARPER and I pushed to create under the USTR's existing Trade Enforcement Trust Fund, which will be dedicated to enforcement of the USMCA's environmental obligations.

As I mentioned, the United States-Mexico-Canada Agreement establishes an Interagency Environment Committee, led by the USTR, which will coordinate U.S. Government efforts to monitor implementation of its environmental goals. It also establishes up to three new environment-focused attachés in Mexico City to help ensure Mexico is living up to its environmental obligations. It includes new reporting requirements to regularly assess the status of Mexico's laws and regulations that are intended to implement its environmental obligations to help ensure Mexico is living up to its commitments.

We believe the USMCA is a strong, enforceable agreement that makes positive strides in protecting the environment. As this agreement is implemented, I will be watching to ensure that the other parties to this agreement live up to the promises they are making in this bill.

In closing, I support the USMCA because it will help raise the living standards for Marylanders, cuts red-tape for small businesses, and unites us with our allies. The provisions of the USMCA protect the environment, help labor organizing efforts, fights for good governance and against corruption, and is enforceable.

I urge my colleagues to support the legislation when it comes to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

IRAN

Mr. GARDNER. Madam President, I come to the floor to speak about the policy of the United States toward the Islamic Republic of Iran. I commend the administration for taking decisive action last week in Baghdad against Tehran-backed terrorists planning an imminent attack on American targets.

The administration's action with Qasem Soleimani was not only decisive but necessary and legal under longstanding Presidential authority to protect American lives from imminent attack. It is our obligation, it is our duty to protect American lives, especially when our national security agencies and personnel know the imminent danger of attack.

The President made the right call at the right time to neutralize the threat

and to save American lives. Imagine having done nothing—having done nothing—and allowing the attacks to proceed. That is exactly what happened. At yesterday's classified briefing, General Milley and our national security personnel made it clear: The death of General Soleimani saved lives.

Our duty in Congress is to protect the United States, its people and interests, diplomats, and our men and women in uniform around the globe. The actions taken by our military in Iraq undoubtedly saved American lives and addressed a clear, compelling, and unambiguous threat.

The world should not mourn Qasem Soleimani—a man whose name is synonymous with murder in the Middle East as the head of the Islamic Revolutionary Guard Corps' Quds Force, which is designated as a terrorist organization under U.S. law; a man who was personally designated as a terrorist battlefield commander by President Obama. The Quds Force was the tip of the spear for the regime in its terrorist activities abroad and is responsible for thousands of deaths across the region.

Most importantly, according to the Pentagon, Soleimani was responsible for the deaths of over 600 American servicemembers in Iraq. GEN David Petraeus, who commanded our forces in Iraq, stated last week that in his opinion, taking out Soleimani was bigger than bin Laden, bigger than Baghdadi.

In other words, President Trump rid the world of an extreme and lethal enemy of the American people—someone who was actively pursuing and had killed and taken American lives. I fail to understand how anyone can question this decision or its rationale. I know they certainly did not—and rightfully so—when President Obama took out bin Laden.

We expected an Iranian response, and on Tuesday, Iran launched a ballistic missile attack against bases in Iraq hosting U.S. troops. I condemn these attacks in the strongest terms, and we are fortunate that they did not result in any casualties.

I do not want war with Iran, but the President did not take this action in a vacuum. Contrary to claims by some of my colleagues in this very Chamber, it is Iran that has escalated tensions, not the United States. Over the last several months and years, Iran has sharply escalated its malign behavior against the United States and our allies.

On June 13, the IRGC attacked two oil tankers in the Strait of Hormuz, a critical global shipping lane. On June 20, the IRGC shot down a U.S. unmanned aerial vehicle in international space. September 14, Iran sponsored an attack on Saudi Arabia's oil facilities, temporarily cutting off half of the oil supply of the world's largest producer. December 27, Iranian proxy group Kataib Hezbollah carried out a deadly attack against a base in northern Iraq, killing an American civilian—killing

an American. The administration appropriately retaliated against this group on December 29. Then, on New Year's Eve, Iran-backed militias besieged and damaged the U.S. Embassy in Baghdad for 2 days, forcing the administration to take prudent measures to prevent further violence.

