

the Senator from Oklahoma (Mr. INHOFE), the Senator from Wisconsin (Mr. JOHNSON), and the Senator from Louisiana (Mr. KENNEDY).

Further, if present and voting, the Senator from Wisconsin (Mr. JOHNSON) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Massachusetts (Mr. MARKEY), the Senator from Connecticut (Mr. MURPHY), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 81, nays 8, as follows:

[Rollcall Vote No. 12 Ex.]

YEAS—81

Alexander	Feinstein	Peters
Baldwin	Fischer	Portman
Barraso	Gardner	Reed
Bennet	Graham	Risch
Blackburn	Grassley	Roberts
Blumenthal	Hassan	Romney
Blunt	Hawley	Rosen
Boozman	Heinrich	Rounds
Braun	Hirono	Rubio
Burr	Hoeben	Sasse
Cantwell	Hyde-Smith	Schatz
Capito	Jones	Scott (FL)
Cardin	Kaine	Scott (SC)
Carper	King	Shaheen
Casey	Lankford	Shelby
Collins	Leahy	Sinema
Coons	Lee	Smith
Cornyn	Loeffler	Sullivan
Cortez Masto	Manchin	Tester
Cotton	McConnell	Thune
Crapo	McSally	Tillis
Cruz	Merkley	Toomey
Daines	Moran	Warner
Duckworth	Murkowski	Whitehouse
Durbin	Murray	Wicker
Enzi	Paul	Wyden
Ernst	Perdue	Young

NAYS—8

Brown	Menendez	Udall
Gillibrand	Schumer	Van Hollen
Harris	Stabenow	

NOT VOTING—11

Booker	Johnson	Murphy
Cassidy	Kennedy	Sanders
Cramer	Klobuchar	Warren
Inhofe	Markey	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's actions.

The majority whip.

LEGISLATIVE SESSION

MORNING BUSINESS

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

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

RECESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:04 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CAPITO).

MORNING BUSINESS—Continued

The PRESIDING OFFICER. The Senator from Arkansas.

WAR POWERS RESOLUTION

Mr. COTTON. Madam President, in the next few days, Senate Democrats will move to discharge a War Powers Resolution to tie the President's hands in defending this Nation against Iran and terrorist masterminds like Qasem Soleimani. Let's think about how we got here and the implications of this reckless action.

Qasem Soleimani has the blood of thousands of Americans on his hands and hundreds of thousands of innocent souls across the Middle East. For more than 20 years, he was the Supreme Leader's most trusted lieutenant, Iran's terror mastermind, and the man responsible for the deaths of hundreds of American soldiers in Iraq and Afghanistan by supplying the most deadly kinds of roadside bombs soldiers ever faced. He and his proxies and Iranian leaders like him are responsible for bombings of our Embassies in places like Lebanon and Kuwait. They are, in no small part, responsible for the ongoing horror of the Syrian civil war, for the civil war in Yemen. There is no doubt, based on the intelligence we have and this bloodthirsty past, that Qasem Soleimani was in Baghdad on January 2 to plot something very dangerous and very big that was going to target Americans once again.

We should all be thankful that Qasem Soleimani no longer walks the Earth, and we should be proud of the troops who executed that mission. The world is a safer place and America is a safer nation because of it. The people of Iran have been given a voice against the man who was responsible for mowing them down in protests over the years and whose death they have been out on the streets celebrating even though they risk being mowed down by their own security forces once again.

Yet, over the last 2 weeks, the Democrats have been able to do nothing but express their regret for the President's decision to eliminate Qasem Soleimani. And make no mistake—this War Powers Resolution is not about the future; it is about delivering an implicit or, if you listen to their words and don't just read the resolution, an explicit rebuke to the President for ordering the killing of Qasem Soleimani. They certainly want to prevent the President from doing anything like that in the future. That is why they have introduced this War Powers Resolution.

We should always remind ourselves when we are having a war powers debate, as we do from time to time, the War Powers Resolution is unconstitutional. It was passed by a liberal Congress in 1973 at the height of Watergate, and not a single President since then has acknowledged its constitutionality—not a single one, to include all the Democrats.

