

shaking hands with voters, they will be sitting here like the rest of us. That will be a big blow to their election. Based on what we have seen in the press, these four Senators aren't what I would call "happy campers," and I don't blame them.

You had better believe, though, that their competitors are celebrating. They are going to have the Iowa caucuses, perhaps, and maybe New Hampshire and Nevada all to themselves while these four Senators who are running for President in the Democratic primary will have to be here like the rest of us.

So, in holding the articles for 4 weeks, the Speaker just cleared out some of the top contenders in the Presidential primaries—the early ones—and it is pretty clear that the candidate who stands the most to gain from their absence is former Vice President Biden.

The politics of this impeachment circus show that it was never a serious one. A constitutional issue? Wrong. It was a political exercise from the start, meant to hurt this President and help the Speaker's party elect a Democrat in his stead in November—or at least NANCY PELOSI's friends in the Democratic Party.

Over these last 4 weeks, we have been standing by, waiting to do our duty, wasting valuable time, while the Democrats in the House try to come to terms with their embarrassing and inadequate investigation, and watching them as they try to figure out how they could possibly get themselves out of this embarrassing box canyon they have walked into.

I know we are all eager for the process to finally shift from the House's hands to the Senate, and I am hopeful that later this evening we will finally be free from Speaker PELOSI's manipulative games when it comes to impeachment.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. CORNYN. Mr. President, finally there is some good news here in Washington that we will actually get some important things done, and, particularly, I am talking about the USMCA, or the United States-Mexico-Canada Trade Agreement. I am hopeful that we can get that voted out of the Senate by tomorrow and get it onto the President's desk. This is a top priority for my constituents, who are farmers, ranchers, and manufacturers, as well as consumers, whose daily lives are impacted by trade with our neighbors to the north and south. We will soon be able to mark it as yet another win for Texas under this administration.

For more than a quarter of a century, NAFTA, or the North American Free Trade Agreement, the predecessor to the USMCA, has been the guiding force in our trading relationships with Mexico and Canada. By virtually any measure, it has been a great success. The

U.S. Chamber of Commerce estimates that 13 million American jobs have been created and are dependent on trade with Mexico and Canada. That is a big deal.

A lot has changed over the last 25 years. In fact, then, the internet was in its infancy, smartphones didn't exist, and the only shopping you did was at a brick-and-mortar store. The way business is conducted today has evolved significantly. It is time we bring our trade agreements up to date.

That is where the USMCA comes in. It preserves the basic hallmark provisions of NAFTA, like duty-free access to Mexican and Canadian markets, and it adds measures to modernize the agreement. Additionally, the USMCA includes strong protections for intellectual property, which is critical to protecting the incredible innovation that Americans create right here at home. It also cuts the redtape that has been preventing countless small businesses from tapping into foreign markets.

It also accounts for e-commerce and digital products at a time when governments around the world are proposing all kinds of new taxes on e-commerce. It is actually the first free-trade agreement with a digital trade chapter. That is why a lot of folks call the USMCA "NAFTA-2.0." It is better, it is stronger, and it is up to date.

I have no doubt that this agreement will be a boon to both our national and Texas economies, but I do have some concerns about the path it has taken to ratification. This product was essentially negotiated with the House and given to the Senate as a fait accompli, and I worry that that can set a dangerous precedent for future trade agreements. I hope that is not something we will allow to become a habit, but it doesn't diminish the fact that this trade agreement will bring serious benefits to my constituents and my State and continue to strengthen our national economy.

I appreciate the President's commitment to strengthening our trading agreements with our neighbors and bolstering a stronger North America. The USMCA is a big win for all three countries involved, and it is a big win for the State of Texas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

IRAN

Mr. CARDIN. Mr. President, last week we were very close to an act of war between the United States and Iran. I must tell you, we have been talking about this potential threat for a long time. I am a member of the Senate Foreign Relations Committee. We have held numerous meetings in our discussion about the fact that there is no authorization for the use of military force by the United States against Iran that has been approved by Congress. I remember, during hearings, listening

to administrative witnesses who said: Well, there is no intent to use force against Iran.

