uses of limited force that Presidents have carried out literally for centuries.

Until recently, most in this body recognized the need for Presidents to have flexibility with respect to the threat of military force. They saw the deterrent effect and diplomatic utility of keeping our options open.

During President Obama's tenure, Democrats said frequently that when it comes to Iran, we should never take the military option off the table. But now they seek to use this privileged resolution to do precisely that.

The collateral institutional damage of this action would fall on our military. Its ability to operate quickly and adaptively to emerging threats would be jeopardized.

Colleagues, if you want to take the truly significant step of preemptively taking options off the table for defending our troops, if you really want to remove troops from Syria or Iraq altogether, why don't you just be honest about it and make your case? Find 60 votes to pass legislation. Find 67 votes to override a Presidential veto. Don't use a blunt and imprecise War Powers Resolution to end-run around the constitutional structures that make this a difficult proposition by design.

There is no ongoing, protracted combat with respect to Iran. Our troops are not mired in unending hostilities. The War Powers Act aims to impose a 60-day clock on combat operations. The strike that killed Soleimani took maybe 60 seconds. Let me say that again. The strike took about 60 seconds.

Clearly, this is the wrong tool for this subject.

We have just come through an impeachment trial because House Democrats rushed to use this serious tool as a political weapon of first resort rather than patiently conducting more normal oversight using the more normal tools that Congresses of both parties typically use. No patience for ordinary oversight—just rush to grab the bluntest tool available to make a political statement against the President. Well, this war powers debate bears an eerie resemblance to that pattern.

To listen to some of the advocates of Senator KAINE's resolution, you would think that sweeping resolutions like this were the only means available to Senators to express any discomfort with White House foreign policy. Of course that isn't so.

If Senators' priority is genuine oversight, there are countless tools in their toolbox. They can hold hearings. They can engage the administration directly. They can ask questions and raise issues they feel were not sufficiently addressed in interagency deliberations.

Instead, like impeachment, this War Powers Resolution cuts short that interplay between the branches. It short-circuits the thoughtful deliberation and debate. It is a dangerously overbroad resolution that should not pass Congress and is certain to be vetoed if it does. If my colleagues want to make a real difference, this is not the way to go.

The amendments my Republican colleagues and I have filed expose the shortcomings and unintended risks of this approach.

Senator KAINE has drafted a rule of construction that tries to provide an exception allowing U.S. troops to defend themselves against an attack if it is ''imminent.'' My amendment exposes the absurdity of this by simply removing the word ''imminent.''

How imminent, exactly, is imminent enough? When do our men and women in uniform get to defend themselves? I would like to know. Should our servicemembers need to sit on intelligence until an attack is a week away? A day away? An hour away? Until they see the whites of the enemy's eyes?

And who makes the determination about imminence? Five hundred thirty-five Members of Congress? The President? A Pentagon lawyer? A battlefield commander? Some young private?

This resolution imposes a new constraint on the military without answering any of those questions.

If we have intelligence warning that an enemy is planning to attack our forces, can we not disrupt the plot until the attack is almost underway?

Senators COTTON, ROUNDS, and SULLIVAN have also filed amendments. They propose sensible additions to give our troops and their commanders more confidence we aren't trying to tie their hands against precisely the threat they might face if Iran were again to become emboldened enough to attack us—oh, and to make sure we can defend our diplomats and Embassies, too, if they were to face renewed threats.

So clearly this resolution is not ready for prime time. I believe it is just an effort to broadcast a political message, but even that message can be harmful to our troops and to our national security.

So what message will the Senate send to American servicemembers? Should they doubt whether their own leaders are authorized to defend them? What message should we send to our regional allies and partners? Can they count on continued solidarity from the United States? What would it say to real great-power competitors like Russia and China if we cannot even remain united in the face of a lesser challenge, such as Iran?

Let's send the right message with our vote. Let's defeat this misguided resolution.

MEASURE PLACED ON THE CALENDAR—S. 3275

Mr. MCCONNELL. Madam President, I understand there is a bill at the desk due a second reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3275) to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes

Mr. MCCONNELL. Madam President, in order to place the bill on the calendar under the provisions of rule XIV, I would object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

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 legislative clerk read the nomination of Joshua M. Kindred, of Alaska, to be United States District Judge for the District of Alaska.

