

I am grateful I am a Member of this body, and I am grateful for the people I have served with all these years on both sides of the aisle. In all the time I have been here, there were only two people whom I thought had no redeeming value. I should not have said that, I guess, but there were two people whom I thought truly didn't have the Senate at heart and truly didn't do what I thought they should do. I have loved all the rest and appreciated them very much.

I appreciate the leadership on both sides, but I just hope we can get past all of this bickering and start running the Senate as it has always been run. A lot of it started when you break the rules to change the rules, and this is what happens. It was a real mistake on the part of the majority to do that. They might not think so because they are packing the Federal courts with judges—most of whom would have gotten through. About 98 percent of the President's nominees were getting through and very few were even contested. The fact is that some have gotten through and others should never have gotten through to the Federal bench, and it is because of breaking the rules to change the rules. It is not right for either side to do that, but it has been done. Let's overcome it, and let's be the most deliberative body in the world today, and I think we can do it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All postcloture time having expired, the question is on agreeing to the motion to proceed.

The motion was agreed to.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2648) making emergency supplemental appropriations for the fiscal year ending September 30, 2014, and for other purposes.

AMENDMENT NO. 3750

Mr. REID. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3750.

The amendment is as follows:

At the end, add the following:

This Act shall become effective 1 day after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3751 TO AMENDMENT NO. 3750

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3751 to amendment No. 3750.

In the amendment, strike "1 day" and insert "2 days".

MOTION TO COMMIT WITH AMENDMENT NO. 3752

Mr. REID. I have a motion to commit S. 2648, with instructions, which is at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Committee on Appropriations with Instructions to report back forthwith with an amendment numbered 3752.

The amendment (No. 3752) is as follows:

At the end, add the following:

This Act shall become effective 3 days after enactment.

Mr. REID. On that motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3753

Mr. REID. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3753 to the instructions of the motion to commit.

The amendment is as follows:

In the amendment, strike "3 days" and insert "4 days".

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3754 TO AMENDMENT NO. 3753

Mr. REID. I have a second amendment now at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3754 to amendment No. 3753.

The amendment is as follows:

In the amendment, strike "4" and insert "5".

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2648, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2104, and for other purposes.

Harry Reid, Barbara Mikulski, Patty Murray, Debbie Stabenow, Richard J. Durbin, Bernard Sanders, Barbara Boxer, Robert P. Casey, Jr., Elizabeth Warren, Tim Kaine, Christopher A. Coons, Mark L. Pryor, Ron Wyden, Michael F. Bennet, Benjamin L. Cardin, Charles E. Schumer, Christopher Murphy, Patrick J. Leahy.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 471, S.J. Res. 19.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 471, S.J. Res. 19, proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014—Continued

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that the Senate resume consideration of S. 2648.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the time until 6:45 be equally divided between the two leaders or their designees, and that at 6:45 this evening, it be in order for Senator McCONNELL or his designee to be recognized for the purpose of moving to table amendment No. 3751; that if the motion to table is not agreed to, Senator SESSIONS or his designee be recognized for the purpose of raising a budget point of order against the bill; that if a point of order is raised, then Senator MIKULSKI or her designee be recognized for a motion to waive; that if the motion to waive is made, the Senate immediately proceed to vote on the motion to waive; that if that motion to waive is agreed to, then, notwithstanding rule XXII, the Senate immediately proceed to the

vote on the motion to invoke cloture on the bill; that if cloture is not invoked, the bill be returned to the calendar; if cloture is invoked, all postcloture time be yielded back and the pending amendments be withdrawn and the Senate proceed to vote on passage of S. 2648.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that at a time to be determined by me, after consultation with Senator MCCONNELL, the Senate proceed to the consideration of the conference report to accompany H.R. 3230, the Veterans Access to Care Act; that Senator COBURN or his designee be recognized for the purpose of raising a budget point of order against the conference report; that if the point of order is raised, then Senator SANDERS or his designee be recognized for a motion to waive; that if the motion to waive is made, there be up to 10 minutes equally divided between Senators COBURN and SANDERS or their designees; that upon the use or yielding back of time, the Senate proceed to vote on the motion to waive; that if the motion to waive is agreed to, the Senate immediately proceed to vote on adoption of the conference report; that the vote on adoption be subject to a 60-affirmative-vote threshold; that if the conference report is adopted, the Senate then proceed to the consideration of H. Con. Res. 111; that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the table.

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

Mr. REID. Mr. President, I now ask unanimous consent that upon disposition of the conference report to accompany H.R. 3230, the Chair lay before the Senate a message from the House with respect to H.R. 5021; that following the reporting of the message, I be recognized to make a motion to recede from the Senate amendment; that following the leader's motion, Senator SESSIONS or his designee be recognized for the purpose of raising a point of order against the bill; that if the point of order is raised, Senator WYDEN or his designee be recognized to move to waive the point of order; that no other motions be in order to the bill; that if the motion to waive is made, there be up to 20 minutes equally divided between the two leaders or their designees and the Senate immediately proceed to vote on the motion to waive; that if the motion to waive is agreed to, the Senate proceed to vote on the motion to recede from its amendment to H.R. 5021.

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

The PRESIDING OFFICER. Under the previous order, the time until 6:45 p.m. will be equally divided between the two leaders.

The majority leader.

Mr. REID. Mr. President, we expect the votes to begin about 6:45 tonight,

but they could come earlier, so everyone should be aware of that.

Seeing no one here to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, we are now in the closing hours of this session of the Congress. We are getting ready to take our break. I am rising to exhort our Members to vote for the urgent supplemental. I appreciate the fact that we have adopted the motion to proceed.

I remind our colleagues what is in the urgent supplemental. First, it is to fight wildfires in our own country: \$615 million to fight 27 large fires that are sending homes and communities up in smoke in eight Western States.

Second, it fortifies Israel's anti-missile defense system, Iron Dome, by providing \$225 million to enable Israel to purchase interceptor rockets that they have utilized in their own self-defense. It is lifesaving technology. It is defensive technology.

Third, and not at all least, it is to deal with issues on the border, providing \$2.7 billion to deal with the surge of children coming through Central America, through a treacherous route through Mexico, presenting themselves to our border, asking that we consider their petition for refugee or asylum status. This bill is a reduction by \$1 billion of what the President asked for. The President originally asked for \$3.7 billion for the surge of the children all by itself and then additional funds for Iron Dome and the wildfires.

When we looked at the request for the surge at the border, we felt we could reduce that by \$1 billion, and to ensure the taxpayers that we are doing rigorous and vigorous oversight, we have money in there for the inspector general.

This is an emergency spending bill, which means no offsets are required.