When Soleimani was caught plotting additional attacks against American targets, the administration took lawful and appropriate action. I now urge Tehran to take the opportunity to de-escalate tensions immediately. The administration must also continue taking all necessary steps to keep our troops, diplomats, and countries safe, and to regularly consult with Congress on next steps.

It is my hope that diplomacy ultimately prevails, but we must not repeat the mistakes of the past. Iran's enmity toward the United States stretches over decades, not just months or weeks. Following the Islamic Revolution in Iran in 1979, the ruling mullahs held 52 American diplomats hostage for 444 days, releasing them only on January 20, 1981, the day President Ronald Reagan was sworn into office. Two years later, on April 18, 1983, a truck laden with explosives rammed into the U.S. Embassy in Beirut, Lebanon, killing 17 Americans. On October 23, 1983, a similar attack on the U.S. Marine barracks in Beirut killed 241 American servicemen. Overwhelmingly, the evidence led to Iran and its wholly owned subsidiary, Hezbollah, as the perpetrator of these attacks.

The Iranian regime has not changed in 40 years. It targeted and killed Americans during the Iraq war, supported Shiite militias, and supplied deadly explosives used to target our troops. Iran continues to prop up the regime of the murderous Bashar al-Assad in Syria. The Iranian regime regularly refers to the United States as the Great Satan and threatens our ally, Israel, which they call Little Satan—threatens to wipe them off the face of the Earth. The mullahs continue to grossly abuse the human rights of their own people, as demonstrated by recent bloody crackdowns on protesters in Iran that have claimed hundreds and hundreds of innocent lives.

Despite all of this, in 2015, the Obama administration rewarded Tehran with a sweetheart deal known as the Joint Comprehensive Plan of Action, or JCPOA, which paved a patient pathway to a nuclear weapon for Iran, lifted all meaningful sanctions against the regime, and did nothing to constrain Iran's malign behavior in the region. Iran used the billions of dollars that were provided in the JCPOA to dramatically increase its terror funding and its military funding.

The Trump administration rightly exited the JCPOA in May 2018 and re-imposed crippling economic sanctions against the regime. They have been clear with Iran that the door to diplomacy remains open if Iran changes its behavior and complies with international norms.

On May 21, 2018, Secretary of State Mike Pompeo delivered a speech at the Heritage Foundation, which clearly stated the administration's objectives: Iran must forgo its nuclear aspirations, cease its support for terrorism, and respect the human rights of its people. Secretary Pompeo said:

Any new agreement will make sure Iran never acquires a nuclear weapon, and will deter the regime's malign behavior in a way the JCPOA never could.

We will not repeat the mistakes of past administrations, and we will not renegotiate the JCPOA itself. The Iranian wave of destruction in the region in just the last few years is proof that Iran's nuclear aspirations cannot be separated from the overall security picture.

Secretary Pompeo was clear that once Iran changes its behavior, it will reap the benefits, stating:

[The United States is] prepared to end the principal components of every one of our sanctions against the regime. We're happy at that point to re-establish full diplomatic and commercial relationships with Iran.

And we're prepared to admit Iran to have advanced technology. If Iran makes this fundamental strategic shift, we, too, are prepared to support the modernization and re-integration of the Iranian economy into the international economic system.

I hope the latest events have made it clear to Tehran that the United States will never back down from protecting our people, our interests, and our allies. Now the ball is in Tehran's court to choose the path of peace or the path of confrontation. It is my sincere hope that they choose the path of peace.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I have come to the floor today to talk for a while about the nomination of Paul Ray to serve as Administrator of the Office of Information and Regulatory Affairs. I will do that, but first I want to take a few minutes to set the record straight on what we just heard.

Tom Friedman, who writes for the New York Times, is a famous author, lecturer, and a brilliant guy. Among the things he has mentioned in his writings over the last 3 years is something called the Trump doctrine. The Trump doctrine goes something like this: Barack built it. I, Trump, broke it. You fix it.

