

is what a comment period is about. Let's wait until we get the final regulation and then, yes, we will have a debate, I am sure, at that time, which is appropriate, and then we can debate exactly what the regulation says.

Mr. WHITEHOUSE. May I ask the Senator from Maryland to comment on another point.

We are having a conversation right here and right now on the floor about a specific EPA regulation. But those of us who are here on the floor a lot and those of us who pay attention to these issues can't not see this conversation in the context of a larger conversation that is taking place in the Senate. That causes me to inquire: When will a Republican come to the floor and ever support EPA on anything? When will that happen?

I was just speaking in the House at a hearing, and Representative ELIJAH CUMMINGS, the ranking member of the committee that I was testifying before, pointed out that they were coming up on the House Republicans' 500th vote attacking the environment in the House. Now, we know they have tried to repeal ObamaCare 50-plus times—but 500 attacking environmental regulations? I can't not see this in that larger context of a party that has simply thrown over its proud environmental history and just consistently takes the position of the polluter almost as a reflex.

Mr. CARDIN. Senator WHITEHOUSE is exactly right. We were together in the hearing in the Environment and Public Works Committee, where we had many previous administrators from the Environmental Protection Agency. There were those who served under Democratic administrations and Republican administrations.

Mr. WHITEHOUSE. If I remember correctly, we had four from Republican administrations.

Mr. CARDIN. Four from Republican administrations—and as was pointed out in the hearing where we were talking about the Clean Air Act, it was passed by bipartisan support in Congress and signed into law by President Nixon, and it was a proud moment.

We have done many analyses that show the regulations issued under clean water and clean air pay back dividends far in excess of compliance costs, such as 40 to 1. There are people who can breathe and not have to worry about an asthma attack because we have clean air. There are those who don't get sick because of pathogens that may be in our drinking water or people getting sick just bathing on our shores. We reduced that, and the number of premature deaths we have eliminated.

The public health benefit of the Clean Water Act and Clean Air Act pays back multiple dividends to people of this country, and that is why this has never been a partisan issue. Quite frankly, the Chesapeake Bay Program—the partnership—has never been a partisan issue in Maryland.

Some of our strongest benefactors—the people who have caused us to have this type of unity—have been Republican leaders in our State, along with Democratic leaders. We don't even know the party it ought to be. This has been a public calling because we know the seriousness of the issue.

The Environmental Protection Agency has a long history of nonpartisan activities in order to protect the public health of the people of this country, and it is extremely disappointing that there is no cooperation at all.

Mr. WHITEHOUSE. It is an anomaly. It is a historical anomaly that the present-day Republican party finds itself in this position where they will only come to the floor to attack and try to discredit the EPA. The only time they come to talk about the EPA is to oppose what the EPA is doing. They will never come to the floor and admit climate change is real and we should do something about it. They will never do that. The position that is articulated most frequently on this floor is the position that climate change is a hoax. Even young Republicans think that idea is preposterous, but that is as far as we get in trying to have a conversation on that issue. The other side has just gone dark on dealing with climate change. They simply won't discuss it or they send out as their champions the people who claim it is not real. That makes things a little bit awkward. And always—always—where there are two sides of the ledger, they look just at the one side. They look just at the polluters' side. They look just at the upland farmers and their nitrogen and their phosphorus, and they won't look at what that means to our coastal bays and coasts and harbors. They look only at the money that a polluter has to spend to clean up their powerplant, and they don't look at the savings to the rest of the public from that cleaned-up powerplant.

Senator CARDIN mentioned the savings from the Clean Air Act and the Clean Water Act. I can be specific about the Clean Air Act savings. It is \$30 in value to all regular American families for every \$1 the polluters had to spend to clean up their act. So for every \$1 spent by polluters to clean up their act, it paid \$30 in benefit to the American public. Yet they will only look at the \$1. They never talk about the rest. They have blinders on that oblige them only to consider the point of view of the polluters. I never hear anything else.

I urge and I challenge my colleagues to get out of that trap. The American people are not with you on this. You are wrong on the science. This general attack on the environment at this stage in our history will stain the party's brand if it is not corrected. They have got to come back and join the debate on a platform of fact and in a context of willingness to look at both sides of the ledger.

Madam President, I see colleagues on the floor who I am sure seek time, so I will yield the floor.

The PRESIDING OFFICER (Ms. BALDWIN). Senator from Virginia.

#### IRAQ

Mr. KAINÉ. Madam President, I rise to discuss the current crisis in Iraq. In particular, I wish to discuss an important question: Would Congress need to approve any U.S. military combat action in Iraq?