Also, it is meant to deal with humanitarian crises, both in our own country with firefighting and then a crisis a treasured ally is dealing with and then a crisis in Central America, where the violence is so severe that children are on the march to be able to escape it. These funds will pay for additional law enforcement for our Border Patrol, humanitarian assistance for HHS to house, clothe, and feed the children on a temporary basis while we find a relative and their legal status is determined; that is, do they qualify for asylum or refugee status.

Much has been said about the backlog and even a mockery—some States mocked the current system because they said there were so many awaiting these types of hearings. Maybe if we

passed regular appropriations, which we haven't done in 3 years, we wouldn't be in this crisis. But this supplemental includes money for additional immigration judges to be able to expedite the determination of these children's legal status.

Also, it goes after the drug smugglers, the human smugglers, the drug traffickers, the human traffickers, and the coyotes who are exploiting, creating the misery and violence in Central America, and also, while they are doing that, exploiting these children who are on the move and on the march.

I understand there is a great deal of reluctance to either vote for the money or to weaken our asylum laws. I would caution us in weakening our asylum refugee laws, particularly as it affects children. I hope we can pass this bill and begin to move forward with it.

I want everyone to be aware we are talking about a surge of children—approximately 60,000 children, not 600,000 children—just barely enough to fill Ravens stadium. We are a country of 300 million; we are talking only about this.

I hope we can move on this bill, meet our responsibilities to our neighbors in the West facing wildfires and an ally who is running out of interceptor rockets to protect itself and not only deal with the children and their request to determine asylum status, but at the same time we put the money in the Federal checkbook to go where the crime and the criminals are, which is the narcotraffickers in Central America.

I will have more to say before we wrap up, but I now yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Texas.

Mr. CORNYN. Madam President, the distinguished Senator from Maryland has described the President's request and what she has proposed, the Appropriations Committee has proposed in response. The problem with the response is it does not solve the underlying problem, which is a loophole in a 2008 law, which is now being exploited as part of the business model of the cartels that smuggle children and other immigrants illegally from Central America through Mexico into South Texas.

It makes no sense to me just to write a check for this surge, which I agree that there is money needed for additional judges, additional detention facilities, and the like in some dollar figure. But if you do not solve the underlying problem, we are going to be back here months later and doing this all over again. This, of course, is an emergency supplemental. We will be doing this emergency every 2 or 3 months because what we have seen over the last couple years is that the numbers of children coming into the country because of this loophole in the 2008 law I described a moment ago—the numbers have nearly doubled over the last couple of years, and there are projections that there will be not just the 57,000

unaccompanied children who have been detained so far this year but that the number could grow as high as 90,000 by the end of this year and 145,000 next year. We are going to be in deep trouble, not to mention the crisis for these children. Our capacity to deal with them at the border and in local communities there is overtaxed, and there is the fact that the Border Patrol is diverted from interdicting illegal drug traffic and other necessary activities because they are taking care of these children, who deserve to be taken care of, at least while they are in our protective custody. So this is not a solution to the problem.

I know from meeting with the President—I see the distinguished majority leader and the majority whip here. We all were invited over to the White House this morning to talk to the President about national security matters. My distinct impression was the President understands the nature of the problem, and he conceded that we cannot endlessly accept people who want to come to the United States from troubled regions of the world because it would simply overtax and overwhelm our capacity to deal with it. That is why it is so important to have legal immigration. I agree that we need immigration reform. I do not agree that we need the Gang of 8 bill. But I am committed to trying to fix our broken immigration system on a step-by-step basis when we next have an opportunity to do so.

But right now we have an emergency that is disproportionately affecting my State, the State of Texas, and our local communities and our State are being overwhelmed. It is the Federal Government's responsibility and the Federal Government needs to step up. That is why I agree some amount of money—I do not agree it is \$2.7 billion, as an emergency, but at some level we do need to come up with the money to deal with this emergency. But we cannot just write a check because, as I said, we will continue to come back. This crisis will be unabated and, in fact, it will get worse.

I mentioned earlier today the polling that I saw that miraculously said 68 percent of the American people disapprove of the way the President is handling this immigration crisis, which is a rather dramatic development. I think all that the American people expect and deserve from us is that we try to work together to solve this problem. Congressman HENRY CUELLAR, my friend from Laredo, TX, a Democrat, a self-described blue dog Democrat, and I have come up with one suggestion: The HUMANE Act. It is our proposal, and if anybody has a better idea, we are all ears and all willing to consider it. But so far we have heard no alternative proposals and only a request to write a check for \$2.7 billion. I think it would be irresponsible for us to only appropriate money and not deal with the underlying cause.

So, Madam President, I ask unanimous consent to temporarily set aside

the pending amendment so I may call up my amendment No. 3747, which is at the desk.

The PRESIDING OFFICER. Is there objection?

Ms. MIKULSKI. I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MIKULSKI. Madam President—

Mr. CORNYN. Madam President, if I may, I hold the floor, if I am not mistaken. I just have a couple concluding comments and then I will turn it back over.

What we need to do is learn the lesson that we learned in 2005 and 2006. In talking with Secretary Johnson, he understands this problem very well. I know the Senator from Arizona remembers this. In 2005, we saw a surge of what were at the time called OTMs, immigrants from countries other than Mexico. Strangely enough, we saw a surge of 30,000 Brazilians who were detained at our southwestern border.

What Secretary Chertoff came to learn is that a loophole they were exporting was the so-called catch and release at the time. They did not have detention facilities. What would be done is they would be released, essentially based on their own recognizance, and we would never hear from them again. They would escape into the great American landscape.

Well, the same phenomenon is happening now with these unaccompanied children because of that 2008 law that needs to be addressed so that they will remain in protective custody pending any court hearing, which we would give on an expedited basis. If they have a legal claim to stay, an asylum claim, a victim of human trafficking and the like, then the judge would determine that. And those who do not would have to be returned to their home country. I think I heard the President say as much today. I certainly have heard Secretary Johnson and others say the same thing.

That is what my amendment would do. I am sorry the distinguished Senator from Maryland has seen fit to object to it. I think this virtually guarantees that we will leave here today without having solved the problem, and that is a tragic circumstance.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, if I could respond to the Senator from Texas, first of all, I do not want my objection to be interpreted by him or by the Senate or those watching as a pugnacious dismissal of the Senator's request. The distinguished Senator from Texas has always stood for Texas and he has also stood for the protection of the border. He comes with an incredible background where he was a judge, a former judge of the highest court in Texas. So I understand. And I have also heard him speak repeatedly about the plight of these children, and he has spoken with great compassion. He and I both agree that we should not have

open borders and open wallets, that we have to deal with this.

