

For a program that in many States represents almost all the funding used for childcare subsidies, Senator MIKULSKI and I knew it was an obligation to act to reauthorize this law so appropriate boundaries were put in place. To continue to ignore these realities would have allowed Federal dollars to keep funding abuse, waste—taxpayers, parents, and children deserved our action.

Since then, between the two of us and our staffs, we have held four HELP Committee hearings. We have 236 hours of negotiations. We have dozens of meetings with 44 advocacy organizations supporting this legislation. The Senate had 18 amendments considered and voted on in this institution, the Senate, back in March when the legislation passed this body of Congress 96 to 2. That was March.

We are here today because the House changed the bill a little bit with our blessings, and this afternoon we are going to take up passage of the Child Care and Development Block Grant Act of 2014.

My hope is this is going to be a unanimous vote by the Senate.

Bringing the HELP Committee together, as the Presiding Officer knows, is very difficult because of the diverse ideology of the makeup of members on the HELP Committee.

It is no small feat we have gotten to this point, and we hold together the support of people who look at the world a little bit differently than I do and may geographically come from a different area than I do.

I wish to publicly say thank you to Chairman HARKIN, Ranking Member ALEXANDER, Ranking Member ENZI before that, because if it wasn't for the leadership on the full committee, Senator MIKULSKI and I would not have had the opportunity to mark it up in committee, to pass it on the Senate floor, to work with the House, and now to have a bill back.

As I conclude, let me just say for the 1.7 million children served nationally by CCDBG and the 80,000 served in my State of North Carolina, safe and quality childcare will now be a priority, ensuring working parents trying to better their lives and those of their children will feel safe using their Federal vouchers.

In short, I urge my colleagues to unanimously support this legislation. We waited way too long since 1996 to make the commonsense changes that provide safety and quality in the childcare that we, the taxpayers, provide to those families on the bubble.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

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

IMMIGRATION

Mr. CORNYN. Only a few years ago a prominent Democrat firmly and unequivocally rejected the idea that the President of the United States could singlehandedly enact an amnesty for millions of immigrants who entered the country without legal authorization. In 2011, for example, this same person reminded us that “there are laws on the books that Congress has passed” and that therefore it should not be permissible for the President to “suspend deportations through executive order.” Then in 2013 this same individual noted that granting a unilateral amnesty for adults who came to the United States illegally was “not an option” because it would amount to “ignoring the law.” A few months later this same individual was speaking at an immigration event and was interrupted by a heckler who urged him to stop the deportations by Executive fiat. In response, he said:

If in fact I could solve all of these problems without passing laws in Congress, then I would do so. But we are also a nation of laws. That is part of our tradition.

Of course, you might have guessed who that person was. It was President Barack Obama on numerous different occasions in the past few years saying he did not have the authority to issue a unilateral Executive order granting, in effect, a right to waive the law with regard to illegal immigration. I have to say that our President has a preternatural ability to say one thing and then do another—the opposite.

Now the President is threatening to authorize exactly the type of action he previously said he did not have the authority to order, and he is threatening to do so even after his go-it-alone approach on immigration and so many other issues was so roundly repudiated in this most recent election on November 4. In other words, he is showing contempt for the Constitution, for the voters, and basically anyone who disagrees with him. It is the classic “my way or the highway” approach.

According to press reports, he will act as early as this week and he will unilaterally grant work permits. Under what authority—I have no idea how he can legislate authority to grant work permits for people who illegally entered the country, but he said, apparently, he is going to try. These are the kinds of maneuvers we would expect to see from tin-pot dictators and banana republics, not from the Commander in Chief and the Chief Executive of the world's greatest democracy.

Apparently the President now thinks that he and, I assume by precedent, any future President can simply ignore the laws that he finds inconvenient, that “if Congress hasn't passed the law, that is a good enough excuse for me to go it alone and do it my way,” go around it, go against the will of Congress and the American people. This is a dangerous precedent, I hope the President recognizes. If after the next election a President of the other

party—my party—is elected, won't this be viewed as a precedent which has been established by this President which could be used on everything from taxes, to regulation, to ObamaCare—you name it. But that is not how our Constitution is written. That is not what the separation of powers doctrine—which is an essential element of our Constitution—provides. Even the Washington Post—not known as being a bastion of conservative thought—has said that failing to get his way in Congress does not “grant the president license to tear up the Constitution.”