I hear a lot about the Constitution these days and reclaiming our authority to declare war and to constrain the Executive. I guess all those constitutional experts missed the Federalist Papers and their authoritative explanation of the Constitution and why we have the government we do. We have a House of Representatives with 435 people to be the institution that is most closely tied to popular opinion. We have a Senate to act as the cool and deliberate sense of community. And we have a single President—a single President—to act on behalf of the entire Nation in moments of peril.

Federalist 70, if they would just open up that authoritative explanation of the Constitution, says why there is one President, not a council of two or three or four, as some of the States had at the time of the founding. Because of the division of opinion and perspective and temperament that an executive council would have, there is one President—one President—who can act, as Federalist 70 said, with energy and dispatch and, yes, in some occasions, with secrecy. So if the Founders didn't think we should have an executive council of 3 or 4 or 5 people, imagine what they would have thought about 535 commanders in chief making operational decisions about when to take action on the battlefield.

These debates about War Powers Resolutions are really about how many lawyers and armchair rangers can dance on the head of a pin. Do you think wars and battles are won with paper resolutions? Those wars and battles are won with iron resolution. Do you think the ayatollahs are intimidated by "whereas" clauses and joint resolutions? The ayatollahs are intimidated, deterred, and scared when we incinerate their terror mastermind and we tell them that we will do it again if they harm another American.

Even if you grant the War Powers Resolution constitutional, look at the actual text of this resolution. It makes no exception for Iran developing a nuclear weapon. The ayatollahs could hold a press conference tomorrow or the Supreme Leader could tweet that they are going to rush to a nuclear breakout. The President would have to come to Congress if he would want to take any kind of action to deter it. It makes no exception for designated terrorist organizations and individuals, like the Iranian Revolutionary Guard Corps and its Quds Force, who have killed so many Americans and continue to target them today. It makes no exception for attacks on our allies in the Middle East, nations like Israel.

The sponsor of this resolution will say: Oh, it makes an exception for imminent attacks.

We have seen what that gets us over the last couple of weeks—again, lawyers and armchair rangers arguing about the meaning of “imminence.” Well, I have to say that whether an attack is imminent looks pretty different if you are a soldier on patrol in Iraq than if you are a comfortable Senator sitting behind secure walls and armed guards.

None of this means Congress has no role in matters of life and death on the battlefield. It is very far from it, in fact, and I will take a back seat to no one in asserting that constitutional authority. I would remind my colleagues that when we had an opportunity to insist that Barack Obama’s nuclear deal with Iran be submitted to this Chamber as a treaty, there was one Senator who voted to insist on that—only one. This guy. Ninety-eight other Senators were perfectly willing to create some made-up, phony-baloney procedure that allowed Barack Obama to submit a nuclear arms agreement with a sworn and mortal enemy that chants “Death to America” and put it into effect with a large majority opposed to him, as opposed to the two-thirds majority that our Constitution requires for treaties.

We do have a tremendous degree of constitutional authority in the Congress. We regulate interstate commerce, which means sanctions. We confirm Ambassadors. We confirm the President’s Cabinet. We declare war, which we have done only a few times in our past despite hundreds of instances of introducing troops. But most importantly, and the way to constrain the Executive if this Congress thinks he should be constrained in a particular case, we have the spending power—in particular, the spending power for our Armed Forces. That is the way the Congress—any Congress with any President—can control the use of the Armed Forces by the President. It is something this Congress has done a lot in the past. We did it in Vietnam, did it in Nicaragua, and did it in Somalia.

There were plenty of times where the President has acted in some ways in a much more aggressive and far-reaching fashion than President Trump did just a couple weeks ago—the first Taiwan Strait crisis, Granada in 1983, Libya in 1986, and Iran in 1988. I would even say Libya again in 2011, although most of my Democratic colleagues like to send that down the memory hole since it was a Democratic President.