But I say to my colleague, this bill is a money bill. It is an appropriations bill. We do not legislate on appropriations. There is no legislative language in this bill. What the Senator is proposing, working with the administration, with the Judiciary Committee, on a bipartisan basis—because I think there is a sentiment perhaps we could arrive at some other language, but on this bill I objected because this would be legislating on appropriations. The type of pragmatic approach the Senator from Texas is proposing—and we have perhaps some ideas—cannot be done on this bill tonight with the urgent nature of it.

So I want the Senator from Texas to know my great respect for him and his advocacy on this issue, and I know of his heartfelt compassion for the children and his desire to have a broader immigration policy. I look forward to working with him on legislative matters in a different forum.

Mr. CORNYN. Madam President, will the Senator yield for a question?

Ms. MIKULSKI. The Senator will yield for a question.

The PRESIDING OFFICER. The minority whip.

Mr. CORNYN. Madam President, here is the conundrum I think we find ourselves in. The President has made a request for the money. The Secretary of Homeland Security has said he needs more authority in order to deal with the problem, and what my proposal would do is to give him that authority necessary to solve the problem.

The Senator from Maryland has always been very kind and gracious, and I appreciate her response, and I know of her compassion, given her background, particularly in social work, that she has great compassion for these children, as we all do. But we have a problem and we need to solve the problem.

What is so confusing to me is, when the House was considering a proposal which would combine both policy changes together with some money to deal with them, the White House issued a notice the President would veto it if it were passed. So it seems to me that—well, it is confusing, to say the least. I am not sure how we get out of this place we are in.

Ms. MIKULSKI. Is that the Senator's question?

Mr. CORNYN. The fact is, we are dysfunctional. But if the Senator has a suggestion for how we get out of this dysfunction, I would love to hear it.

Ms. MIKULSKI. First I would like to respond—

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you very much. We are eager to engage in conversation with each other.

It is the belief of the members of the Judiciary Committee—at least the Democrats on the Judiciary Committee—that the President has enough

current authority to provide what Secretary Johnson is asking. I too have heard what Secretary Johnson has. So there is a dispute about whether he needs more authority or whether the President can exercise the authority he has. We believe he already has enough authority.

Then there are two large issues. The two large issues are: immigration reform, commonsense, sensible, along the lines that passed the Senate—Senator MCCAIN of Arizona and others have worked on this, Senator DURBIN—and then the other is what is going on in Central America with these drug traffickers.

Quite frankly, the fact is we need to start to pay attention to our own hemisphere. I note that when everybody talks about how much money this is, it is less money than we are going to spend to give to the Afghan security force. OK. We give \$4 billion to the Afghan security force. Let's hope they are going to use it and shoot in the right direction.

I am looking at making sure our country goes in the right direction, and I am going to work on a bipartisan basis. I say pass this bill. Let's put together a bipartisan task force and see if we can deal with these two problems of both immigration reform—to move it through both bodies—and also bring our focus back to our own hemisphere and deal with the issues in Central America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, as I was watching the back and forth here on the floor of the Senate, I could not help but notice that my three colleagues on the other side of the aisle there and I have roughly the same amount of time here in the Senate. In fact, the distinguished majority leader and my friend from Illinois and I came to the House together way back more than 30 years ago.

When I came to this body, and when they came to this body, we had leaders. We had leaders. Do you know what those leaders used to do? They would say at the beginning of the week: We are going to take up a certain piece of legislation, and we are going to work through it. We are going to do what the Senate does. We are going to have amendments proposed, and we are going to have votes on those amendments, and we are going to have the Senate be a deliberative and debating organization, praised as the greatest debating institution in the world, although that probably is not true—and Senator Byrd, a distinguished majority leader, Senator Mitchell, a distinguished majority leader—do you know what they would say—Senator Lott, Senator Dole—do you know what they would say They would say: We are going to take up a bill and we are going to have amendments and we are going to have debate and we are going to have votes, and then we are going to

vote on final passage. For 30 years that is how I have watched the Senate function.

Now we have a humanitarian crisis on our border, a humanitarian crisis of incredible proportion, where thousands of young people—while they are being transported by these coyotes, young women are being raped, they are falling off trains, terrible things are happening—and what are we presented here in the Senate? I say shame on you. I say shame on you for not allowing those of us who represent the States that are most affected by this to have an amendment, an amendment voted on. That is unbelievable to me. We put together—and I say with great respect to the Senator from Maryland, saying that we do not legislate on appropriations—excuse me. Excuse me.

We have legislated a lot on appropriations, mostly to my dismay. Year after year I have watched legislating on appropriations. On the Defense authorization bill, it has caused me heartburn time after time. So please don't—please. I have been around here too long for you to tell me we do not legislate on appropriations.

I want to have some amendments debated. I want to be able to tell the people of my State that are being flooded by immigrants—I want to be able to tell them that I had a proposal representing them here in the Senate and I wanted it debated and I wanted it voted on. Is that a hell of a lot to ask? I do not think so. I do not think so.

This is a crisis of proportions that we have seldom seen the likes of. I am sure the majority leader will come over and talk about Republican obstructionism and how we cannot get anything done around here. We have now compiled a record, according to the experts, as the least productive Congress in history—in history. So I am supposed to go back to my home State of Arizona, which is experiencing terrific problems, horrific problems—my constituents are really angry. They expect me to come here and represent them in the Senate and debate and have their views and their desires and their ambitions and their reputation here in the Senate.

What have we done? The parliamentary situation is that there will be no amendments that will be allowed to be debated or voted on no matter what.

The Senator from Maryland said: Well, we do not legislate on appropriations.

We have some amendments on money that would either reduce or increase the amount of funding. Are we going to be able to have that amendment voted on? Hell no. We are not going to be able to have a single thing voted on. Everyone wants to get out of town. So sometime tonight or maybe tomorrow we are going to close up shop and we are going to go home. The humanitarian crisis goes on. It goes on.

What about these children? Are they going to be enticed by coyotes for their families to give a year's salary to

transport them from one of these countries to the United States of America? Are an untold number of young women going to be raped along the way? Are there going to be kids who fall off these trains? Is that what is going to happen? We are going to go for 5 weeks without debate on a single amendment, not a single one. What kind of an institution is this? What has happened since the days when the Senator from Nevada and the Senator from Illinois and the Senator from Maryland and I came to this body proud—proud to be a Member of this institution?

I can remember time after time the junior Senator being able to come down here, propose an amendment, have it disposed of—usually losing but at least I was representing the people of my State. Now I cannot represent them. I cannot give them what they believe they deserve here in the Senate.

In a second I will stop and I will ask unanimous consent to set aside the pending amendment so that the amendment Senator FLAKE, my colleague from Arizona, and I have put together after visiting our border, after talking to all of our constituents, after discussing the issue with our Governor—we came here to represent them. How can I represent them if I am not allowed to express their beliefs and their ambitions and their desires to help solve this problem?