There are any number of examples where that has happened: Paris accords on reducing emissions of carbon dioxide on our planet and the Trans-Pacific Partnership, where the United States would lead 11 other nations in a trade agreement around the world. Those 12 nations would be responsible for 40 percent of the world's trade. Under that agreement negotiated in the last administration, the Trans-Pacific Partnership, we would lead that 12-nation group in 40 percent of the world's trade. China was on the outside looking in. This administration walked away from that.

The greatest source of carbon emissions in our planet and the greatest threat to the future of the planet for

these young pages—whom I am looking at now—is way, way too much carbon dioxide in our atmosphere. It is getting worse, not getting better. The greatest source of carbon emissions on our planet are emissions from our cars, trucks, and vans.

The last administration negotiated a 50-State deal, which would have reduced emissions from mobile sources dramatically in the years to come. This administration broke away from it. They walked away from it. The last administration negotiated a rule regulation to dramatically reduce emissions from the second greatest source of carbon emissions in this country and from our utilities: coal-fired utilities, primarily. If you add together the reduction in carbon dioxide emissions going forward from our mobile sources negotiated by the last administration and negotiated in a regulation called the Clean Power Plan, they would provide almost half of the emission reductions by 2050 that we need—almost half. This administration walked away from both.

The last administration argued that rather than always be threatening war with Iran and doing these proxy wars with Iran, maybe what we should focus on is the main thing. A friend used to advise me. He said: TOM, the main thing is keep the main thing the main thing. The reason why we negotiated the JCPOA deal with Iran was to deter Iran from developing and having nuclear weapons that could create a nuclear arms race in the Middle East and put them and, I think, the rest of our planet, literally, at risk. Under the agreement negotiated with Iran and six other nations—including the United States, the Brits, the French, the Germans, the Russians, the Chinese—under the agreement, the Iranians had to agree to stand down, to slow down much of their nuclear enrichment that could actually lead to nuclear weapons. They had to agree to intrusive inspections by the IAEA, the international watchdog for atomic energy. In return for their willingness to do those things, we would reduce the very harsh sanctions that had been put in place by the last administration—very harsh economic sanctions.

The Iranians did what they agreed to do. They stood down their development. They opened up their facilities to intrusive inspections by the IAEA for the last 4 years. There were almost 20 different rounds of inspections, each of which came to the same conclusion: Iran, whether we like it or not, whether we like their leaders or not, kept their word. Some of us remember what Ronald Reagan used to talk about. He used to say that in terms of doing nuclear deals with the Russians—the Soviets—he used to say: “Trust but verify.”

Well, what we did with the Iran deal was mistrust or distrust. We didn't trust them, but we would verify that they were keeping their word. Whether we like it or not, surprisingly, they

did, until this administration came along and walked away from that agreement, which was working. It imposed even harsher sanctions on Iran and led us to, really, where we are today.

Again, Tom Friedman, who gave us the Trump doctrine: Barack built it. I, Trump broke it. You fix it. This is just another example of that happening. We shouldn't be surprised by the events of the past week. It didn't have to be that way. It didn't have to be that way.

I think in the country of Iran, half of the people are under the age of 25. They were never born when the original Ayatollah was in charge, and they had the Iranian revolution. The younger people there would like a better relationship with us. They have elections there, too, where people can actually show up and vote—men and women—vote for municipal elections, for mayors, city councils, and so forth, for Parliament—their Congress is called the Parliament—for their President. I think the last time they voted was 3 years ago. You know which forces gained votes? They don't have Democrats or Republicans over there. They have hard-liners, and they have moderates. The moderates gained election victories in mayoral elections across the country and city council elections across the country. The moderates picked up a lot of votes in the Parliament. The hard-liners lost votes.

The actions of this administration over the last 3 years have pushed Iranian voters, including a lot of young people, away from supporting the moderates in their Nation and pushed them into the arms of the radical extremists, the hard-liners. It didn't have to be that way. It didn't have to be that way.