Last week, the President summoned congressional leadership to the White House to discuss the deteriorating situation in Iraq and a potential U.S. response. Press reports of the meeting had Members quoting the President as saying he had all necessary authority for military action already, and some accounts had the congressional leaders also agreeing that the President had necessary authority.

I do not believe this President—or any President—has the ability without congressional approval to initiate military action in Iraq or anywhere else, except in the case of an emergency posing an imminent threat to the United States or its citizens.

I also assert that the current crisis in Iraq, while serious and posing the possibility of a long-term threat to the United States, is not the kind of conflict where the President can or should act unilaterally. If the United States is to contemplate military action in Iraq, the President must seek congressional authorization.

Let me point out that the White House has been in significant consultation with congressional leadership and Members in the past weeks, and that consultation is important and it is appreciated. But it is not the same thing as seeking congressional authority. That has yet to be done, and it must be done if the United States intends to engage in any combat activity in Iraq.

A word about the law. The Framers of the Constitution had a clear understanding regarding decisions about war. Congress must act to initiate war. A war, once initiated, is then managed by the President as Commander in Chief.

The principal drafter of the Constitution, Virginian James Madison, often explained why the allocation of power was drawn in this way.

The constitution supposes, what the History of all Governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it. It has accordingly with studied care vested the question of war to the Legislature.

The Framers did understand that a President must be able to act in an emergency to protect the United States or its citizens even prior to congressional approval. That is especially the case in the day when Members of Congress, upon the recess, would ride horses back to Vermont or wherever they lived. The President had to be able to act if the United States or an

embassy or a naval ship was under attack. But even in those circumstances, the Framers understood that in an emergency a President could act but would then still need to seek formal congressional approval of any military action that had been taken.

It is important to understand that this basic allocation of power is not just about constitutional phrases. It is about underlying values.

First, the requirement for congressional approval ensures that American troops will not be sent into combat without a clear political consensus that the mission is worthwhile. It would be the height of public immorality to order servicemembers to risk their lives when the Nation's political leadership has not done the work to reach a consensus about the value of a mission.

Secondly, the requirement of congressional approval to initiate war also guarantees that there will be a public process of debate and voting by which the citizenry can also become educated about what is at stake and whether America should take the grave step of authorizing war to protect the national interest. Congress, as the decision-maker, as the initiator, as the declarer of war, supports these important underlying values.

Applying that law to Iraq, the current situation is very troubling. Congress authorized war in Iraq in 2002. In 2008, President Bush signed an agreement with Iraqi Prime Minister Maliki to cease combat operations and withdraw U.S. troops by the end of 2011. After President Obama became President, he worked with Iraq and was willing to have U.S. troops stay past 2011 to provide continued assistance to the Iraqi security forces if they desired it, but the Iraq Government would not provide the immunities and other security assurances that were necessary for the United States to stay. They basically communicated that they did not want us to stay. So the U.S. military ceased combat operations and departed in 2011. By all accounts the U.S. combat role stopped at that moment.

In the years since 2011, Prime Minister Maliki has governed Iraq in a way that has exacerbated tensions between the country's ethnic groups. In particular, instead of building an Iraq for all Iraqis, the Maliki government has preferred the Shia population with the support of Iran and marginalized—even oppressing—the Sunni and Kurdish populations, and these regrettable actions have weakened the support for the government and have created fertile ground for Sunni extremism.

The fanatic Sunni organization ISIL has grown in its campaign to topple the current Syrian Government and now seeks to do the same in Iraq as part of its plan to establish a larger single Sunni caliphate from Lebanon to Iraq. ISIL is a well-armed and well-funded organization of jihadists. While their primary motive is the toppling of governments in the region, there is lit-

tle doubt that they will seek in the future to strike western targets in Europe and in the United States. This explains the current concern and the current debate in this body about how to counter the threat ISIL poses. While ISIL terrorists pose a concern, it is important to point out that there is nothing in current law that would allow the President to take military action against them without congressional approval.

Let's look at current law.

Congress passed an authorization for the use of military force immediately after the 9/11 attacks to allow action against those who perpetrated the attacks on that day. ISIL had no connection with the 9/11 attacks. ISIL did not form until 2003. Both the Bush and Obama administrations have broadly interpreted that AUMF to allow attacks against Al Qaeda or associated forces, but ISIL is not Al Qaeda, nor is it an associated force. While it forged a temporary alliance with Al Qaeda in 2004, 3 years after 9/11, it is now an avowed enemy of Al Qaeda and is viciously battling Al Qaeda in Syria as we speak. It would be a wholly unprecedented stretch to suggest that the 2001 AUMF now would justify military action against ISIL in Iraq.