How do I go down to the ranchers in the southern part of my State and say: I am sorry there are people crossing your property every night. What do I say to the families of those people who are being separated? What am I supposed to tell my citizens whom I represent—that I came here to ask for something that I know is going to be objected to? What has happened to this body? What has happened to the Senate, I ask my colleagues?

The approval rating of Congress, the last time I checked, was either a single digit or low double digits. Everybody kind of thinks, well, that is normal. It is not normal. I hearken back again to the days when we first came here. Our approval rating with the people of our country was 70 percent, 80 percent, maybe even a little lower. Is all the fault on that side of the aisle? No. But I would say that the people in charge here have an obligation to allow all of us to represent the people who sent us here. That is not happening today. It has not happened all year. It may not happen until next January, where I am committed and I believe the majority of my conference is committed to bringing up legislation and having debate and having votes. That is the way the Senate was supposed to function.

I know what is going to happen here in about 30 seconds. I say to my colleagues, this is not right. This is not right. This is not the way we are supposed to represent the people we asked to send us here and let us represent them.

Senator FLAKE and I have pretty simple legislation. It has to do with the

fact that, as the President said, it would modify the Trafficking Victims Protection Reauthorization Act. It would do some other things. It would provide for funds—and I will not go through all of the details of it except to say that I know what is going to happen, but it is not right. It is not the right way for this institution to function. We all should be a bit embarrassed.

I ask unanimous consent to temporarily set aside the pending amendment so that I may call up amendment No. 3742, which is at the desk.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Madam President, reserving the right to object, let me say at the outset that I have the highest respect for my colleague from Arizona. We are friends. We came to Congress at the same time, as has mentioned on the floor, and spent month after month together on the comprehensive immigration bill. I believe there were 130 amendments that were considered to that bill. I thought that was an orderly, thoughtful process. I hope we can return to it.

I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Madam President, this is what we are facing: The President has come to us facing a crisis at the border. He has asked us for the resources for the Border Patrol that has to process these children coming in and for Health and Human Services so that once these children—some of whom are toddlers and infants—are in our country, they can be treated humanely. He has asked us for the resources for that purpose.

He has also asked us initially for some resources to get to the heart of the problem, which Senator CORNYN of Texas has acknowledged. The heart of the problem is not in the United States; the problem is in Honduras, El Salvador, and Guatemala. There is clearly a crisis situation there.

What Senator MIKULSKI, the chairman of the Senate Appropriations Committee, has done is reduced the President's budget request by \$1 billion, if I am not mistaken, and said: We will respond to this emergency request with these resources and realize that more is going to be done.

On the other side of the aisle, the senior Senator from Texas has come in and talked about changing immigration law. He was kind enough to acknowledge that we made an effort to change the immigration law right here on the floor of the Senate over a year ago with 68 votes. Fourteen Republicans joined the Democrats in a comprehensive immigration bill. The Senator from Texas acknowledged he did not vote for it. Had he voted for it, he would have voted for the most dramatic increase in border security in American history. But he voted against it. That is his choice. I respect his

judgment. But to come to us today and say: Now we have to vote again on border security—we had a chance. The Senate passed it. What happened to the comprehensive immigration reform bill? It made it over to the House of Representatives and disappeared into vapor. It was never called for consideration.

So it is not as if we have ignored the problems of immigration. We addressed them forthrightly in a bipartisan fashion, in a comprehensive fashion, and the House of Representatives refused to even call the bill.

Let's go to this particular issue. The heart of the problem is clearly in three Central American countries that are so lawless that people are desperately sending their children to the United States of America. We have to deal with that issue. We are. The President has dealt with it. The Vice President has visited those countries. Last week the Presidents of all three countries came here. So to say the President is doing nothing about the cause of the crisis is not accurate. The President is addressing it directly to discourage any more children from making this dangerous, deadly journey, No. 1.

No. 2, I hope we all agree: No mercy for these smugglers. No mercy for those coyotes who are exploiting these families and sadly abusing many of these children.

No. 3—and the President has made this point—we have an obligation. When a child is entrusted to you, people stand in judgment of how you treat that child. We have many children now entrusted to us on a temporary basis. The President has asked for money so that they can be treated humanely on a temporary basis. Not an unreasonable request.

Time and again America has responded to crises around the world—families and children who are victims of war, earthquakes, tsunamis. For virtually every natural disaster, we have been there. America has a reputation for being there. Now that children are at our border, will we do anything less?

What we are doing with the bill before us, the supplemental bill, is providing enough money for humanitarian care and still working on the root causes of the problem. I think that is responsible.

I hope we do not leave here this week having failed to come up with this money. I hope we provide the resources to this administration. I hope my colleagues on a bipartisan basis will do two things: Vote for this emergency appropriation and, secondly, let's join in a thoughtful discussion about how to pass a comprehensive immigration bill which includes this aspect—asylees and refugees.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I think I have said enough with enough emotion. But I will say to my friend from Illinois that the way you have a

thoughtful discussion is to have debate and amendments and votes. That is generally the accepted way. You want a thoughtful discussion; I want a thoughtful discussion. Why can't we just accept the fact that we should go forward with our amendments and have debate? That way we can best serve the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, how much time is remaining?

The PRESIDING OFFICER. The Republicans have 8 minutes remaining.

Mr. SESSIONS. Madam President, the problem we have at the border today is a direct result of the actions of the President of the United States. In 2011 we had 6,000 young people coming to America unlawfully. They were apprehended. Now we have 60,000. It was because of his DACA program and his open statement that was heard throughout the world as: If you come to America as a young person, you will be able to stay.

That was exactly and I think to some degree remains the situation.

If you come to America as a young person from Central America, not Mexico, and you turn yourself in, you will be released on a permiso or bond or promise to reappear.

People come and pick up the children and they stay.

This is no way to run a lawful system of immigration. You know, it was said: Well, we offered a comprehensive bill to fix it.

That bill was flawed. I opposed that bill. It was rejected by the House of Representatives.

I would say with great confidence that because the House of Representatives rejected the bill that Members of this Senate supported and that the President of the United States supported does not thereby mean the President of the United States can do what the bill says when it was rejected and did not become law. It takes both Houses to pass a piece of legislation.

The bill would not have worked. It would not have been effective. The people of the United States, through their elected representatives, did not allow it to become law.

I would point out that this administration amazingly has announced its intention to bypass Congress and to implement an executive amnesty by fiat. This would include, as has been widely reported, 5 million to 6 million work permits and legal status for illegal immigrants into America.

This is contrary to Congress's decision. Congress has not approved that. But Congress has approved a law that says it is unlawful for somebody in the country, for example, to work if they are not here lawfully. They can't work in the United States. They are not approved for work.