I don't know how we put this mess back together again, but we need to. I am not sure. I don't have a lot of confidence that this administration is going to be able to do that, given their track record over the last 3 years—at least on this issue.

NOMINATION OF PAUL J. RAY

Madam President, let me talk about Paul Ray. Paul Ray is a bright young man. He is the kind of person I think most of us would say: He ought to be in an administration. I don't care if it is a Democratic administration or a Republican administration. He is smart, well educated, and has good experience. He has been the nominee to head something called OIRA, the Office of Information and Regulatory Affairs, an entity that exists within OMB.

I have met him. He has come to my office to talk with me. He is a very polite young man. He has been before our committee. I voted today against his confirmation. I will tell you why. The Committee on Homeland Security and Governmental Affairs used to be the Committee on Governmental Affairs. I served on it for 19 years. One of the things I love about that committee is that we have oversight over the whole Federal Government. Every committee we serve on, including committees the

Presiding Officer serves on, all have an oversight role. A lot of that oversight deals with the administration as part of our checks and balances. We can only do that job so well if the administration allows us to do our job.

During the confirmation process—the Presiding Officer knows—witnesses and nominees come before us from the administration. They have been vetted by the administration. They have gone through staff interviews. Then they come to a committee hearing. We also ask questions of the nominees that are relevant to the jobs they are going to do.

Every now and then, you have a nominee for a particular position who is not forthcoming in his or her responses, so we do something called QFRs, which are questions for the record. They are designed to give the nominee another bite at the apple in responding to the questions that Democrats and Republicans have. A lot of times, the nominees are forthcoming, and that is good. The nominations then move forward, and they get confirmed.

I have learned, if nominees are not forthcoming and are not responsive to the oversight questions we ask before they get confirmed, good luck after they get confirmed, for it doesn't get any better. I don't care whether you happen to be a Democrat or a Republican; you have to be concerned about the reluctance and the unwillingness of nominees to respond to reasonable questions regardless of who is in the White House and regardless of who is in the majority of this body.

Let me say a word or two about OIRA. OIRA plays a central role in establishing regulatory and information collection policies across our entire Federal Government. OIRA oversees the rulemaking process from start to finish—from the reviewing of drafts of proposed and final rules, to managing the interagency review process, to ensuring agencies make rulemaking decisions based on sound cost-benefit analyses.

The Administrator of OIRA is a critically important position because, at the end of the day, he or she is responsible for ensuring that rules promulgated by agencies benefit our society, protect our quality of life, protect our health, protect our safety, and protect our environment.

Earlier today, I joined a number of my colleagues on the Committee on Environment and Public Works in a letter to Mr. Ray. We asked him to review concerns that have been raised recently by the EPA's Science Advisory Board about four specific rulemakings that are currently under review.

The EPA's Science Advisory Board found serious concerns with the Trump administration's clean car standards rule, with the administration's proposed mercury and air toxics rule, with the administration's clean water rule rollbacks, as well as with a proposed EPA secret science rule, which will have the effect of limiting the science

the EPA can actually use in rulemakings. The Science Advisory Board found serious shortcomings with how the EPA conducted these rulemakings. Either the cost-benefit analysis was deficient or insufficient, the Agency did not use the best available science, or the legal rationale that underpinned the rule was faulty.

In case you are wondering who selects the members of this EPA Science Advisory Board, as it turns out, it is the President. In this case, all 44 members of the EPA Science Advisory Board were nominated or were renominated under this administration, by this President. They said that there are serious problems with the four rulemakings that I just mentioned. They are not Obama's people. They were nominated by this President.

Mr. Ray has served in top leadership positions at OIRA since June of 2018. First, he was an Associate Administrator. Then, in March of last year, he was promoted to Acting Administrator. Mr. Ray has presided over or has been involved with dozens of controversial rulemaking decisions in the last year and a half at OIRA, including the rulemakings outlined in the letter that I mentioned we are sending him today.