The PRESIDING OFFICER. The Senator from Illinois.

WAR POWERS RESOLUTION

Mr. DURBIN. Madam President, last week the Senate concluded the impeachment proceeding. I heard one of my colleagues say it is the most serious thing that the U.S. Senate has the constitutional authority to do. That argument can be made, but I would disagree.

I think the most serious thing we are assigned under the Constitution is the declaration of war because, you see, it isn't just a matter of the political fate of any individual; it is the matter of the lives of many good people in America who serve in our Armed Forces, who may be in danger if we decide to go to war. Even under the best circumstances, a quick and effective war can lead to the deaths of brave and innocent Americans who are simply serving their country. That is why the comments made by the majority leader this morning need to be responded to.

His suggestion that Senator KAINE's War Powers Resolution is a mistake, I think, really ignores the obvious. It has been 18 years—almost 18 years—since Congress and the Senate had an active debate about the United States engaging in war. I remember that debate in 2002 very well because it was a debate that consumed the attention of the Senate, the House, and the Nation over whether we would invade Iraq and whether we would invade Afghanistan.

Most of us remember the argument made by the Bush administration for the invasion of Iraq. We were told there were weapons of mass destruction in that country that could threaten the

neighbors of Iraq, our allies, and even the United States. Over and over again we heard that phrase, ''weapons of mass destruction,'' ''weapons of mass destruction.''

I was serving on the Senate Intelligence Committee at that time. I remember the classified testimony behind closed doors. I had serious doubts in my mind as to whether they had established that weapons of mass destruction actually existed and whether authorizing a war meant we would just use that as a device to force Iraq into better conduct or we would actually invade their country.

As a consequence, I joined 22 other Senators in voting against the invasion of Iraq, which we voted on the floor of the Senate in 2002. Twenty-two Democrats and one Republican all voted against that invasion of Iraq. Obviously, we did not prevail. A majority gave that authority to President George W. Bush, and the invasion was underway. I can still remember it.

I can remember the unfolding events as our troops arrived, made their impact on that nation, and eventually took control of Iraq.

Then the search was on for the weapons of mass destruction, which led to our invasion of Iraq. The search continued for days and weeks and months without any evidence of weapons of mass destruction. It was a farce. It was a fraud on the American public. Almost 5,000 Americans lost their lives because of our invasion of Iraq, but the premise, the pretense that led to that invasion was misleading information from the administration. But at least I will say this: There was a debate. There was a vote on the floor of the Senate. Did anyone at that time believe, 18 years ago, that we were voting for a war in Iraq that would continue for 18 years?

On the invasion of Afghanistan, the argument was made to convince me and virtually every Member of Congress that the parties responsible for the tragedy and terror of 9/11 were somehow camped in Afghanistan, and we needed to go after ISIS and all those responsible for that 9/11 invasion of the United States. I voted for that, but I have to say as well, there wasn't a single Senator or Member of the House who really believed that 18 years later, we would still be at war in Afghanistan. Yet we are.

The President is now talking about removing more troops from Afghanistan. We will see. We have heard these promises before, but perhaps it will lead to such a decision by the administration.

The point I am getting to is, the Kaine War Powers Resolution—I see Senator KAINE has come to the floor—really addresses the most fundamental question of our constitutional authority and responsibility to declare war. As Senator KAINE says in this resolution, which I am happy to cosponsor, Congress has the sole power to declare war under article I, section 8, clause 11, of the U.S. Constitution.

When I heard Senator MCCONNELL come to the floor this morning and argue against the Senate stepping forward and asserting its constitutional authority, I wondered, how does he explain in the Commonwealth of Kentucky that we are still engaged in a war 18 years after there was any vote for an authorization for use of military force in Iraq and Afghanistan?

The larger question Senator KAINE and I tried to raise in this resolution is, What does this mean in terms of our future relationship with Iran and their neighbor, Iraq? We know we have had a rocky and contentious relationship with that country. We know they have engaged in acts of terrorism that cost American lives. There has been tension between our countries for decades. We know that full well.

President Obama tried to at least bring some sanity to the relationship by limiting the ability of the Iranians to develop nuclear weapons. He felt, I felt, and most Americans felt that was a step in the right direction, to take the nuclear weapons out of the hands of Iraq so that even if they are engaged in conduct we find reprehensible, it would not reach that horrible level of a nuclear confrontation.