The President is saying he is going to give them legal status and permission to work contrary to plain law. This is

very serious. This action would be in violation of the Immigration and Nationality Act. It would be an executive nullification of our laws and the protections that American workers are entitled to. Congress must not surrender to such lawlessness.

It has been in half a dozen papers. The Wall Street Journal 2 days ago: Millions of people by executive action of the President—it is unbelievable to be so open and bold about this, as if he thinks maybe this would intimidate Congress to force us to adopt legislation Congress has rejected.

We have the power—the power of the purse—to stop it. That is the appropriate response of Congress. When the President proposes something that is improper and outside of law, when we have powers as coequal branches of government, we can respond, and we should use the power of the purse.

Senator CRUZ has filed an amendment to this bill that would prohibit the executive expenditures by the President of any funds for administrative amnesty or work authorization for unlawful immigrants. However, the majority leader, with the support of his conference, has blocked all amendments to this border supplemental. If we do not stop this Presidential action, we will ensure that the border crisis continues a catastrophe.

The President's planned action would also represent a total breach of our constitutional system, and it would be a hammer blow to millions of unemployed American citizens. We do have the power to stop this. We ought to stop it. We have a duty to Congress, we have a duty to the rule of law, and we have a duty to the Constitution.

What we can do today by voting yes on my motion to clear the amendment tree and to consider and pass Senator CRUZ's amendment would fix this problem. It would say: Mr. President, you are not authorized to utilize any money of the U.S. Government to spend on a program to grant amnesty and work permits to millions.

The vote we are about to have will be a vote on whether to support the President's illegal amnesty or to block it. It will be a vote to allow us to vote on it, because right now the tree is filled and we can't vote.

I am going to be asking to table what is on the tree and clear that amendment out so we can vote on this amendment, and we will have a vote on it. Everyone in this Chamber will cast a vote before this whole Nation and reveal whether they stand for our laws, for our border sovereignty or whether they stand in support of the President's illegal activities, in truth.

A number of cosponsors support this amendment. I think it is the right thing to do, and we will be asking for that later today.

Colleagues, in addition, the administration has announced its intention to bypass Congress, according to the Associated Press, the Wall Street Journal, Time Magazine, and others, with

as many as 5 million to 6 million of these work permits.

Unfortunately, the bill before us is merely a blank check to perpetuate the failure of this administration to fix the problems at the border. This can be done, colleagues. It is not impossible. It is not hopeless. We simply need a President who wants it to happen.

He has been sued by his own ICE officers, saying that they are being blocked from doing their duty. They asked a court to give them relief and tell their supervisors to quit telling them to violate the law and not enforce the law. That is amazing. Their morale is in the tank.

The current crisis on the border can be attributed to specific actions taken unilaterally by the President. After his 2012 Executive order, the number of unaccompanied minors apprehended at the border jumped from 7,100 in 2011 to nearly 15,000 in 2012, and now we have already hit more than 57,000 heading to 90,000. Estimates suggest approximately 32,000 unaccompanied minors are projected to cross the border in the remaining months of this fiscal year.

We have this egregious funding supplemental before us that would equal more than \$110,000 per child who is coming into the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleagues. We do have good colleagues here, and we have great robust debate, and I appreciate the chairman of the committee, Senator MIKULSKI.

Moreover, this border supplemental provides the Department with unlimited transfer authority of \$1.1 billion—an unlimited ability of up to \$1 billion. It becomes, really, a slush fund in that sense. They can use it for anything. Finally, the border supplemental would provide an additional \$1.2 billion to the Department of Homeland Security.

So I am raising a point of order. And I am sure a motion to waive will be heard. But make no mistake. A vote to suspend the budget rules and to block our point of order is a vote for the President's amnesty; it is a vote for continued chaos. I urge my colleagues to sustain it.

The bill before us today is in clear violation of the budget. All the money is borrowed money, it violates the budget, and I raise that point of order.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, a parliamentary question: Did the Senator from Alabama raise a budget point of order? Did the Senator from Alabama raise a budget point of order?

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I have not raised it at this point, but I do intend to. I thought we had an un-

derstanding so we could make the votes occur at the agreed-upon time.

Ms. MIKULSKI. I say to the Senator from Alabama, do you want to raise it now or do you want to raise it later?

Mr. SESSIONS. I would raise it later. The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I note that the Senator from Maryland wishes to respond.

How much time do the Democrats have in this debate?

The PRESIDING OFFICER. The Democrats have 9 minutes remaining.

Ms. MIKULSKI. I ask unanimous consent that the Senator from Illinois have 4 minutes to offer a rebuttal and I have 5 minutes for the wrapup debate before we move to vote.

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

The Senator from Illinois.

Mr. DURBIN. Madam President, the Senator from Alabama now joins the Senator from Texas, coming to the floor of the Senate complaining about the state of immigration laws in America. They have in common the fact that they both voted against comprehensive immigration reform.

When we had a chance in committee—which the Senator from Alabama and the Senator from Texas serve on—and on the floor to offer amendments and change the bill accordingly, both of them at the end of the day voted against comprehensive immigration reform. Now, over a year later, they come and complain about the state of law when it comes to immigration in America. They can't have it both ways.

They could have participated with us in changing the law in a positive fashion. They chose not to. They wanted to wait until a year later and complain about President Obama not meeting his obligation.

When it comes to comprehensive immigration reform, the Senate met its obligation, and those who voted for it did as well. It was the House of Representatives that failed to call the bill.

Now the Senator from Alabama says, well, the reason these children are coming to our border is because President Obama signed an Executive order which said that if you were a child brought to the United States by August 15, 2007, you could qualify to be benefited by this order and not deported, under DACA on a temporary basis.

Now, that has nothing to do with any child that comes after that date. They are not covered by that order. They are not protected by that order. To blame President Obama for the children coming to the border is to ignore the obvious. The law that brings these children to the border was a law signed by President George W. Bush in 2008. That is the law that governs the treatment of these children. Everything has to be blamed on President Obama from that side of the aisle. In this case, the law was signed by President George W. Bush.

I happen to believe that this DACA Executive order by the President was thoughtful and humane. Here is what it said: If you were brought to the United States before the age of 16, as a child, you lived in the United States and finished high school, with no criminal record of any magnitude, you would be allowed to stay in the United States on a temporary basis and not deported.

I have met these children. There are many of them who are growing into magnificent contributors to America—doctors, engineers, teachers. They beg to join our military. They are not what they are characterized to be. These are young people who believe this is their homeland, this is their country, and all they are asking for is a chance.

