from the great State of Indiana. I will yield to the junior Senator.

Mr. BRAUN. Mr. President, a little over a month ago—or a year ago—I was here with Senator SASSE and asked for a unanimous consent vote. I was here, mostly curious to see who might object to a bill that wants born alive—where you do everything you can to keep that child alive. I was appalled then, and here again, we are talking about the same thing, but I think we have got room for optimism.

We have got two bills that have gotten, I think, more support at this stage of the game than in a long time. First on the Pain Capable bill, last month, two researchers, with broadly different views on abortion, published research in the Journal of Medical Ethics, stating conclusively that ''the neuroscience cannot definitely rule out fetal pain before 24 weeks.''

As we continue to learn more about the science of when unborn children can feel pain in the womb, the moral imperative to provide a cutoff point for abortions grows stronger and stronger. I hope that my colleagues, especially on the other side of the aisle, will not deny science by allowing abortions to be performed on unborn children capable of feeling pain.

The Born Alive bill—again, we are closer than ever. On a procedural vote, we have 53 votes, bipartisan, almost there, with 3 Republicans not able to vote. So, theoretically, 56 votes possibly. I stepped up here a year ago, and I do it again because I also sense, across the country, things are starting to change.

Millennials are now leaning towards what the solemnity and sanctity of life is about, and I think, if we just take guidance from that younger generation, it ought to be able to move four Senators to get in line and do what seems to be so clear from a moral point of view.

Some will say that a bill to ensure medical care for babies born after failed abortions is unnecessary because it doesn't happen that often. That is not a good reason. It doesn't matter how common it is. It matters if it is right or wrong. Even if my colleagues do not agree with me that every baby conceived has the right to be born, we should at least agree that every baby that is born has a right to live. If you go back a few years ago, 2015, there were 38 votes for the same bill. In 2017, there were 36. A little over a year ago, there were 53, or 56, however you want to look at it.

I plead to citizens across this country, just as I did a little over a year ago, to get ahold of your Senators. In States where the sanctity of life—the solemnity of life—is important, get ahold of your Senators and tell them that we need their votes.

I yield the floor.

Ms. ERNST. Thank you very much to the junior Senator from Indiana. We really appreciate his efforts on these bills as well.

Again, I think all of us would agree that these are commonsense pieces of legislation, and we would love to see some movement coming from our friends on the left.

We have had a wonderful colloquy this evening.

Of course, again, thanks to the Senator from Montana, Mr. DAINES, for leading this colloquy and for sharing his time with us this evening as we have talked about some of these measures.

To the junior Senator from the great State of Nebraska, as well, Mr. SASSE, thank you so much for authoring the Born-Alive Abortion Survivors Act.

And thanks to Senator LINDSEY GRAHAM, of course, for authoring his pain-capable bill.

Again, we have talked this evening about those two bills that really hit close to home. I did happen to sit through the Judiciary Committee hearing that was led by Senator SASSE a couple of weeks ago, where we did talk about the Born-Alive Abortion Survivors Act. It was true that so many of our friends across the aisle were deflecting on the legislation. They were talking about a woman's right to choose. They were talking about being pro-choice and supporting abortion. The bottom line is, this is not a bill that has anything to do with those topics. This is about saving babies who are born alive after a botched abortion attempt. So I think we have to make that very clear as we move through tomorrow's proceedings.

Again, thank you for the colloquy this evening. It has been very helpful in expressing our views about the rights of these babies to live and to make a difference in our world.

With that, we will close out the colloquy, again thanking those who are supporting the bills, as well as those who joined us here on the floor this evening.

ORDER OF PROCEDURE

Ms. ERNST. Mr. President, I ask unanimous consent that notwithstanding the provisions of rule XXII, at 11:30 a.m. on Tuesday, February 25, the Senate vote on the following: one, confirmation of Executive Calendar No. 384; two, cloture on Executive Calendar No. 491; three, cloture on Executive Calendar No. 569; further, that if cloture is invoked on the nominations and following the third vote in the series, the Senate stand in recess until 2:15 p.m. to accommodate the weekly party luncheons; that following the lunch recess, the Senate resume legislative session and consideration of the motion to proceed to S. 3275 and the time from 2:15 p.m. until 3:30 p.m. be equally divided between the two leaders or their designees.

I further ask unanimous consent that at 3:30 p.m., cloture on the motions to proceed to S. 3275 and S. 311 ripen and that following the votes on those motions to invoke cloture, the Senate vote on the following: one, confirmation of Executive Calendar No. 491; two, confirmation of Executive Calendar No. 569; and, three, cloture on Executive Calendar No. 416.

I further ask unanimous consent that if cloture is invoked on the Greaves nomination, the vote on confirmation occur at 1:45 p.m. on Thursday, February 27; further, that if any nomination is confirmed, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. ERNST. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

LITHUANIAN AND ESTONIAN INDEPENDENCE DAYS

Mr. GRASSLEY. Mr. President, today is Estonia's 102nd Independence Day.