I thought the President was right. I supported President Obama's efforts to develop this inspection mechanism where international inspectors would come into Iran and see if they were developing weapons and report to the world.

We engaged countries around the world to join us in this effort to stop the development of nuclear weapons in Iran. It was an incredible coalition that included Russia and China and the European nations that joined with us to impose this limitation of nuclear weapons in Iran. I thought it was a move in the right direction to have this kind of international support.

Yet, when President Trump took office, sadly, he kept his promise to eliminate that nuclear control agreement between the United States, Iran, and the other parties. By eliminating it, he basically gave permission to the Iranians to continue development of nuclear weapons. Yet he warned the Iranians that if they did, there would be a price to pay.

This is the very reason why this resolution by Senator KAINE is relevant and why we need to consider what the next step will be, because if we are going to stop the Iranians from developing nuclear weapons—and I pray they will not—how are we going to do it and how much force will we use in response? Will it be authorized by the Constitution and by Congress?

I listened to Senator MCCONNELL this morning, and he has basically said to do nothing. Do nothing. Don't assert the constitutional authority of the Congress under the Constitution when it comes to any declaration of war against Iran or any future military endeavors. He described this as a one-off situation, a one-off use of force that we have currently seen in the targeting of General Soleimani. Perhaps it was, but we don't know the answer to that. When it happened a few weeks ago, there was real uncertainty about what would follow, and I suppose that uncertainty is still here to this day.

This morning, the majority leader said that he thought the impeachment effort that came to the Senate over the last week would not have occurred if we had been patient, and he said this is another example of impatience where we are setting up this constitutional responsibility of the administration.

Well, I disagree with him on two counts. If Senator MCCONNELL is counseling patience, patience in an impeachment trial would certainly have involved evidence, documents, and witnesses. Yet he was impatient to get it over with without any evidence coming before the Senate.

I also would say that patience is a good virtue when it comes to most of life's experiences, and it certainly is if there is a prospect of war.

What Senator KAINE is doing is asserting the authority of Congress to step up and be party to discussions about whether we move beyond the current situation to one that involves troops or any type of invasion of territory in Iran.

I see Senator KAINE is on the floor, and I will defer to him in a moment, but I will tell you this before I sit down: As long as I have been a Member of the House and Senate, I have felt that Congress has a responsibility under the Constitution to declare war. It is a responsibility that most Members of Congress talk about a lot but, frankly, don't want to face. They don't want to be on the record for or against war for fear they will guess wrong in terms of certain foreign policy decisions.

Regardless, I think the Framers of our Constitution understood full well that if we are going to ask American families to potentially sacrifice the lives of their sons and daughters in combat, in a war, they should have a voice in the decision on going to war. That is what this article in the Constitution provides—a voice for the U.S. public that comes through the Congress as to whether we are going to engage in a war. Otherwise, we find ourselves in a situation like today, 18 years after an authorization of use of military force—and part of it under false pretenses—continuing a military effort that was never truly authorized.

I support Senator KAINE's effort. I am glad it is a bipartisan resolution.

I yield the floor.

The PRESIDING OFFICER (Mrs. LOEFFLER).

The Senator from Virginia is recognized.

Mr. KAINE. Madam President, I rise briefly to thank my colleague. I am actually scheduled to talk on this topic later this afternoon, but I wanted to come and hear Senator DURBIN today. I appreciate his effort. He has been a

powerful advocate of this principle that we don't stand in contradiction of this President or any President when we stand for the proposition that Congress should do its job under article I of the Constitution, and I applaud my colleague for his strong support.

I will take the floor later today to talk about the bipartisan resolution he has just described.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

FOR-PROFIT COLLEGES AND UNIVERSITIES

Mr. DURBIN. Madam President, we are likely to postpone a vote this week that had been scheduled on a Congressional Review Act resolution of disapproval relative to Education Secretary Betsy DeVos's new borrower defense rule. I would like to explain the background behind this procedure. Although it is likely it will be postponed until after our 1-week President's Day recess, I still think Members should reflect on the importance of this measure.