President Obama gave them that chance, and the Republicans time and again—Senator SESSIONS now, later Senator CRUZ—can't wait to deport all these children who have gone through high school, gone through college, and only aspire to be contributors to the future of America. That is the Republican party position for some: Deport these children; we don't want them in our country any longer. That is their position. That is not the position of a majority of Americans. They deserve a chance to prove themselves and earn their way to legal status. And to blame them for this border crisis is unfair.

Mr. GRASSLEY. Madam President, the majority leader has brought a \$3.5 billion emergency supplemental spending bill to the floor at the request of President Obama. This bill, while it shaves off \$1 billion from the President's original request, is still a blank check that does not solve the crisis along our southern border.

This Democratic spending bill isn't a solution, and it is not a reasonable or responsible request. The majority in the Senate want taxpayers to fund a bandaid that is needed because of the President's own policies and practices.

Not only does the President want a blank check, but he wants unfettered authority to keep people unlawfully in the country from being returned to their home country. While we are facing a crisis, President Obama is looking at ways to weaken our immigration laws.

I understand that there are a variety of reasons that people come here—to be with family, to find work, and to have a better life. We are a compassionate country, and we provide a safe haven for people who need it. But we are also a country based on the rule of law.

That rule of law has been a principle of our country since its founding. This principle means that the government will enforce the laws it writes. People need to be able to trust their government and trust that it will be fair.

Today, people don't trust the government to enforce the laws. They see lawlessness at the border. Individuals—including both children and adults—are crossing the border without repercussions, and instead of taking responsibility for it, the President wants to

fuel the fire and provide them with more benefits.

Instead of providing a blank check, Republicans have come forward with solutions. Today, Senators CORNYN, MCCONNELL, FLAKE and I are introducing a humanitarian solution to the problem. We provide funding while changing the law to ensure speedy repatriation of unaccompanied minors to their home country.

We provide equal treatment to young children of noncontiguous countries to voluntarily return to their home country when apprehended by a border agent. Today, these young people can't voluntarily return. They wait 6 or 12 months until they go before an immigration judge. They are released, and we can only hope that they will show up for their court date.

Our bill provides a new and special process for unaccompanied children to have an immediate court proceeding. This new process would be conducted within 7 days, and children would remain in protective custody.

We also require expedited removal—meaning, no opportunity for formal removal proceedings—of criminals, gang members, those who have previously violated our immigration laws, and those who have fraudulently claimed to be an unaccompanied alien child. Expedited removal is a tool that will help border agents return people who don't have a right to be here, and it will avoid an influx of individuals going through our lengthy court system.

Our efforts, unfortunately, are only worthwhile if the home countries cooperate. We would require the President to certify that the Governments of El Salvador, Guatemala, and Honduras are cooperating in taking back their nationals. Moreover, we tie taxpayer dollars to their cooperation.

In addition to fixing the immigration court system for children, our alternative approach requires information sharing between Federal partners, including the Departments of Homeland Security and Health and Human Services.

It requires information sharing between the Federal Government and States, providing transparency and notice to States about individuals released. This administration has an abysmal record with transparency, and many States are left wondering how they are going to deal with the influx of undocumented children in their schools and health systems.

By the end of this fiscal year, up to 90,000 children will have entered the country. People are rightly concerned that they are being released into our communities. They are also being released to nonrelatives and people without lawful immigration status. Our bill fixes that. It requires children to be in the government's protective custody unless their parent is in legal status and undergoes a criminal background check.

Our bill prohibits the government from placing children with sex offend-

ers or traffickers. Doesn't that just make sense. We are talking about vulnerable young people, and we need to be careful about who is taking custody of them.

Why are these young people coming? Aside from President Obama's weak policies, there is reason to believe that they are being trafficked and used as a commodity by drug traffickers. There are serious gang issues in some of these countries. And these issues are seeping into our country.

Our bill ensures that alien gang members are not provided a safe haven in the United States by rendering them inadmissible and deportable, requiring the government to detain them, and it prohibits alien gang members from gaining U.S. immigration benefits such as asylum or temporary protected status.

Border Patrol agents are being strained during this crisis. They are being taken off the line to care for children and adults. States along the border are stepping up and paying the price. Our bill supports State and local governments by reimbursing the costs they have had to bear.

Our bill ensures that Customs and Border Protection agents are provided access to Federal lands along the border. It also increases the penalties for smuggling offenses.

Finally, our bill deals with the lawless policies of this President and his administration. Over the last few years, the President has shown an astonishing disregard for the Constitution, the rule of law, and the rights of American citizens and legal residents. He has made promises and threats to go around Congress by using his phone and pen.

Well, today we are exercising our constitutional right in cutting off funding for the President to expand his administrative amnesties. Our bill would stop him from expanding the deferred action for childhood arrivals. It would stop other legalization programs that President Obama is contemplating. Congress has a role to play in reforming our immigration system. He should not circumvent the process and go against the will of the American people.

Again, our bill is a reasonable alternative to a blank check. We have a solution that provides due process for minors who illegally enter our country. We are being responsible and showing leadership on this issue, and I encourage my fellow colleagues to seriously consider our proposal so that we can humanely deal with this crisis.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, as we begin to close out this part of the debate, I would just say that the issues I am advocating are deeply personal to me and, I believe, deeply personal to all Senators.

When I talk about the fact that we have to fund help for wildfires in several States and help them be able to help themselves by replenishing the money for the Forest Service, I am reminded of the fact that a great writer by the name of de Tocqueville came to the United States to hear: What is this thing called democracy? He wrote that famous book, "Democracy in America." In it he called for something that he observed. He said what sets America apart is its habits of the heart, that it helps neighbor helping neighbor.

Now, we used to do that through barn raising and pancake suppers. But, my gosh, these issues have gotten too big, too horrific. We now have thousands of acres burning, homes being destroyed, businesses being destroyed. We need to be able to help our neighbors in the West.

And I say to my colleagues from the West: I appreciate all the support you have given us on the East Coast who faced hurricanes. We didn't say we practice ZIP Code politics, that we only help one part of the country when they are facing a disaster.

Habits of the heart, de Tocqueville said that is what defines us. We now need to help that.

This issue now in terms of the Israelis and Iron Dome began for me right after I was elected to the Congress. When I traveled to Poland I went to Auschwitz and saw forever and a day—6 million Jews exterminated—why they needed a homeland, forever—a homeland safe and secure. Now they are asking for help to replenish their interceptor rockets on the eve of the Warsaw Ghetto Uprising, where people fought with sticks and stones and children crawled through sewers to defend themselves.

We are not going to fool around here. We are not going to delay until we come back from the 5-week break. Israel is the homeland for the Jews. We need to help them defend themselves.