Lithuania celebrated 102 years of continuous statehood on the 16th, and Latvia will in November.

This is significant not just because the Baltic States are close American allies with shared values; it is worth noting because Russia has been waging war on historical truth.

Vladimir Putin recently made the absurd claim that Poland was to blame for World War II.

In 1992, Boris Yeltsin made public the secret annex to the Molotov-Ribbentrop Pact, making it clear that the Nazis and Soviets colluded to carve up Poland and the Baltics.

That also puts to lie the myth that the Baltics ''joined'' the Soviet Union. The United States recognized them as occupied sovereign states.

We ought to continue to defend their sovereignty as well as historical truth.

WAR POWERS RESOLUTION

Mr. MENENDEZ. Mr. President, I rise to elaborate on my statement of February 13 in support of S. J. Res. 68. This resolution puts the Senate on record with regard to war powers and Iran in the wake of the U.S. strike against Islamic Revolutionary Guard Corps Commander Qasem Soleimani on January 2, 2020.

The resolution, which directs the President to terminate the use of U.S. Armed Forces for hostilities against Iran, passed the Senate with a strong bipartisan majority. This bipartisan consensus is a testament to Senator KAINE's leadership, and I commend him for that.

It is also a reflection of the Senate's deep concern about the risk of a broader military conflict between the United States and Iran.

There is no dispute that Soleimani was an enemy of the United States, but this extraordinary killing of a high-ranking foreign military official nearly brought us to the brink of war. The strike would be justified if it had been necessary to defend against an imminent attack against the United States, but the administration has failed to provide any persuasive evidence of such a threat.

Instead, the administration appears to be laying the foundation for further military action against Iran, without coming to Congress. Let's be clear: It is not just that there is no existing authorization. To the extent that the administration continues to confront Iran militarily, it is doing so in direct opposition to Congress—both the House and Senate have now passed bipartisan resolutions directing the President to terminate hostilities with Iran—and without the support of the American people.

With that in mind, I would like to address some of the features of S.J. Res. 68, as well as the administration's legal rationale for the Soleimani strike and why that rationale is so problematic.

Before doing so, I want to take a step back and make sure that everyone understands the real world impact. Today, over 100 service men and women are suffering from traumatic brain injuries incurred during an Iranian retaliatory attack over Soleimani. My heart goes out to them and their families.

Thankfully there were no American casualties, but we will not be so lucky if President Trump stumbles into a broader conflict with Iran.

So when I raise the alarm over this administration's actions, it is not academic. It is about our sons and daughters, husbands and wives, and brothers and sisters serving in harm's way. It is about honoring their service with more than just words. It is about ensuring that they are not needlessly put in danger by an arrogant and lawless administration that refuses to recognize any limitation on its ability to drag our country into war.

S.J. Res. 68 has a number of important features. I will highlight three of them briefly.

First, this resolution established a new precedent in the Senate.

The War Powers Resolution, as amended, provides for privileged consideration of joint resolutions that direct the President, in broad terms, to stop the use of U.S. forces in specified hostilities. The only such privileged resolutions in the Senate prior to S.J. Res. 68 mandated that the President ''remove'' U.S. forces from hostilities. The operative language of S.J. Res. 68 uses a variation of that language. Instead of ''remove,'' it directs the President to ''terminate'' the use of U.S. forces for hostilities.

In a failed bid to prevent privileged consideration of S.J. Res. 68, the Republican majority asserted, in effect, that ''remove from hostilities'' was a term of art and that privilege was available only for resolutions that used that specific phrase. That rigid approach is inconsistent with the overarching purpose of the War Powers Resolution—for Congress to reconfirm and reassert its constitutional powers over the use of force—and contrary to the statutory framework and legislative history of the War Powers Resolution. The statute does not prescribe specific language, and the legislative record is full of examples of the interchangeable use of ''remove,'' ''terminate,'' and multiple other synonymous terms.

Ultimately, the Senate moved forward with consideration of S.J. Res 68 on a privileged and expedited basis.

This precedent is noteworthy for two reasons: First, it clarifies that there are no magic words required for privilege. This means that a resolution that requires the President to stop the use of U.S. Armed Forces in hostilities will not be deprived of expedited consideration in the Senate over semantics. Second, it provides a degree of flexibility for Senators who seek to stop such hostilities. For example, ''terminate'' or other synonyms may be more appropriate than ''remove'' for certain situations, like cyber operations, where implying a need for or requiring the physical removal of forces may not be practicable or desirable.

Second, S. J. Res. 68 includes a rule of construction stating that it does not prevent the United States from defending itself against imminent attack. This is a critical feature. While we cannot abide by this President or any President usurping Congress' role and responsibility to authorize the use of force, the United States always has the right to defend itself against an ongoing or imminent attack.