In 1992 Congress added a provision to the Higher Education Act that allowed student borrowers who were defrauded by their schools to have their Federal student loans discharged. Here is what it boiled down to: The Federal Government recognizes the accreditation of colleges and universities. With that recognition, those colleges and universities can offer Federal loans to the students who attend. So there is a partnership that begins this process and this relationship, and the partnership is a seal of approval by the Federal Government in the authorization of Federal loans.

What we found was that some of the institutions that were given permission to authorize Federal student loans for those attending their institutions, in fact, were lying to their students. So the students were in a situation where they incurred a debt in student loans for promises made by a college or university that turned out to be false.

We said that under the law, that is not fair to the student and the student's family. Those students can be discharged from federal student debt if, in fact, that college or university defrauded them.

What would be a typical fraud? To invite students to enroll in your college with the promise that the courses they take in that college would be transferrable, that the credits are transferrable to another school, and then it turns out to be a lie; the promise that if you complete a certain number of courses in the school, you will have satisfied the requirements for licensure for nursing, for example, and that turns out to be a lie; or the possibility that you would finish the courses of this school and get a job in a certain field.

Great promises were made to the students, and it turns out they were lies. In those circumstances, students—many of whom are young and facing the first serious financial decision of their lives—were misled and defrauded. We said that under the law, those students should have an opportunity to discharge their student loan.

It is bad enough they were lied to, bad enough they wasted their time, and bad enough they had a college experience that didn't make life better for them, but to be saddled with debt because that school lied to them and defrauded them is unacceptable. The process for having their loans discharged is called borrower defense.

Under President Obama, we found that many schools—almost exclusively for-profit universities such as Corinthian, ITT, and others—lied to students about what their experience would be if they went there. So the students, saddled with debt, having been lied to, went to the Department of Education to have that debt discharged. There was some success in that, but then came the new President.

President Trump, with his Secretary of Education, Betsy DeVos, took a much different view and has ignored the claims of these students for discharge of their student loans. They started stacking up, and nearly 230,000 students from across the United States who were looking for this borrower defense relief from their student loans, after having been lied to and defrauded by these colleges and universities, just found no response whatsoever from the Trump administration and from Education Secretary DeVos. As a consequence, they asked Members of Congress to intervene, and we tried but with no success.

Then Secretary DeVos took this decisive step in changing the rules for future students. Do you know what she said? She said to these students: In the future, if you want relief from student debt from being defrauded, prove your case. Lawyer-up. Get your lawyer, and let's have a hearing.

Well, understand that these students—young and in debt to start with—are not likely to turn around and hire a lawyer to prove Corinthian, in its catalogues and representations to students, for example, misrepresented the education they were offering.

Under the previous administration, that could be established in evidence, and all the students affected by it could use that evidence. Under the DeVos administration, it is an individual burden of proof to qualify for borrower defense. So that will leave many students with no recourse. As a consequence, they will be stuck with the debt for a worthless education or one that didn't meet as promised.

More than 223,000 claims are pending before the Department. Many of them have been waiting for years. The claims come from every State in the Union—large, small, red, blue and purple—and they are not going to stop. These claims have led to this CRA, this Congressional Review Act resolution of disapproval.

I doubt that we are going to be taking it up this week, so I am going to withhold making a presentation on this until we return after the President's Day recess. But I want to make one last point. We are not just bringing this up on behalf of students; we are bringing this matter before the Senate on behalf of veterans. Student veterans.

The American Legion of the United States has stepped up and said to us that veterans have been defrauded just like the students we are talking about on the floor of the Senate.

If you believe in these veterans and these military families who are stuck with student loan debt because of lies from colleges and universities, I urge my colleagues to think twice and join us in this effort to stop the DeVos rules and give our veterans a fighting chance not to be burdened with this unfair debt.

Madam President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

IMPEACHMENT

Mr. SCHUMER. Madam President, in voting to acquit President Trump of an abuse of power and obstruction of Congress, Senate Republicans sought to justify their vote by claiming that the President had ''learned his lesson.'' The implication was that the ordeal of impeachment and its permanent stain on his reputation that can never be erased would chasten President Trump's future behavior—a toddler scolded into compliance.