Congress acted in 2002 to authorize military action in Iraq to topple the regime of Saddam Hussein. All combat operations ceased in 2011 and even the administration now maintains the Iraqi AUMF is obsolete and should be repealed. Clearly the 2002 AUMF would not support unilateral action against ISIL.

In some instances a President relies upon a treaty ratified by Congress that requires the United States to come to the military defense of an ally, but there is no such treaty obligating America to defend Iraq in this instance.

Finally, there is not yet an imminent threat to the United States that would allow the President to take unilateral military action against ISIL. The administration rightly points out that the growth of ISIL could prove a threat to the United States in the medium or long term, but they pose no imminent threat to the United States today. Of course, should ISIL threaten the U.S. Embassy in Baghdad, the President could take emergency military action and rescue American personnel, and all of us are watching carefully and all of us will support action to protect the lives of our diplomatic personnel.

I conclude, from looking at all the authorities, that the President cannot initiate unilateral military action in Iraq with the sole exception of acting promptly if needed to secure American Embassy personnel. The dangerous situation of ISIL in Iraq is exactly the kind of situation where the President must not only consult with Congress but he also must seek congressional approval for any proposed military action.

We know seeking congressional approval for military action is very chal-

lenging and it is contentious, and it is supposed to be. While this often frustrates the Executive, it is how the system is supposed to work. When Presidents follow the rule, it generally works out for the best. Let me use the recent example of Syria. When the President did follow the basic form, it worked out in a way where something positive happened—not everything we might want but something positive. The President laid down a clear red line: The United States believes it would be wrong for Syria to use chemical weapons in violation of the 1925 Geneva Convention against their use. In August 2013 Syria crossed that red line and did use chemical weapons against men, women, and children, civilians. The President weighed what to do. He didn't act unilaterally. He came to Congress seeking authority to punish the Assad administration for using chemical weapons and to deter their use in the future.

As a member of the Foreign Relations Committee, we had extensive hearings and then we voted to grant military authority to the President to take action in those circumstances. As you know, it was contentious in the body. The matter never came to a full vote on the Senate floor or the House floor; but after the Foreign Relations Committee authorized the President to use military force, Syria then stepped up for the first time, acknowledged they had a chemical weapons stockpile, essentially acknowledged they had used it, and then committed through international organizations at the U.N. to destroy one of the largest chemical weapons stockpiles in the world. That accomplished the mission the President had put on the table to deter future use of chemical weapons. There is no better deterrent of that stockpile of chemical weapons than their complete destruction, and as of now the entire declared chemical weapons stockpile of Syria has been destroyed. Work is underway to determine whether there are undeclared elements of the stockpile that still must be destroyed. The fact of the destruction of this chemical weapons stockpile, one of the largest in the world, happened because the President followed the rules, came to the Senate, we acted to support military force, and then that led to this important breakthrough.

I met 2 weeks ago with officials connected with the Israeli Government and they described what a game changer it is in the region for Syria's neighbors, Turkey, Israel, Jordan, Lebanon, to have that chemical weapons stockpile removed. So the President followed the rule, came to Congress, and while the Syrian civil war is not over and still is carrying on in a horrific way, that huge stockpile of weapons of mass destruction is now gone.

That teaches me and tells me: Let's learn from it.

The President should come to Congress if military action is contemplated in Iraq, and he has an excellent opportunity before him to initiate

that discussion right now. All know that the 2001 authorization passed in the days after 9/11 to enable us to go after the attack perpetrators is badly in need of an update after 13 years. Despite its facial language only allowing military action against those complicit in the 9/11 attacks, it has been broadly interpreted to authorize a global war against Al Qaeda or associated forces so long as they pose a threat to the United States or any of its dozens of "coalition partners." That AUMF 13 years later has no geographic limitations. It has no expiration date. Members of the administration have testified in Senate hearings that they expect the war declared in that AUMF may go on for the next 25 or 30 years.

I wasn't here in 2001, but I have no doubt that the Members of Congress who voted for that authorization never would have contemplated war lasting into the 2030s or 2040s, and the American public has never expressed support for such a notion of perpetual war.

But the threat posed to the United States and our allies by nonstate terrorist organizations, whether it is ISIL or Al-Qaeda or Boko Haram or Al Nusra or others, is real and it has grown; and the very nature of the threat is quite different from the old notion of nation state military power that was our standard challenge even through the end of the 20th century.

In a speech in May of 2013 to the National Defense University, President Obama recognized that the administration and Congress have to work together to examine and update the 2001 AUMF in order to narrow its scope, clarify what it allows, and make it suitable for the new challenges that are before us. I have heard many of my colleagues in this body say exactly the same, but there has been no progress on this necessary update. The administration has made no proposal. There is no AUMF revision under active consideration in either House. Strangely, while all acknowledge the authorization needs an update, we drift from crisis to crisis—Syria, Iraq, POW exchanges—without grappling with the underlying document that initiated our entrance into war 13 years ago.