My journey in Central America began as a brand new Member of Congress, with four Maryknoll nuns and a woman named Jean Donovan, who were raped and killed by the death squads in El Salvador. I watched a gallant, brilliant, charismatic bishop named Oscar Romero killed, gunned down in his own cathedral. Then we finally got around to looking at Central America and what was going on. We were worried more about communism than the rise of violence. For 30 years we have been up and down in Central America. We have inherited the winds. Our way of ignoring these three countries is by turning a blind eye, by always looking elsewhere in the world. If we have \$4 billion to arm the Afghan security forces, I think we ought to back our Border Patrol, back our FBI, back our law enforcement to go after organized crime in Central America, because if we don't, it will be an additional threat and it will not only be the children—and now we have 60,000 children crossing the border.

I understand Texas and Arizona, the border States, are facing these problems. We do want to work together. But could we in the final minutes of this Congress get ourselves together enough to meet the urgent supplemental request to do this? This is what America is. This is who we are, helping our neighbors in the West, helping the country fighting for its survival, and also helping our own country dealing with the crisis in Central America facing our border.

I think it is time we pass this legislation, move forward, and come back and deal with the crisis there and also at the same time take a good look at immigration reform and do it in the way I think we can do it.

How much time do I have?

The PRESIDING OFFICER (Mr. KAINE). The Senator has 10 seconds remaining.

Ms. MIKULSKI. With that I urge the adoption of this bill and hope we could move forward as a united bipartisan Congress.

I yield the floor. I yield what time I would have.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, this is a \$2 billion bill, all the money borrowed as a result of a crisis the President has created at the border, money this country does not have, and there are zero policy changes in it.

Republicans on the floor today have filed and argued for a number of amendments and attempted to offer those that are focused on critical policy changes to strengthen this legislation and make it more effective.

Unfortunately, the parliamentary maneuvering has been executed, the amendment tree is filled, and we have been prevented from offering any amendments at all that are necessary to establish a lawful system of immigration that works and that we can be proud of.

So I move to table the Reid amendment on the tree, 3751, for the purpose of offering the Cruz amendment. That amendment would prohibit the President of the United States from expending any funds to unilaterally provide amnesty and work authorizations for millions of people as has been reported in the press. The Cruz amendment is No. 3720.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from the Senator from Iowa (Mr. HARKIN), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the

Senator from Mississippi (Mr. COCHRAN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea."

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

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—43

Ayotte	Flake	Moran
Barrasso	Graham	Murkowski
Blunt	Grassley	Paul
Boozman	Hatch	Portman
Burr	Heller	Risch
Chambliss	Hoeven	Rubio
Coats	Inhofe	Scott
Coburn	Isakson	Sessions
Collins	Johanns	Shelby
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
Cruz	Manchin	Wicker
Enzi	McCain	
Fischer	McConnell	

NAYS—52

Baldwin	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Kaine	Sanders
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Landrieu	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Markey	Udall (NM)
Coons	McCaskill	Walsh
Donnelly	Menendez	Warner
Durbin	Merkley	Warren
Feinstein	Mikulski	Whitehouse
Franken	Murphy	Wyden
Gillibrand	Murray	
Hagan	Nelson	

NOT VOTING—5

Alexander	Harkin	Schatz
Cochran	Roberts	

The motion was rejected.

The PRESIDING OFFICER. The majority leader.

Mr. REID. I ask unanimous consent that all remaining votes be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending measure, S. 2648—a bill providing emergency supplemental appropriations for fiscal year 2014—contains a number of provisions in violation of the Budget Act and spends in violation of the Budget Act. Specifically, it contains matter within the jurisdiction of the Budget Committee that was not reported or discharged from the Budget Committee. Therefore, I raise a point of order against the measure pursuant to section 306 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive all applicable sections of that act for purposes of the pending bill, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.
The yeas and nays were ordered.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, first of all, the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Maryland is recognized.

Ms. MIKULSKI. I ask unanimous consent to speak for up to 3 minutes in support of my motion to waive.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Ms. MIKULSKI. The bill that is before the Senate contains \$3.57 billion of emergency spending, a reduction of \$1 billion, to help fund and care for the children who seek refuge and to fight the criminal traffickers at the border. We fund fighting wildfires for our States and we also help Israel replenish its interceptor rockets.

What happens if the motion to waive fails? If the Senate fails to waive the point of order, the bill will go back to the Appropriations Committee, but the urgent need will remain. If the Senate fails to waive the point of order, agencies will take from other programs to fund this compelling need. What does that mean?

It means that HHS, which has already cut \$138 million from the National Institutes of Health, the Centers for Disease Control, and others—we could have an ebola crisis in the world, and maybe even come to our border, and we are fooling around cutting HHS and CDC and other agencies. Please, let's look at what we are doing.

Homeland Security is also spending resources that would otherwise be used to secure the border, such as FEMA disaster relief money has to be there if we have a hurricane.

Simply put, failing to act is irresponsible. Let's waive the Budget Act, let's get on with the bill, and let's do our job.

I yield back my time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. I respect the remarks of the chairman of the Appropriations Committee, but I would note that every penny of this bill is borrowed. None of it is funded through any offsets or other sources of income. This country has to be more careful. The bill needs to go through the Budget Committee. It did not get approved properly there. I would note, again, it is all borrowed. It does not make any policy changes. I think we all should stand firm to reject this bill, and to sustain the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive.

The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), and the Senator from Hawaii (Mr. SCHATZ) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—50

Baldwin	Heinrich	Pryor
Begich	Heitkamp	Reed
Bennet	Hirono	Reid
Blumenthal	Johnson (SD)	Rockefeller
Booker	Kaine	Sanders
Boxer	King	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Markey	Udall (CO)
Casey	McCaskill	Udall (NM)
Coons	Menendez	Walsh
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden
Gillibrand	Nelson	

NAYS—44

Ayotte	Flake	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Risch
Coats	Inhofe	Rubio
Coburn	Isakson	Scott
Collins	Johanns	Sessions
Corker	Johnson (WI)	Shelby
Cornyn	Kirk	Thune
Crapo	Landrieu	Toomey
Cruz	Lee	Vitter
Enzi	Manchin	Wicker
Fischer	McCain	

NOT VOTING—6

Alexander	Hagan	Roberts
Cochran	Harkin	Schatz

The PRESIDING OFFICER. On this vote the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected and the point of order is sustained.

The majority leader.

Mr. REID. Mr. President, it is regretful that the Republicans have blocked the Senate from addressing urgent needs.

Senator MIKULSKI has worked very hard on this urgent supplemental. It is very regrettable that we are not able to move forward on it. I would like to address at least two of what I believe are urgent needs. I understand that Republican Senators are unwilling to fund a proposed response to the crisis we have at the border. But certainly could we not agree that we have situation in the western part of the United States that is very difficult.