That is why, during the vetting process of his nomination, I, along with my colleagues on the Homeland Security and Governmental Affairs Committee, asked for information about Mr. Ray's background and his work in the last year and a half at OIRA, which is within the OMB. Specifically, we asked him about his involvement in many controversial regulatory rulemaking decisions that have been put forward by the current administration. Unfortunately—sadly, really—Mr. Ray and the Office of Management and Budget have refused to provide the Senate with the information needed to vet Mr. Ray's nomination. As best as I can tell, they didn't even try.

Unfortunately, throughout the vetting process, Mr. Ray apparently refused to answer the Senators' questions by asserting privilege or deferring to the OMB's General Counsel more frequently than any past OIRA nominee who has ever appeared before our committee. Something is wrong with that. I don't care if you are a Democrat or a Republican in this body or if the nominee comes from a Democratic President or a Republican President; something is wrong with that.

In fact, Mr. Ray asserted privilege or deferred to counsel 19 times in his prehearing questionnaire responses alone. Is that a lot? That may well be more times than any other nominee in the history of this agency. Think about that. While it might be appropriate to withhold or redact particular content in some narrow circumstances, Mr. Ray and the OMB's Office of General Counsel have misapplied overly broad privileges to avoid providing Congress with critical information and documents related to his work at OIRA.

Have you ever heard of checks and balances? There is a reason we have

oversight. There is a reason we don't have Kings or Monarchs here who can do anything they want without a check or a balance. Sadly, this nomination process, at least for this nominee—and I think he is well qualified and bright—takes a thumb and sticks it in the eye of checks and balances.

Unfortunately, should this body vote to confirm Mr. Ray, his general approach of nonresponsiveness to the committee's vetting process sets a concerning precedent, not just for him and not just for nominees of this agency, but for future nominees and subsequent oversight efforts to hold the executive branch accountable.

It has been my privilege to serve on the Committee on Homeland Security and Governmental Affairs for 19 years now. We are an oversight committee that conducts oversight not just over the whole Federal Government but on matters that are important to our Nation outside of the government. One of our core duties is to ensure that nominees are forthcoming and provide the Senate with the information we need to do our jobs.

Eventually, we are going to have an election. Who knows who is going to win the next time and who will be in the majority here in this body? Yet, under any administration, we should expect the nominees who appear before the Senate to be forthcoming and to provide us with the relevant information we need to adequately vet their nominations.

For these reasons, I must reluctantly note my opposition to Mr. Ray's nomination for now and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER (Mr. YOUNG). The Senator from Tennessee.

Mr. CARPER. Will the Senator yield? Mrs. BLACKBURN. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Delaware.

IRAN

Mr. CARPER. Mr. President, before Senator BLACKBURN arrived on the floor, I talked about Iran, as many of us have. I mentioned the opposition that some folks in Iran had—that the Revolutionary Guard Corps Quds Force had—to actually entering into negotiations with the United States and five other nations to get the Iran deal, the JCPOA. As far as I can tell, nobody was a stronger opponent to Iran's negotiating with us and five other nations—nobody, as best I can tell, was a stronger opponent for Iran's doing that, for sitting down and trying to work things out—than Soleimani.

We are not going to miss that guy, but he was one of the strongest opponents who had actually taken what, I think, was a reasonable course. Sadly, this administration walked away from it.

I thank my colleague for yielding.

NOMINATION OF PAUL J. RAY

Mrs. BLACKBURN. Mr. President, let me begin by saying that Paul Ray is a

Tennessean and that we are delighted he is being confirmed to the OIRA. He is qualified and will serve our Nation well in the future just as he has in the past.

IRAN

Mr. President, I also want to say a few things about the situation in Iran and about some of the comments that we have heard here on the floor today.

First of all, I think it is important to set the record straight when it comes to the Iran deal. We hear people say: Well, we never should have walked away from it. Let me tell you something. We should never have been in it in the first place. We should never have been in this. How in heaven's name could anybody have thought it was a good idea to put \$1.7 billion of cash on a pallet, stick it on a plane, and fly it to Iran? Whoever would have thought that?