The explanation, frankly, looked like an excuse. It was unconvincing the moment it was uttered. No serious person believes President Trump has learned any lesson. He doesn't learn any lessons. He does just what he wants and what suits his ego at the moment. Observers of the President would question whether he is even capable of learning a lesson, and, unsurprisingly, the flimsy rationalization by some Senate Republicans, desperate to have an excuse because they were so afraid of doing the right thing, was disproven within a matter of days.

President Trump was acquitted by Senate Republicans last Wednesday. On Friday, he began dismissing members of his administration who testified in the impeachment inquiry, including the patriot, LTC Alexander Vindman and Ambassador Gordon Sondland, a clear and obvious act of retaliation—very simply, that is all it was—against witnesses who told the truth under oath.

President Trump hates the truth, time and time again, because he knows he lies, and when other people tell the truth, he hates it, so he fired them. The President even fired the brother of Lieutenant Colonel Vindman for the crime of being related to someone the President wanted out. How vindictive,

how petty, how nasty, and yet there are rumors now that the President might dismiss the inspector general of the intelligence community, the official who received the whistleblower report. These are patriots all. President Trump can't stand patriots because they stand for country, not for what he wants.

Yesterday, once again and typically, the White House reportedly decided to withdraw the nomination of Elaine McCusker, who was in line to serve as the Pentagon Comptroller and Chief Financial Officer. Why did he dismiss her—a longtime serving, very capable woman? Because over the summer, Ms. McCusker advised—merely advised—members of the administration about the legal ramifications of denying assistance to Ukraine. Her crime, in the eyes of President Trump and his so many acolytes—henchmen—in the administration, was attempting to follow the law. How dare she try to follow the law. How dare she even voice this is what the law is in this kind of administration.

Of course, yesterday, after career prosecutors recommended that Roger Stone be sentenced to 7 to 9 years in Federal prison for witness tampering and lying abjectly to Congress, the President tweeted that his former confidant was being treated extremely unfair. It appears the Attorney General of the United States and other political appointees of the Justice Department intervened to countermand the sentencing recommendation. As a result, in an unprecedented but brave, courageous, and patriotic move, four career prosecutors working on the Roger Stone case—all four of them—withdrew from the case or resigned from the Justice Department.

When asked about the clear impropriety of intervening in a Federal case, the President said he has an ''absolute right'' to order the Justice Department to do whatever he wants. This morning, the President congratulated the Attorney General, amazingly enough, for taking charge of the case.

The President ran against the swamp in Washington, a place where the game is rigged by the powerful to benefit them personally. I ask my fellow Americans: What is more swampy, what is more fetid, and what is more stinking than the most powerful person in the country literally changing the rules to benefit a crony guilty of breaking the law?

As a result, I have formally requested that the inspector general of the Justice Department investigate this matter immediately. This morning, I call on Judiciary Committee Chairman GRAHAM to convene an emergency hearing of the Judiciary Committee to do the same—to conduct oversight and hold hearings. That is the job of the Judiciary Committee, no matter who is President and whether the President is from your party or not. Something egregious like this demands that the inspector general investigate and demands that the chairman of the Judiciary Committee hold a hearing now.

The President is claiming that rigging the rules is perfectly legitimate. He claims an absolute right to order the Justice Department to do anything he wants. The President has, as his Attorney General, an enabler—and that is a kind word—who actually supports this view. Does anyone think it is out of the question that President Trump might order the FBI to investigate Hillary Clinton, Joe Biden, or anyone else without any evidence to support such an arbitrary violation of individual rights? Oh, I know, some far-right conspiratorial writer, who has no credibility, who just makes things up, writes it, FOX News puts it on, Sean Hannity or someone talks about it, and then the President says ''investigate.'' That is third-world behavior, not American behavior. That kind of behavior defiles that great flag that is standing above us. This is not ordinary stuff. I have never seen it before with any President—Democratic, Republican, liberal or conservative.

Does any serious person believe the President's abuse would be limited to the Justice Department? Does any serious person think that Trump might not order the Justice Department to treat his friends, associates, and family members differently than it treats ordinary citizens and that Attorney General Barr would just carry out these orders?

Of course, none of this is out of the question. The President asserted his absolute right to do whatever he wants yesterday. We are witnessing a crisis in the rule of law in America, unlike one we have ever seen before. It is a crisis of President Trump's making, but it was enabled and emboldened by every Senate Republican who was too afraid to stand up to him and say the simple word ''no'' when the vast majority of them knew that was the right thing to do.