In tandem with this rule of construction, the Senate adopted an amendment offered by Senator Risch that added the following finding: ''The President has a constitutional responsibility to take actions to defend the United States, its territories, possessions, citizens, service members, and diplomats from attack.''

The responsibility to ''take actions'' in defense of the United States and our people and interests is a core function of the Presidency. This responsibility includes the full range of resources available to the executive branch—diplomacy, law enforcement, intelligence, military force, and beyond. Each type of action is subject to different legal and constitutional considerations, and the President never has a blank check. He or she is obligated to act consistently with the law and the Constitution at all times, even when in defense of the country. When using military force in self-defense, this means his or her actions must be in response to an attack or imminent attack unless Congress has explicitly authorized some other action. Against this backdrop, the Risch amendment is consistent with both the rule of construction in S.J. Res. 68 and the constitutional balance between Congress and the executive branch over the use of force.

For these reasons, I voted in favor of the Risch amendment and am not surprised it passed overwhelmingly.

While Senate passage of S. J. Res. 68 is a major step against an unnecessary and unauthorized war with Iran, I am concerned that the administration may not heed the message. At minimum, its legal rationale for the Soleimani strike suggests that it is attempting to lay the foundation for further military action against Iran.

The administration has publicly asserted three legal bases for the Soleimani strike, but none of them add up.

First, let me address the 2002 Iraq authorization to use military force, AUMF, a law that this administration has distorted beyond recognition.

The administration has stated that the 2002 AUMF is a valid legal basis for the Soleimani strike because Soleimani was a threat ''emanating from Iraq.'' I am sorry to say that does not pass the laugh test.

Congress passed the 2002 AUMF for a single purpose—to address the threat posed by Saddam Hussein's alleged weapons of mass destruction. Nothing about the law, its text, or its legislative history suggests that it ever authorize or was intended to authorize the use of force against Iran.

I know because I was there. I debated the AUMF, and I voted against it. But even the most staunch supporters would never have claimed that the authorization to use force against Saddam Hussein in 2002 extended to the killing of a senior Iranian commander 18 years later.

The administration also cites article II of the Constitution as a legal basis for the Soleimani strike. Article II would be available to the extent the strike was necessary to defend against an imminent attack; however, as I noted earlier, nearly 2 months have passed, and Congress and the American people are still waiting for proof—proof that such an attack was, in fact, imminent and, if so, that killing Soleimani was required to prevent the attack.

Perhaps not surprisingly, given the lack of supporting evidence, the administration does not limit its article II claim to self-defense. Like other recent administrations, it asserts that the Constitution empowers the President to use military force ''to protect important national interests.''

But what kind of legal standard is this?

At best, ''protecting important national interests'' sets an incredibly low bar for the most consequential of actions. At worst, it is a self-serving power grab that the President can use to justify military action anywhere in the world without congressional authorization.

We should not be surprised—this ''standard'' was concocted by and for the executive branch to maximize the President's ability to use military force without congressional authorization. It does not reflect a neutral analysis of the separation of power, it has not been tested in the courts, and it has not been approved by Congress.

Just a few weeks ago, in this very Chamber, we listened as the President's defense lawyers argued during the impeachment trial that steps taken in support of the President's reelection are inherently in the national interest. That was a shocking and frightening claim in the impeachment context. But now consider it in the context of sending the men and women of our Armed Forces into harm's way.

Surely the Constitution does not authorize the President to use force in support of his or her reelection. Surely, it does not. Then again, this administration has been unable or unwilling to identify any limits on its purported article II authority, any instance in which it would concede that it needs Congress to authorize the use of force.

Finally, I refer you to Secretary Pompeo's January 17, 2020, appearance on the Hugh Hewitt radio show. While on air, Secretary Pompeo insinuated that the designation of the IRGC as a foreign terrorist organization, FTO, served as a legal basis to target IRGC members, presumably including Soleimani.

FTO designations are administrative actions taken pursuant to the Immigration and Nationality Act; they are clearly not congressional authorizations for the use of military force.

Now, I was hoping that Secretary Pompeo himself or a State Department official on his behalf would issue a simple clarification and acknowledge what we all know: An FTO designation has no bearing on whether this or any administration can use military force, period.

I have written the Secretary on this question, and I have posed the same question to the State Department's Acting Legal Adviser. We continue to await a response, and I must say that the delay does not leave me with much confidence that we will receive the right answer.

As so clearly demonstrated by the flimsy legal rationale advanced in relation to the Soleimani strike, we cannot rely on this administration or any administration to guard Congress' prerogatives over war powers.