We responded when we had problems in the South with the hurricanes, in the East with the hurricanes. We have a problem in the West. We have fires that are raging all over the West. We have a fire in Washington that has been burning for weeks. Hundreds of homes have been burned. In Oregon, we have 400,000 acres that are burning. California has a couple of big fires. Nevada has a fire. A fire started, I understand, in Idaho a day or two ago. Thousands and thousands of firefighters are there. With temperatures rising, we have a drought all over the western part of the United States. Fires have gotten more and more difficult to fight and more expensive. They have been easier and easier to start.

We are in dire need of additional funds. That is why this is part of the emergency supplemental. This is an emergency. The West is burning. The funds we seek would ensure that we protect life and property in the West without draining funds from other programs that help us stop this destructive wildfire cycle.

Another urgent need. We have all watched as the tiny state of Israel, our friend who is with us on everything, they have had in the last 3 weeks 3,000 rockets fired into their country—3,000. Iron Dome, as I have spoken here on the floor, has done a good job, but it does not cover Israel. They are mobile units. They move them around as well as they can. They depend on Iron Dome. The system works 90 percent of the time, not all of the time.

Last week Secretary of Defense Chuck Hagel asked for \$225 million in emergency funding so that Israel's arsenal as it relates to the Iron Dome could be replenished. It is clear this is an emergency. We should be able to agree on that. That is why I make the following unanimous consent request.

First of all, so everyone understands, I am going to make a request that we have emergency funding for the wildfires in the West and the money I have talked about for Israel and Iron Dome.

UNANIMOUS CONSENT REQUESTS—H.J. RES. 76

I ask unanimous consent that the Senate proceed to Calendar No. 220, H.J. Res. 76; that a Mikulski substitute amendment at the desk providing emergency appropriations for the Iron Dome defense system in Israel and combating wildfires in the Western States be agreed to; that the joint resolution, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CORNYN. Mr. President, reserving the right to object, the President has called the crisis at the border a humanitarian crisis. If that is not an emergency, I do not know what is. But as a result of the majority leader's refusal to allow us to offer any constructive suggestions to reform the law to

stop this flow of humanity across our borders and actually solve the problem, the supplemental has now fallen to a budget point of order.

Likewise, this unanimous consent request to fund Iron Dome and wildfires exceeds the budget caps and the Budget Control Act. It is subject to a budget point of order. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I am frankly not surprised that this objection has been made. It is too bad. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 220, H.J. Res. 76; that a Mikulski substitute amendment at the desk providing emergency appropriations for combating wildfires in the Western States be agreed to; that the joint resolution, as amended, be read a third time and passed and the motion to reconsider be considered made and laid on the table with no intervening action or debate.

This relates just to the wildfires.

The PRESIDING OFFICER. Is there objection to the request?

Mr. CORNYN. Mr. President, reserving the right to object, I agree, like the crisis at the border, the wildfires in the Western States represent a genuine emergency and something we should address. But inasmuch as this consent asks for money that would break the budget caps and the Budget Control Act, it is subject to a budget point of order. I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, this is an emergency. There are no budget caps involved with an emergency. Everyone knows that. I am shocked that anyone in this Chamber would stop us from getting these critical funds to fight these fires that I have outlined on a very preliminary basis, and, of course, to help defend Israel.

By requesting this amendment, I am disappointed that it has been rejected. I have one more and then we can go on to something else.

I ask unanimous consent the Senate proceed to Calendar No. 220, that a Reid-McConnell-Mikulski substitute amendment at the desk providing emergency funding for the Iron Dome defense system in Israel be agreed to; that the joint resolution, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid on the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, would the Senator from Nevada, the majority leader, consider an amendment that would modify his request that would provide an offset for this bill?

The PRESIDING OFFICER. Does the majority leader agree to modify his request?

Mr. REID. Mr. President, reserving the right to object, this is an emer-

gency. Our No. 1 ally, at least in my mind, is under attack. If this is not an emergency, I do not know anything that is. So I refuse to modify my request.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. COBURN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, the Senator's amendment would cut the United States assessed contribution to NATO and the World Health Organization. Now as we speak, they are fighting to control an Ebola outbreak in Central Africa. Peace Corps volunteers have been called home from three different countries.

The amendment of the Senator, my friend from Oklahoma, would cut the International Civil Aviation Organization, which is now investigating what took place in Ukraine, killing 298 people. So even if you do not like the U.N., the Senator's amendment would cut UNICEF funds to help the world's poorest children. The Senator's amendment would cut the U.N. Voluntary Fund for Victims of Torture.

Now, that says it all. I have no more to say.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I would note—everybody should know that the U.N. gets well over \$7 billion of money every year from this Congress, the American people, with absolutely no accountability. There is no transparency on how it is spent. There is no accountability. They are not held accountable for how it is spent. The oversight that we have done over the past 6 or 7 years shows that the waste associated with the money that is sent to the U.N. is at least 30 percent—at least 30 percent when you do the actual oversight of it.

So we can talk about specifics. We can take a small portion from everywhere. I do not care. Or I will offer another pay-for. But the fact is, we do not get any accountability of the money this country sends to the U.N. today. Go see if you can find it. You cannot. You will not be able to find it. I want to fund Israel. I want to supply them. I also want to make sure our children have a future. It is not hard to find \$225 million out of \$4 trillion.

I yield the floor.

Mr. REID. Mr. President, under the previous order, I call for the Senate to proceed to the veterans conference report.

VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY ACT OF 2014—CONFERENCE REPORT

The PRESIDING OFFICER. The Chair lays before the Senate the conference report to accompany H.R. 3230, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill H.R. 3230, making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment and the House agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of July 28, 2014.)

Mr. MCCAIN. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Oklahoma is to be recognized to raise a budget point of order.

Mr. COBURN. Mr. President, let me say, first of all, I voted for the bill when it left here with the hope that we could accomplish something. We did accomplish some things. But it came back with \$12 billion unpaid for. Because of that, I raise a point of order against the emergency designation provision contained in section 8803(b) of the conference report for H.R. 3230, the Veterans' Access to Care Through Choice, Accountability and Transparency Act of 2014 pursuant to section 403(e)(1) of the fiscal year 2010 budget resolution, S. Con. Res. 13.

I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending conference report.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will speak very briefly. Mainly, I come here on the floor to thank the Senator from Vermont and my good friend from North Carolina on the hard work they and members of the Veterans Affairs' Committee have done on this issue. I greatly respect my dear friend from Oklahoma and his concern. But I would have to say to my colleagues: If there was ever a definition of an emergency, that emergency faces us today because our veterans are not receiving the care we owe them as a nation.

There are veterans who are dying as we speak for lack of care. There is gross mismanagement. There are problems that will take our new Secretary of Veterans Affairs literally years to