The Iran nuclear deal was not something that helped to stabilize an issue; it incentivized Iran to do bad things. See, the Iran deal included a lifting of sanctions on Qasem Soleimani. Where was the first place he went? Where was the first place he went to get somebody to help to fund the Quds Force—to help fund all of this terrorism? He went to Russia—to his friends. This is why the Iran deal was not a good thing.

Now, you can say they had to open their nuclear facilities to the IAEA, but there was a little caveat in there that doesn't get talked about a lot. They opened it with notification. Well, if you are going to get prior notification that somebody is going to look at your company, to look at your operation, to look at your house, to look at your country, what are you going to do? You are going to clean it up, and you are going to hide things. That is the Iran deal. They didn't stop enriching uranium. What they did was enrich it right up to the point at which it was just under the mark. Did they give it up? No, they didn't give it up.

My colleague had mentioned the Reagan term of "trust but verify." Thank goodness we have a President who decided he would verify, and thank goodness we have an intel community and a U.S. military that did the heavy lifting of figuring out what needed to be done.

When you hear one of my colleagues ask, "How do we put this back together or can we ever put it back together?" we have started putting it back together. We have done it by saying: All right, folks, here is our redline. Guess what. This redline means something. This redline is drawn with the blood of hundreds of Americans who have been killed by this murderous villain. It is a redline of justice.

So let's not have happy talk when it comes to this situation with Iran. Let's make certain we understand what has transpired. We know that our military and our intel communities watched for 8 months as there was escalating violence. We know that violence was orchestrated by none other than

Soleimani himself. Intelligence provided to senior administration officials prior to the strike confirmed that Soleimani had posed a defined threat to the United States.

When we speak about Iran in the context of conflict versus deterrence, we are not referring to a government or a military organization. It is important to note and for the American people to know that Iran is the world's largest state sponsor of terrorism. Do you know who it points that terrorism to? Isn't it interesting. Iran tends to have little bywords. It says: This is our goal—to destroy America, to destroy Israel. That is what Iran has been up to. It has nurtured a proxy network that has helped it to claw its way into the heads of regional leaders who are either too weak or who are wholly unwilling to resist those overtures.

Relationships with Russia and with Bashar al-Assad in Syria have kept Iranian leaders a part of mainstream conversations about national security.

Hezbollah in Lebanon is a close friend of Iran, and their support of militias and Houthi rebels in Yemen adds to the aura of chaos around Iran's activities.

So what does all of this have to do with a targeted strike on one man? That one man has spent a lifetime doing exactly what he was doing the day he died—using violence and intimidation to bring Shiite ideology into prominence and, to quote the notorious Ayatollah Khamenei, “end the corrupting presence of America in the Middle East.”

That is what they thought. Those are their comments, their words—not mine, not the President's, not the military's, not the intel's—the Ayatollah's. That is what he said.

Soleimani took to the frontlines with the Revolutionary Guard in 1979. That may trigger some thoughts of Jimmy Carter, Ronald Reagan, and American diplomats and citizens that were held hostage.

Soleimani was not a new arrival to the terrorist community. Sometime between 1997 and 1998 he was named commander of the Quds Force. Under his leadership, the Revolutionary Guard has gained control of over 20 percent of Iran's economy, and the Quds Force has extended its influence to all Gulf States, Lebanon, Syria, Iraq, Afghanistan, and Central Asia.

He controlled Iran's intervention in support of Assad in Syria and was the primary architect of Hezbollah in Lebanon. They have built up and trained scores of Hezbollah and Houthi fighters, as well as Shiite militias in Syria and Iraq, and those Iraqi militias killed more than 600 U.S. troops during the Iraq War.

Soleimani made much of his militaristic role, but he was a general in name only. He hid behind a uniform while designing, devising, conducting, and advising terror plots, and that is what earned him a spot on the list of people sanctioned by the EU, the

United States, and the U.N. He wasn't a bureaucrat. He was not one of many respected generals.