I am hopeful that the Soleimani strike and the Senate debate over S.J. Res. 68 will serve as a wake-up call. I am hopeful that all of our colleagues in this Chamber and in the House will work to reassert Congress' role over the use of force.

We owe it to the Constitution, we owe it to the American people, and we owe it to the men and women who fight and die on our behalf.

VOTE EXPLANATION

Ms. HARRIS. Mr. President, I was absent for vote No. 300 on the Nomination: Confirmation: Daniel Habib Jorjani, of Kentucky, to be Solicitor of the Department of the Interior. Had I been present, I would have voted no on the nomination.

Mr. President, I was absent for vote No. 339 on the Amendment S. Amdt. 1209: Lee Amdt. No. 2109; To prohibit the expenditure of certain amounts from the Land and Water Conservation Fund for land acquisition. Had I been present, I would have voted no on the amendment.

RECOGNIZING 175 YEARS OF HOSPITALITY IN FRENCH LICK

Mr. YOUNG. Mr. President, I rise to recognize 175 years of tourism, history, and hospitality that the French Lick Resort has brought to my home State of Indiana.

In 1832, two Hoosier brothers, Thomas and Dr. William Bowles, purchased 1,500 acres of property near French Lick, IN. Part of the property's allure was the abundant mineral springs loaded with Epsom salt and sulfur. As a physician, Dr. Bowles became intrigued by the medicinal benefits that the mineral springs possessed, which famously turned into the Hoosier tonic Pluto Water. In 1845, the brothers welcomed their first guests after building a unique, three-story, wood-framed hotel.

In 1901, a small group of investors, including former Indianapolis mayor Tom Taggart, bought the property from the Bowles brothers. Mayor Taggart's vision and political expertise aided in the development of the hotel and the expansion of the Monon Railroad from Chicago to the front entrance, encouraging more tourists to ''take to the waters.'' By 1905, the French Link Springs Hotel had become a grand destination, and its services were greatly sought after by all of Indiana society. Soon enough, it had gained worldwide recognition. With the hotel's stunning success, Donald James Ross, ''the Michelangelo of golf course design'' and a member of the World Golf Hall of Fame, was hired to build the French Lick Springs Golf Course. In 1924, the course hosted a PGA championship, attracting more national attention and further success. By 1931, the hotel became the unofficial headquarters of the national Democratic Party and became the site for the 1931 Democratic Governor's Conference. As a socialite destination, numerous notable guests visited the springs, including Franklin D. Roosevelt, Harry S. Truman, Ronald Reagan, John Barrymore, and Howard Hughes.

Because of its heritage of tourism and hospitality, in 2003 the French Lick Springs Hotel was added to the National Register of Historic Places—a distinction of notable merit. In 2005, the French Lick Springs Hotel and its former competitor, the West Baden Springs Hotel, were purchased by the Cook Group, Inc., a family-owned company headquartered in Bloomington, IN. After a complete 1-year renovation, the French Lick Resort was born, continuing its legacy of attracting visitors from the around the world to Southern Indiana with a variety of events.

The French Lick Resort and its world-class amenities have served millions of guests and has greatly added to the cultural history of the United States. On behalf of the State of Indiana, I wish the resort continued success for another 175 years and beyond.

TRIBUTE TO BETTY COLBERT

Mr. BLUMENTHAL. Mr. President, today I wish to recognize Ms. Betty Colbert on the occasion of her retirement from her position as program assistant for the U.S. Senate Youth Program, USSYP, after 57 years of remarkable service.

Ms. Colbert started working for the USSYP during its first program in 1963 and has continued her impressive tenure ever since. With her guidance, the program has provided unparalleled educational opportunities and experiences for countless high school students.

Her involvement with the program started thanks to her late husband, Mr. George Colbert, a Tuskegee airman who served as Mr. Randy Hearst's driver while Mr. Hearst was helping to develop the USSYP. Despite working full time with the National Institutes of Health, Ms. Colbert took leave each year in order to devote herself to the USSYP's administration. A thoughtful, giving woman, she took a hands-on approach, doing everything from taking calls from Senate offices and the White House to making sure each participating student got an individual flag flown over the Capitol to recognize their accomplishment.

The success of USSYP alumni is in part thanks to Ms. Colbert's tireless efforts. I participate in the program every year, including serving as co-chair in 2019, and I can attest firsthand to her unfailing work ethic and the level of care she puts in to every aspect of the USSYP.

Students, Senators, and staff members have all bore witness to Ms. Colbert's extraordinary commitment to her role. Not only does she ensure everything runs smoothly for all involved, but she also focuses on the small details. Her driven, considerate nature plays a significant part in giving students the most enjoyable and transformative experience possible. Ms. Colbert leaves behind a legacy that will continue to positively shape the USSYP for years to come.

I applaud her over half a century of service and hope my colleagues will join me in congratulating Ms. Betty Colbert on her well-earned retirement.