Well, Congress did not act. Even though, I must tell you, several of our colleagues, including this Senator, had urged us to take up an authorization for the use of military force in regards to the problems in the Middle East, there was no action taken. I want to applaud Senator KAINE, who has been working on this for several years, and our former colleague Senator Flake, who did everything they could to bring a bipartisan discussion and action in regards to exercising congressional responsibility on the use of force by our military.

Well, we now know that this is a real threat, that we may be going to war without Congress's involvement, which is contrary not only to our Constitution but to the laws passed by the U.S. Congress. So I want to thank Senator KAINE and Senator LEE for filing S.J. Res. 68, a bipartisan resolution. I hope it will receive the expedited process that is envisioned in the War Powers Resolution, and I hope that we will have a chance to act on this in the next few days. It is our responsibility—Congress's responsibility—to commit our troops to combat, and it rests squarely with the legislative branch of government.

Let me first cite the Constitution of the United States. You hear a lot of discussion about the Constitution here on the floor of the U.S. Senate. Article I, section 8, of the Constitution says that Congress has the power to declare war.

Now, that was challenged in the 1970s, after Congress had passed the Gulf of Tonkin resolution in regards to our presence in Vietnam.

It was passed in an innocent way to protect American troops and ships that were in that region, but as we know, that resolution was used as justification by President Johnson and others to expand our involvement in Vietnam and, ultimately, led to a very active and costly war for the United States—and lengthy war, I might add.

In 1973, Congress passed the War Powers Act. It wasn't easy. President Nixon vetoed it. We overrode the veto in a bipartisan vote in the U.S. Congress. We did that because of the abuse of power during the Vietnam war.

Let me read what the War Powers Act provides because it is very telling in regard to what we saw last week in regard to Iran, a little over a week ago now. It requires consultation with Congress by the President "in every possible instance before committing troops to war." No. 1, it requires the President to consult with us before he commits any of our troops to an engagement. No. 2, the President is required to report within 48 hours "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." So it provides for the imminent involvement or threat to the United States.

No. 3, the President is “required to end foreign military action after 60 days unless Congress provides a declaration of war or an authorization for the operation to continue.”

We now know that to be an AUMF, an authorization for the use of military force.

Let’s fast forward from the passage of that bill in 1973 to rein in the abuse of power by the Executive during the Vietnam war. Let’s fast forward to what happened in early January, on January 2, when President Trump ordered the action against Soleimani in Baghdad and took out his life.

Let me start off by saying, none of us has any sorrow over the loss of General Soleimani. He was a bad guy. He was responsible for the deaths of hundreds of people. He was very much a person who should have been held accountable for his activities, but there is a reason for our constitutional protections of checks and balances as it relates to the use of military force by the United States.

The Commander in Chief has certain powers. Congress has certain powers. The Framers of our Constitution intentionally provided for there to be a robust discussion and debate between the legislature and the Executive on war and peace; that we should have that open discussion; and that, in many cases, diplomacy needs to be pursued much more aggressively before we use our military might; that our national security interest in keeping America safe rests with these checks and balances. Again, to bring it to current times in regard to the circumstances with Iran, every witness I have listened to, every expert I have talked to with regard to the Middle East, says it is in the U.S. national security interest to find a diplomatic way to handle our issues in regard to Iran; that a military option would be very costly, a long time, and, most likely, counterproductive with the United States having to keep its troops in that region for a very long time.

Diplomacy is clearly the preferred path. These constitutional provisions provide us with an opportunity to be able to make sure we do what is in the best interest of American national security.

Trump ordered this attack, and the Senate now needs to act, as we saw in the 1970s when Congress did act. Let me start with the War Powers Act and how President Trump had violated the War Powers Act in all three of the provisions I mentioned earlier.