The Ayatollah called him a living martyr in his lifetime, but I intend to call him exactly what he was—a ruthless terrorist and a shameless, even proud, engineer of hatred, death, and destruction. That is his legacy.

His tendency toward violence as a default was thrown into full relief when President Trump withdrew from that Iranian nuclear deal, just as I said a moment ago.

In early May of last year, the intel indicated an increased threat from Tehran, and between May and September, Iran and its proxies perpetrated more than 80 violent attacks in the region—80—on us and our allies, 80 attacks. They attacked multiple tankers and commercial vessels. They downed an American drone. They took out 5 percent of the world's oil supply. Now we find out that they have taken out a jetliner.

They used their own drones to attack a Saudi airport. A suicide bomber murdered four Afghans and wounded four U.S. troops traveling in a convoy in eastern Kabul.

Soleimani was very confident, but perhaps he should have thought a little harder about the increased level of vulnerability he had built into his expanding network, because he didn't die in a hidden bunker or behind the walls of a fortified compound. He died in public while traversing the Middle East, defining impunity and even taking selfies with proxy terrorists. He did every bit of this in violation of U.N. resolutions. He died because his aggression morphed into a pattern of arrogance and violent escalation that U.S. officials could not, in good conscience, continue to allow.

This month Iranian officials lost their chief terrorist, but they have gained an opportunity, and, I will tell you, the ball is in their court.

Their retaliatory strikes against our shared bases in Iraq did nothing to repair their image as a belligerent and deeply vulnerable regime. If their lack of precision was calculated, no one got the intended message.

The Iranians are now left with two choices, and they are theirs. Pick one. We hope they choose well.

Option No. 1, they can come to the table and behave like a normal country. They are a country rich in resources and smart, educated people. Come to the table and behave like a normal country in the community of nations and allow deterrence to make a comeback.

Option No. 2, they can risk being reminded that the United States will defend to the death the redline that separates justice from chaos, and the American people are going to make certain that we continue to go after monsters who crusade as the declared enemies of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

TRIBUTE TO LAUREN OPPENHEIMER

Mr. MERKLEY. Mr. President, I want to take a few moments to recognize an individual, Lauren Oppenheimer, who, after nearly 5 years as an invaluable member of my team, has recently moved on to begin the next chapter of her career. We all on Team Merkley are very sad to see her go, but we do feel extraordinarily fortunate that she hasn't gone far—just over to Senator JONES' office on the other side of the Hart building. So Oregon's loss has been Alabama's gain.

Lauren joined my team in 2015, back when I was a member of the Banking Committee, to handle that important portfolio. It was a position that she was extremely qualified for, having a wealth of experience working on those issues in both the House and at the Center for American Progress. But then a seat opened on the Foreign Relations Committee, and I had to turn in my credentials for Banking in order to take that Foreign Relations position.

Well, we knew that that really kind of undermined the vision of why Lauren had come to our team, to really take on that set of banking issues. It would not be an understatement to say it was not a completely thrilling day when I shared this news with her.

But being the dedicated team member that she is, she willingly and graciously took on a new role within the team and a whole new portfolio of issues to work on—issues like election reform and telecom, judicial nominations, rules reform. It might not have been the job that she signed up for, but she excelled at it nonetheless. She excelled because she is extremely smart and talented and because she is passionate about her work, and she threw herself into this new set of issues.

I mean it when I say she is passionate. A quick conversation about Fintech can last for hours, as she excitedly informs you about all of the recent developments in that emerging industry—an industry, by the way, that I had hardly heard of before Lauren came to my team.

Martin Luther King, Jr., once said: “Human progress is neither automatic nor inevitable.” It requires “the tireless exertions and passionate concern of dedicated individuals.” Well, Lauren is certainly one of those dedicated and passionate individuals, and throughout her time on Team Merkley, she has helped move our country forward in ways large and small.