So I would simply say that if you disagree with the President’s decision to kill the world’s most sadistic, blood-thirsty, terrorist mastermind and you want to stop him from doing so again, file your bill to prohibit the use of any taxpayer funds for such operations. It is very simple. It is one page. I will help you write it, if you need help—one page: No funds will be used to support operations by the Armed Forces against the Government of Iran or any

of its officials. Do it. Have the courage of your convictions.

Why are we not seeing that bill? Because it failed just last year. All of these same politicians offered language on our annual Defense bill to try to prohibit the use of any funds in operations like we just saw, and it failed. We passed a defense bill, as we always do, by overwhelming majorities, which means they don’t have the votes because they know their position is not popular with the American people. Not surprisingly, the American people don’t want their elected leaders to act as lawyers for the ayatollahs.

So if you are not going to act in what is our true constitutional power, spare us the unconstitutional and dangerous War Powers Resolutions and simply let the people who are serious about our national security—from troops on up to the top—do what is necessary to keep this country safe.

Madam President, I yield the floor.

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. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. BARRASSO. Madam President, I come to the floor today to mark another major milestone for the landmark U.S.-Mexico-Canada Trade Agreement. This morning, Madam President, with you in the committee in voting, the Environment and Public Works Committee overwhelmingly passed the USMCA. With the approval of our committee, the USMCA is now one step closer to final passage in the Senate.

We all know that it isn’t perfect, but, still, it is an important deal that benefits all Americans. Passing this deal provides much needed certainty for America’s manufacturers. Our ranchers and our farmers—certainly, in Wyoming but across the breadbasket of the country and the Rocky Mountain West—are counting on it as well.

Americans have waited patiently now for over a year. Speaker PELOSI was the roadblock and held this hostage for an extended period of time. She finally allowed the House to vote on it. Now the Senate is working to move this critical piece of legislation forward and to the President.

Passing USMCA will start the next chapter in the American economic success story. The deal is going to increase our gross domestic product by \$70 billion. Above all, it is a win for American workers. It is going to create 180,000 U.S. jobs, and you know that is just the start. Already, our strong, healthy, and growing economy has been setting records across the board.

It is thanks to Republican pro-growth policies. That is what we look to and point to when we take a look at the record job growth we have had since President Trump has taken office.

In just 3 years, we have created over 7 million new jobs in America. The unemployment rate is at a 50-year low. It is astonishing. Wage growth is the fastest it has been in a decade, especially benefiting lower income workers. Everyone is better off with this growing economy. There is still some untapped potential, and we need to unlock it now.

My home State of Wyoming is poised to reap huge benefits not only from USMCA; our State has much to gain from new trade agreements with China and with Japan as well. The China trade agreement is scheduled to be signed tomorrow and Japan on January 1. Together, these America-first trade deals mean expanded access to export markets. Wyoming farmers and ranchers are very eager to seize these opportunities for future growth.

I would just say, as I conclude, that here is the bottom line. Passing USMCA means more jobs, and it means economic growth. It means more certainty and more stability for our job creators. It means more opportunity and more prosperity for America’s working families. That is the real measure of this. It is time now for the Senate to pass the USMCA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

#### FREEDOM PROTESTS

Mrs. BLACKBURN. Madam President, we are in the wake of another global event or happening, if you will. No matter what it is, we always have people who come in on the back side and, as I say, are a bunch of armchair quarterbacks and Monday morning quarterbacks, and they are trying to put their spin on what should have been done and what wasn’t done. I think that is probably a pretty good analogy when we think about the football game that took place last night.

What ought to be a serious discussion about national security or human rights inevitably devolves into a political argument about who should be allowed to score the most points off the blood and bravery of people who are fighting half a world away. Here is a suggestion for each of us: In times of conflict or unrest, instead of looking to the pundits and listening to a lot of pundits, why don’t we look to the people themselves who are involved in these conflicts?

After the U.S. strike that took out Qasem Soleimani, armchair quarterbacks calling plays for the left picked up on what the propaganda arm of the Iranian regime was selling. Bear in mind, I just said the propaganda arm. After Tehran downed its own jet though, shouldn’t the conversation have pivoted to the outraged protests