

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 |
| Barrasso | 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.