For years she has worked on ensuring the implementation of the Volcker rule, a key part of the Dodd-Frank Act, which closed the Wall Street casino by separating old-fashioned banking from high-risk, high-leverage bets on the future prices of stocks and exchange rates and interest rates and commodities—bets that placed our entire banking system and economy at risk.

Lauren wrote the bipartisan SAFE Banking Act, which had its hearing in the Banking Committee just a couple of months ago, to ensure that legal

cannabis and hemp businesses have access to the same banking services as any other business. She established the Senate Cannabis Working Group to coordinate the Senate's efforts around this issue.

She has worked to ensure the integrity of our judicial system by vetting the nominations for judgeships and, in one case, produced significant insights and records that resulted in the Senate rejecting the nomination of Ryan Bounds for the 9th Circuit.

In her spare time, Lauren has been fighting to save our democracy. Earlier this year she created my "Blueprint For Democracy" to introduce six specific bills, and she was the point person on my team for finalizing the Senate version of the For the People Act, a comprehensive election reform bill which takes on anti-democratic practices such as gerrymandering, voter suppression, and dark money.

But beyond those accomplishments and many others that I haven't mentioned, she made one contribution that I will always remember and deeply appreciate. As many are aware, I spent a significant amount of time over the last year and a half shining a light on the Trump administration's policy of cruelty toward immigrants, refugees, and asylum seekers on our southern border.

Even though immigration issues are not in her portfolio, it was Lauren who inspired me to get involved. I was reading the speech by former Attorney General Jeff Sessions—a speech labeled his "zero tolerance" speech—and the name didn't strike me as unexpected. But when I read the details, it sounded as if the plan was to discourage refugees from coming to our border by deliberately traumatizing children, to rip them out of their parents' arms.

I refused to believe that any American administration would ever actually do this, and, as I was expressing the belief that no American administration would ever resort to hurting children as a strategy to deter immigration and would not resort to a strategy of hurting children to do anything that is not acceptable under any moral code or set of ethics or religious standards, it was Lauren who said: There is one way to find out, and that is to go down to the border.

So I went that next weekend, that next Sunday, and became the first Member of Congress to see the children being sorted into cages after being separated from their parents and to be turned away from any conversation in front of a former Walmart where I had heard that hundreds of separated boys were being held.

The video of that really sent a message to the entire Nation of what this administration was hiding, but the fact that I was there at that processing center and the fact that I was there at that former Walmart, seeking to find out what was going on with those hundreds of boys who had been taken from their parents, was because Lauren

Oppenheimer said: The best way to find out is to go down to the border yourself.

Thank you, Lauren, for playing such a critical role in all of these efforts. You are such a valued member of our team, and you are still valued as a member of our team. You will always be a member of our team, even as you go on to work for our colleague from Alabama.

Our office notices your absence, without the energy and enthusiasm emanating from your desk and your unceasing willingness to take on new challenges and your very valuable work to mentor other team members.

Know that all of us on the team wish you the very best as you continue to fight for a better world in this new chapter of your career.

I am excited that you are returning to your world of expertise, the world of banking. I may be calling you now and then to get your insights on that set of issues that you know so well.

All of us look forward to seeing the insights and understanding you will help us gain from your perspective when you are fully immersed in the banking world. It will be valuable to all of us in the Senate and valuable to our Nation.

I thank you for your service.

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

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

VOTE ON RAY NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the Ray nomination?

Mr. WYDEN. 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. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. MORAN), and the Senator from Georgia (Mr. PERDUE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea" and the Senator from Kansas (Mr. MORAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), 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 50, nays 44, as follows:

[Rollcall Vote No. 10 Ex.]

YEAS—50

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

NAYS—44

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

NOT VOTING—6

Alexander	Moran	Sanders
Booker	Perdue	Warren

The nomination was confirmed. The PRESIDING OFFICER. The majority leader.

Mr. McCONNELL. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. McCONNELL. Mr. President, I move to proceed to legislative session.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I move to proceed to executive session to consider Calendar No. 498.

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

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Peter Gaynor, of Rhode Island, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.