Republicans thought the President would learn his lesson. It turned out that the lesson he learned was not that he went too far and not that he needed to rein it in. The lesson the President learned was that the Republican Party will not hold him accountable, no matter how egregious his behavior—not now, not ever.

Senate Republicans voted to excuse President Trump's abuses of power. They voted to abdicate the constitutional authority of Congress to check on an overreaching Executive. Senate Republicans now own this crisis, and they are responsible for every new abuse of power President Trump commits. John Adams famously described our grand Republic that he helped create as a government of laws, not of men. Our Founding Fathers' foremost concern, of course, was to escape the tyranny of a government of men—more specifically, a King. That is why the Founders created a republic in America. That is why the patriots died for the freedom we are now blessed with.

Yet, after almost 2½ centuries of experience in self-government as a republic, we are, once again, faced with a very serious and looming question: Do we want a government of laws or of men? Do we want to be governed by the laws of the United States or by the whims of one man?

I don't think my Republican colleagues fully appreciated what they were unleashing when they voted in the impeachment trial to excuse the President's conduct—although, maybe they did. They were just afraid, fearful, shaking in their boots because Trump might take vengeance out on them as he did on Senators Flake and Corker. They voted to acquit the President after he used his immense power to pressure a foreign leader to announce an investigation to smear a rival.

What we have seen in the hours and days since that fateful acquittal vote last Wednesday is so disturbing. In a parade of horribles, this is one of the most horrible things President Trump has done. In a parade of horribles, this is one of the most feeble and servile actions of Republicans, just no one saying a peep about it. We are seeing the behavior of a man who has contempt for the rule of law beginning to try out the new unrestrained power conferred on him by 52, 53—well, 52 Republican Senators, 1 brave one.

Left to his own devices, President Trump would turn America into a banana republic with a dictator who can do whatever he wants, and the Justice Department is the President's personal law firm, not a defender of the rule of law. It is a sad day in America—a sad day.

The Founding Fathers created something brand new, a republic, because they were afraid of monarchy. The Senate Republicans aided and abetted President Trump to get much closer to that monarchy than we have been in a long time. Senate Republicans have created something very close to a monarchy, if they can keep it.

WAR POWERS RESOLUTION

Madam President, now, on war powers, later today, the Senate will begin debate on Senator KAINE's War Powers Resolution, preventing President Trump from unilaterally escalating military action against Iran.

The Constitution is clear, Congress alone has the power to declare wars. The President has no authority to enter the United States into another endless conflict in the Middle East, but I fear that the strike against Iranian Major General Soleimani last month may bumble us into one.

With this bipartisan resolution, the Senate can assert its constitutional authority and send a clear bipartisan message to the President that he cannot sidestep Congress when it comes to matters of war and peace. It was immediately clear that the strike against General Soleimani was carried out with insufficient transparency, without proper notification of Congress, and without a clear plan for what comes next.

Last month has only magnified these problems. President Trump initially claimed that no one was hurt after Iran retaliated against forces on January 8. Now the Pentagon says over 100 military personnel suffered a traumatic brain injury. Why has it taken so long for us to learn that American troops were hurt in the attack? Who ordered the withholding of that information? Was it President Trump? It sure wouldn't be surprising. And who in the military—the military, which is a bulwark, one of the few, particularly when General Mattis was the Secretary—who in the military let that happen? Just as importantly, what is the President's strategy for keeping our troops safe in the coming weeks?

The administration has deliberately refused to be transparent with Congress about the aftermath of the Iranian strike. I fear that by keeping Congress in the dark, President Trump is, once again, hoping to short-circuit our checks and balances and escape scrutiny. That is why Senator KAINE's War Powers Resolution is a matter of urgent necessity. I commend Senator KAINE on the job he has done and urge my colleagues of both parties to vote in favor of this resolution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. SULLIVAN. Madam President, I ask unanimous consent that the confirmation vote on the Kindred nomination begin following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

NOMINATION OF JOSHUA M. KINDRED

Mr. SULLIVAN. Madam President, I rise today in support of the vote that the Senate is going to take on here in a few minutes on Joshua Kindred to be Alaska's next Federal district court judge, and I commend this body, particularly Leader MCCONNELL, for prioritizing putting good, solid, young Federal judges in seats in districts and circuit courts all across the country—188 so far since the Trump administration took office, and now it is Alaska's turn.