First, was there an imminent involvement or threat? We have all now heard the explanations given by this administration. It was short on detail. It was basically the general concerns. What is most disturbing, we now read press accounts that the President had been planning for months—or the generals had been planning and going over with the President for months whether they should take out General Soleimani.

If they had been planning for months, why didn’t they consult with Congress, as required under the War Powers Act? Violation No. 1 to the War Powers Act: Congress was not consulted by President Trump.

No. 2, there are two violations so far; the fact that there wasn’t an imminent threat and the fact that there was no consultation with Congress—two violations of the War Powers Act. Then, if he continues to use force beyond the 60 days, he has to come to Congress and get authorization or he has to remove the troops.

Does anyone here believe the President will not hesitate again to use force against Iran? Yet there are no intentions to submit a resolution.

We find the President has violated the War Powers Act in three ways: first, by having no evidence of imminent threat; second, by not consulting with Congress before the attack; and third, by not submitting to us an authorization for the use of military force.

There are some who say the President already has that authority under the authorizations for the use of military force that were passed by Congress after the attack on our country on September 11, 2001.

We are getting to 18 years beyond when that attack took place and those authorizations passed, but let me go through them. The one that is cited the most by the President is the 2002, which is to “defend the national security of the United States against the continuing threat posed by Iraq.”

First, let me say, I voted against that resolution, and I believe that was the correct vote, but I think almost everybody in this body would say that authorization is no longer relevant. Since that resolution was passed, the United States has worked with Iraq and has worked with the Government of Iraq. This is a country we try to do business with, so they no longer present the threat that was supposedly present when this resolution was passed. Even to get beyond that, what does Iran have to do with Iraq? I understand they may start with the first letter “I,” but there is no relationship here. Under any stretch of the imagination, there is no way you can use the 2002 resolution.

Let’s go to the 2001 resolution that was passed on the authorization for use of military force. That was immediately after the attack on September 11: “. . . to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons.”

There is absolutely zero connection between that language and General Soleimani or Iran as it relates to 9/11, and I think no one could make that connection.

I understand that 2001 has been misused by many administrations. There

is no question, I would concur in that conclusion, but in all of those cases, they tried to connect dots. There is no connection of dots here whatsoever.

As we saw in the late 1960s and 1970s in Vietnam, when we had the Gulf of Tonkin resolution that was passed to defend our assets in the Vietnam area—in the Gulf of Tonkin—how it was used by administrations to commit us to a long, engaged military operations. Here, one cannot argue that there is even a semblance of authorization that has been passed by Congress as it relates to Iran.

We also know the President is violating the War Powers Act, and he is likely to use force again in violation of our Constitution and the War Powers Act.

It was my generation that paid a very heavy price because of the Vietnam war. I lost a lot of my high school classmates in the Vietnam war. Let us not exceed our responsibility under the Constitution or allow the President to exceed his. We need to act. The Senate needs to act. We don’t need another endless war.

The resolution before us allows us to do what is responsible. I am going to quote from the resolution that Senator Kaine has filed, S.J. Res. 68: “. . . the President to terminate the use of United States Armed Forces for hostilities against . . . Iran or any part of its government or military, unless explicitly authorized by a declaration of war or specific authorization for use of military force against Iran.”

By the way, the resolution also provides that we always have the right to defend ourselves from an imminent threat, provided that it is an imminent threat, and that we comply with the War Powers Act—I am adding this—that was passed by Congress.

The President has a long track record of exceeding his constitutional authority on matters of foreign policy. We cannot afford to become accustomed or complacent in the face of those excesses. It is our responsibility to carry out our constitutional responsibility.

I urge my colleagues to strongly support S.J. Res. 68 when we have a chance to vote on that, I hope, within the next few days.

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

The PRESIDING OFFICER (Mr. Cassidy). Without objection, it is so ordered.

UNITED STATES-MEXICO-CANADA TRADE AGREEMENT

Mr. GARDNER. Mr. President, over the last several years, Congress has had significant debates on trade—the