We cannot afford further delays in tackling this important task. So as I conclude, I encourage all of us, Congress and the administration, to embark on the work of updating the 2001 authorization to reflect the current dimensions of our security challenges. The administration should send to Congress a proposal for a revised and narrowed authorization that specifies how the United States should seek to counter threats posed by groups such as ISIL. There will be a role for the military and there will be a role for counterterrorism activities carried out by our intelligence agencies. There will also be a role for development assistance to eliminate the conditions of desperation that so often breed fanaticism. But it is time for those roles to

be clearly described so they can be publicly debated and ultimately adopted by Congress.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

#### TRINITY SITE RECOGNITION

Mr. UDALL of New Mexico. Thank you very much, Madam President, and I thank my colleague from the Foreign Relations Committee for a very good speech on a critical issue that our Nation faces right now.

On July 16, 1945, the first atomic bomb was exploded at the Trinity site in New Mexico. For residents of the Tularosa Basin, it marked the beginning of decades of cancer, chronic illness, and suffering that continues to this day.

Next month there will be a candlelight vigil organized by the Tularosa Basin Downwinders Consortium. Folks will once again gather as they have done now for each year for the past 5 years. They will stand shoulder to shoulder, they will light candles, and they will remember. They will remember that an injustice was done and has yet to be righted.

The Trinity explosion paid little attention to surrounding communities. Radioactive debris fell from the sky, killing cattle, poisoning water, poisoning food, the air we breathe. The damage was done and would remain long after the test was finished, for generations. The suffering it caused is very real and so is the sadness, disappointment, and anger. Attention was not paid then, but it must be paid now.

That is why I have introduced legislation in this Congress to amend the Radiation Exposure Compensation Act to recognize the Trinity site, to include the New Mexicans who have suffered for decades, who still wait for justice, who still wait for compensation from the Federal Government for their injuries almost 70 years later—still waiting.

We cannot change the past. We cannot restore the lives of those who have passed away or erase the years of health problems, the years of suffering endured by too many and for too long, but fair compensation will make a difference and provide badly needed help.

The original RECA legislation required years of work on the ground. My father helped lay the groundwork for RECA a quarter of a century ago. Through his work with radiation exposure survivors and their families, compiling stories and records and histories of victims, the Tularosa Basin Downwinders Consortium continues this critical work and I encourage them to keep up the fight.

This is a bipartisan effort and driven by simple fairness for American citizens who should have been helped but were ignored instead. Our bill would expand the downwind exposure area to include seven States from the Trinity and Nevada test sites and would in-

clude Guam from the Pacific side. It would also help post-1971 uranium miners to be eligible for compensation and it would fund a critical public health study of those who live and work in uranium development communities.

I will continue to push for this legislation. It is the right thing to do, and we should get it done.

When folks gather in Tularosa and stand together as candles flicker in the New Mexico sky, we will take a moment and remember those who have been affected by cancer, who have been brought down by radiation-related diseases, and we will remember those who passed away and those who continue to suffer. We offer our prayers and support to those who are still fighting. We stand with you. We know you have suffered. We know justice has not been done, and we will not rest until it is.

I wish to commend the Tularosa Downwinders Consortium, folks such as Tina Cordova and the late Fred Tyler, who will be greatly missed—great advocates, dedicated, committed, and refusing to give up. Thank you for making your voices heard, making your stories known, and for not giving up the fight. Together we will work for fairness until the day comes that we can stand together in Tularosa and light candles of celebration that justice has been done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

#### FREEDOM OF RELIGION

Mr. BLUNT. Madam President, I wish to talk today about a couple of issues. This first issue I will address concerns the first freedom and the First Amendment in this country, a matter which people in other parts of the world are seeing in jeopardy, and that is freedom of religion.

I read an article from the BBC about the current status of Meriam Ibrahim. Just 2 days ago she was acquitted of her death sentence in Sudan, and many people in this building and around the world applauded her release. She was sentenced to death because she would not disavow her Christian faith. In fact, for months she had been held in prison. She gave birth to a child while she was in prison, and she had a young child with her while she was in prison. The birth of the baby, and then the early months of the baby's life, was the determining factor as to when she would be first beaten and then hanged because she would not disavow her faith.

Two days ago, she and her two children were set free. She is the wife of a naturalized U.S. citizen. She had been imprisoned by this government, and unfairly so. Many of my colleagues have been working to secure her release. Last month Senator AYOTTE and I sent a letter to Secretary Kerry urging him to offer and provide political asylum for her immediately. We should not have to provide asylum for her