That Federal judge seat that we are looking at filling here in a couple of minutes has been empty for almost 4 years, and in our State, in the great State of Alaska, we don't have too many opportunities for Federal judges. For example, Alaska only has 1 active judge on the entire Ninth Circuit Court of Appeals out of 29 active judges. So this is an important vote, certainly, for my State.

I want to talk a little bit about Josh Kindred. I have known Josh since he was a young assistant district attorney for the State of Alaska when I was attorney general. We talked about how we were going to work together to make Alaska's judicial process more efficient and more effective for Alaskans during his confirmation process. I certainly was impressed then, but I was impressed when I first met Josh many years ago and continue to be impressed with his fierce commitment to upholding the law, the concept of equal access to justice for all, and his keen awareness of Alaska's unique legal landscape.

Josh was unanimously rated as ''qualified'' by the ABA and is a lifelong Alaskan with a broad and impressive legal background.

As I mentioned, after clerking on the Oregon Supreme Court, he came back home to Alaska and was promoted to violent crimes supervisor after a number of years working in the Anchorage District Attorney's Office, where he worked to punish perpetrators of crimes and with victims of some of the heinous crimes, unfortunately, that we have in too high numbers in Alaska, particularly as it relates to sexual assault and domestic violence. In his career, he has been committed not only to prosecuting those kinds of crimes but to doing pro bono work to stem this very significant crisis that my State has with these heinous crimes of sexual abuse.

Rounding out his legal experience, Josh served as the environmental counsel for the Alaska Oil and Gas Association and, most recently, as the regional solicitor for Alaska for the U.S. Department of the Interior. Now, when the Federal Government controls over 60 percent of the lands in Alaska, the solicitor for the U.S. Department of the Interior position in Alaska is actually a really important one and is incredibly important in terms of qualifications for a Federal judge.

This wide-ranging experience will be incredibly valuable as a district court judge in Alaska because he is familiar—very familiar—with the numerous Alaska-specific laws that this body passes year after year, decade after decade: the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act, and the Trans-Alaska Pipeline Act. This is an important point because very few States have such large, complex Federal laws that are focused solely on their State, and Federal courts often misinterpret these laws and don't understand these laws, to the detriment of the people I represent.

Let me just give you a recent example. There was a Federal case under the law I mentioned recently, ANILCA, as we call it in Alaska. It involved a moose hunter named John Sturgeon who had a hovercraft and wanted to go moose hunting, and overbearing Federal Government agents told him he couldn't use his hovercraft in certain areas considered Federal waters. John Sturgeon knew better. He challenged the Federal Government. There were 12 years of litigation, twice up to the U.S. Supreme Court, and Federal judges at the district and certainly the Ninth Circuit Court of Appeals level getting this case wrong every single time. Finally, last year, in a unanimous 9-to-0 opinion, Justice Elena Kagan summed it up very succinctly when she ruled against all of these Federal judges in the Ninth Circuit and for Mr. Sturgeon. She said: ''If Sturgeon lived in any other State, his suit would not have a prayer of success.''

She went on: ''Except that Sturgeon lives in Alaska. And as we have said before, 'Alaska is often the exception, not the rule,' '' under Federal law.

So the Supreme Court gets it, and Josh Kindred will get it. He understands Alaska's unique legal jurisprudence. He is committed to honoring the commitments this body has made to Alaska's first peoples and others in my great State, and he is committed to justice.

I believe he will serve with honor and integrity on the Federal court, and I urge my colleagues to vote for his confirmation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Kindred nomination?

Mr. SULLIVAN. 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 senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

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

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 41 Ex.]

YEAS—54

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

NAYS—41

Baldwin	Coons	Heinrich
Blumenthal	Cortez Masto	Hirono
Booker	Duckworth	Jones
Brown	Durbin	Kaine
Cantwell	Feinstein	King
Cardin	Gillibrand	Leahy
Carper	Harris	Markey
Casey	Hassan	Menendez

Merkley	Schatz	Udall
Murphy	Schumer	Van Hollen
Murray	Shaheen	Warner
Peters	Smith	Whitehouse
Reed	Stabenow	Wyden
Rosen	Tester	

NOT VOTING—5

Bennet	Klobuchar	Warren
Johnson	Sanders	

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, I ask unanimous consent that the votes following the first vote be 10 minutes in length.

