

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

importance of trade, what it means to our markets, what it means to exports, and what it means to States like mine, that being Colorado. The USMCA is incredibly important as we turn to that debate this week.

NAFTA and what it meant to Colorado was incredibly significant and the number of jobs that it created as was the United States-Korea Free Trade Agreement and the number of jobs that its agreement created. We have seen the benefits of trade in a State like Colorado for a number of years, and we see the opportunity for additional trade agreements in the future. This past year and this past Congress, we adopted the Asia Reassurance Initiative Act, which created U.S.-Asia trade partnership opportunities in energy—renewable energy and traditional energy.

This week, Congress turns its entire focus to the USMCA and its modernization of the North American Free Trade Agreement. We have to continue looking for new trade opportunities—ways to open up trade around the globe. It is vitally important to agriculture, to our electronic sector, and to our service sector. People of all walks of life and business in Colorado understand the importance of trade and what it means to our industry. If we don't seek out new trade opportunities—it is not like we operate just by ourselves—we know what will happen. We will see China, India, and other countries displace us. We will see them build new supply chains and go around the United States, and we will end up losing those market opportunities, those investment opportunities, and the jobs that go along with them.

If we don't open up new trade opportunities, farmers and ranchers in my home State will suffer. We have already seen incredibly low commodity prices hurt our agricultural communities. One way to overcome that is to open up new markets and create value-added opportunities in those new markets. That is how we can add one more potential tool to our ag economy to help make it survive and thrive. We have new product flows all the time out of our State, and this USMCA agreement is one more way we can create that new flow of opportunity. The North American Free Trade Agreement supports, really, 14 million jobs around the United States. Those are thousands of jobs in all 50 States.

Despite its benefits, however, we can always do a better job of making sure it meets the needs of our modern-day economy by modernizing NAFTA. Modernizing NAFTA to increase market access, to expand energy exports, to maximize domestic energy production, including having provisions on intellectual property and e-commerce, will make this agreement even more beneficial to the United States. If you think back to 1994 and the timeframe of pre-iPhones and pre-iPads and of so much of the technology that we have today, this agreement was in place before

that. That is why modernizing this agreement makes sense.

As I mentioned, the United States-Mexico-Canada Agreement is incredibly important to the State of Colorado. Out of 750,000 trade-related jobs, there are nearly 220,000 jobs in Colorado—a great pro-trade State—that are directly related to the USMCA. Canada and Mexico are our State's largest trading partners. Obviously, that makes sense, for right in the middle is our State. Amongst Colorado, Canada, and Mexico, we trade more than \$2.7 billion worth of goods and support the 220,000 jobs that I just talked about.

Colorado's farmers produce nearly half of all of the potatoes that Mexico imports from the United States. We also supply about 97 percent of all U.S. beverages to Mexico. Mexico has certainly been able to tap the Rockies when it comes to our beverage production in Colorado. Our biggest export—beef—accounts for more than \$880 million worth of goods that are shipped to Mexico and Canada.

In 2018, Colorado exported to Mexico more than \$45 million worth of milk, cream, cheese, and related dairy products. Meanwhile, we have exported about \$2.2 million worth of those products to Canada. The USMCA will reform Canada's protectionist dairy policies and help American dairy farmers access the dairy markets in Canada so that we can increase our exports to Canada in cream, milk, cheese, and other dairy areas. We sent more than \$31 million worth of cereals, like wheat, to Mexico in 2018 and more than \$2 million worth to Canada.

Even our sugar and candy manufacturers benefit from trade with Mexico and Canada. I just had a meeting with the Western Sugar Cooperative of Colorado. We talked about the importance of trade and about getting this trade agreement right. Both countries have received more than \$14 million a piece worth of Colorado's sugar and confectionery exports.

Increased trade with these countries will also benefit the beverage industry in Colorado. As I mentioned, 97 percent of the beverages that Mexico imports are from Colorado, and we shipped more than \$63 million worth of beverages to Canada in 2018. Beyond commodities like wheat, dairy, and sugar, Colorado's electronic manufacturers shipped to Canada more than \$105 million worth of its goods in 2018, and Mexico received about \$60 million worth of our electronic goods.

The United States-Mexico-Canada Agreement includes new digital provisions to account for our changing landscape of new technologies, advanced manufacturing products, and it tackles the issue of cross-border dataflow, which is something that was just, basically, in its very infancy when NAFTA was enacted.

We know that the USMCA is a better opportunity for us to gain even more jobs, more income, and more opportunity for the State of Colorado. We

know that these trade agreements add to the household incomes across our State and that it benefits our economy. This agreement brings opportunity to all four corners of our State.

New customs and trade rules will cut redtape and make it easier for Colorado's startups and entrepreneurs to sell their products into Canada and Mexico. U.S. agricultural and food exports are expected to rise more than \$2 billion every year if the USMCA is adopted. So many goods in Colorado that are in our top 10 exported items are ag related. This \$2 billion-a-year increase will mean there will be significant opportunities for Colorado's agriculture.

Obviously, I am very encouraged by the Senate Committee on Finance in its reporting the agreement out favorably last week. I was honored to support the USMCA this morning by voting for the agreement—voting it out of the Committee on Commerce, Science, and Transportation and out of the Senate Committee on Foreign Relations, which are two of the committees on which I serve. I look forward to its expeditious passage here in the U.S. Senate.

I live in rural Colorado. I am surrounded by wheat farms, corn farms, hog producers, feed lots, and I know how important trade is to our State. This agreement to modernize and continue our agreement with Canada and Mexico is critical to the survival of agriculture in Colorado and this country. I know, with new markets opening around the world, this agreement will continue to be the keystone of Colorado's trade. We stand to benefit tremendously, enormously from this update. Our farmers and ranchers are counting on us to get this done, and our manufacturers are counting on us to get this done. Our economy depends on our getting this done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

IMPEACHMENT

Mr. VAN HOLLEN. Mr. President, at this particular moment in our history, we are witnessing the convergence of three events.

The Senate will likely be sworn in tomorrow for the impeachment trial of President Trump. One of the Articles of Impeachment that will be coming over from the House relates to the President's abuse of power—the charge that he has used the power and prestige of the Office of the Presidency to, among other things, withhold vital U.S. security assistance to Ukraine in order to pressure it to announce an investigation into Burisma, Hunter Biden, and, possibly, Joe Biden in an attempt to get Ukraine to interfere in the upcoming 2020 election on behalf of President Trump.

Now, I am not here today to go into issues directly related to that trial. It is vitally important that we get relevant witnesses, that we get relevant