The PRESIDING OFFICER. Is there any objection?

Without objection, it is so ordered. The votes will be 10 minutes.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of Matthew Thomas Schelp, of Missouri, to be United States District Judge for the Eastern District of Missouri.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Schlep nomination?

Mr. CRUZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Wisconsin (Mr. JOHNSON).

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

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), 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 72, nays 23, as follows:

[Rollcall Vote No. 42 Ex.]

YEAS—72

Alexander	Duckworth	Lankford
Barrasso	Durbin	Leahy
Blackburn	Enzi	Lee
Blunt	Ernst	Loeffler
Boozman	Feinstein	Manchin
Braun	Fischer	McConnell
Burr	Gardner	McSally
Capito	Graham	Moran
Carper	Grassley	Murkowski
Cassidy	Hassan	Murphy
Collins	Hawley	Paul
Cornyn	Hoeven	Perdue
Cortez Masto	Hyde-Smith	Peters
Cotton	Inhofe	Portman
Cramer	Jones	Reed
Crapo	Kaine	Risch
Cruz	Kennedy	Roberts
Daines	King	Romney
Rosen	Shaheen	Tillis
Rounds	Shelby	Toomey
Rubio	Sinema	Warner
Sasse	Sullivan	Whitehouse
Scott (FL)	Tester	Wicker
Scott (SC)	Thune	Young

NAYS—23

Baldwin	Gillibrand	Schatz
Blumenthal	Harris	Schumer
Booker	Heinrich	Smith
Brown	Hirono	Stabenow
Cantwell	Markey	Udall
Cardin	Menendez	Van Hollen
Casey	Merkley	Wyden
Coons	Murray	

NOT VOTING—5

Bennet	Klobuchar	Warren
Johnson	Sanders	

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read the nomination of John Fitzgerald Kness, of Illinois, to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Kness nomination?

Mr. WICKER. Mr. President, 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 Wisconsin (Mr. JOHNSON) and the Senator from Florida (Mr. RUBIO).

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

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. HEINRICH), the Senator from Minnesota (Ms. KLOBUCHAR), 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 81, nays 12, as follows:

[Rollcall Vote No. 43 Ex.]

YEAS—81

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

NAYS—12

Booker	Harris	Stabenow
Brown	Markey	Udall
Cantwell	Murray	Van Hollen
Gillibrand	Schumer	Wyden

NOT VOTING—7

Bennet	Klobuchar	Warren
Heinrich	Rubio	
Johnson	Sanders	

The nomination was confirmed.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Philip M. Halpern, of New York, to be United States District Judge for the Southern District of New York.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Halpern nomination?

Mr. COTTON. Mr. President, 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. SANDERS), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

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

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 44 Ex.]

YEAS—77

Alexander	Graham	Portman
Barrasso	Grassley	Reed
Blackburn	Hassan	Risch
Blunt	Hawley	Roberts
Boozman	Hoeven	Romney
Braun	Hyde-Smith	Rounds
Brown	Inhofe	Rubio
Burr	Johnson	Sasse
Capito	Jones	Schumer
Cardin	Kaine	Scott (FL)
Carper	Kennedy	Scott (SC)
Cassidy	King	Shaheen
Collins	Lankford	Shelby
Coons	Leahy	Sinema
Cornyn	Lee	Stabenow
Cotton	Loeffler	Sullivan
Cramer	Manchin	Tester
Crapo	McConnell	Thune
Cruz	McSally	Tillis
Daines	Menendez	Toomey
Durbin	Moran	Van Hollen
Enzi	Murkowski	Warner
Ernst	Murphy	Whitehouse
Feinstein	Paul	Wicker
Fischer	Perdue	Young
Gardner	Peters	

NAYS—19

Baldwin	Casey	Harris
Blumenthal	Cortez Masto	Heinrich
Booker	Duckworth	Hirono
Cantwell	Gillibrand	Markey