Unfortunately, the President has shown that he has very little patience with constitutional safeguards, especially when they hamper his agenda or complicate his political needs. After all, this is the same President who has unilaterally rewritten ObamaCare by granting extensions, waivers, and the like and who has unilaterally gutted welfare reform and who has made blatantly unconstitutional appointments to the Federal bureaucracy and to the Federal judiciary, only to be corrected by the courts.

For that matter, the President has already made a number of unilateral changes in U.S. immigration policy with disastrous results. We have seen literally thousands of convicted criminals released from U.S. custody, including those with violent records. And, of course, it wasn't that long ago that we saw what had been called a genuine humanitarian crisis unfold along the southern border in my State as tens of thousands of Central American children made a treacherous journey in order to cross illegally into the United States and take advantage of a loophole in a 2008 law that we tried to correct but couldn't even get a vote on it in the Senate.

At the height of the crisis in early June, the New York Times told the story of a 13-year-old Honduran boy who was detained in Mexico while trying to reach the U.S. border, and his story was pretty typical of what we heard from many people. The Department of Homeland Security conducted interviews with many of the immigrants who came across at that time. “Like so many others across Central America,” the Times reported, this boy “said his mother believed that the Obama administration had quietly changed its policy regarding unaccompanied minors and that if he made it across, he would have a better shot at staying.”

In other words, the impression that we are not going to enforce our law is a magnet.

I have no idea how this unilateral action by the President will be interpreted—granting legal status presumably to millions of people by the swipe of his pen. Will that be viewed as a green light for people who want to come to the United States from all around the world, saying: Well, if I can just get to the United States, President Obama will let me stay too.

About 1 week later the Washington Post confirmed that the influx of unaccompanied Central American children is “being driven in large part by the perception they will be allowed to stay under the Obama administration’s immigration policies.”

I mention these stories because they highlight the all-to-predictable consequences of failing to enforce U.S. immigration law.

So much of law enforcement is the deterrent value—in other words, stopping people from breaking the law in the first instance, not just catching them after they actually break it. And sending the message “Get here if you can, and you might too be one of the ones who win the lucky immigration lottery and get to stay in the United States” is a huge magnet for illegal immigration and it undermines—indeed, it guts the deterrent value of enforcing the law. And for what? The President reportedly, unless he rethinks this misguided strategy, will provide some form of temporary relief that will not even be able to be implemented before he leaves office in 2 years, with uncertainty for these immigrants and their families as to what is going to happen beyond.

How he is drawing the line is beyond me. I read that apparently the reports that have been dribbled out in the press—and, of course, this town is famous for intentional leaks to sort of issue trial balloons to see how people are going to react. Well, if the trial balloons are correct, if the stories are correct, the President’s order will cover roughly 40 percent of the people here in violation of our immigration laws—40 percent. So why did he decide to stop at 40 percent and not do 60 percent or 80 percent or 100 percent? What about the people who have been waiting patiently in line, complying with our immigration laws? To have these other millions of people jump ahead of them and be given some form of legal status is not fair to them, and it certainly doesn’t encourage people’s compliance with the rules or the law.

Then we have to look at who benefits the most. And I am not talking about the immigrants; I am talking about the criminal organizations. This is part of how they operate and their business model. Such criminal organizations will be the biggest beneficiaries of the President’s Executive order, which would make it even harder for our friends in Mexico to reduce violence and uphold the rule of law. It would be like a pipeline of additional money and resources into the cartels. And the cartels don’t care whether they traffic in children, whether they traffic in drugs or weapons. That is how they make money. That is why they exist. That is what they do. And this ill-advised action by the President would do nothing but ensure that a pipeline of money will continue to flow into these criminal organizations.

Time magazine reported:

Cartels control most of Mexico’s smuggling networks through which victims are

moved, while they also take money from pimps and brothels operating in their territories.

Yet, again, President Obama just doesn’t seem to care.

He also doesn’t seem to care that his Executive action would harm our opportunity to reform our broken legal immigration system. Republicans and Democrats alike have ideas for how to reform our immigration system, and many of them have bipartisan support. We do know that a comprehensive bill—we have tried to pass one of those for 10 years, and it hasn’t worked, so it makes sense to me to try to break it down into smaller pieces and try to build consensus for those, get them across the floor of the House and the Senate and on the President’s desk—even on a controversial subject such as immigration. Yet the President has now appeared to decide to trample the normal legislative process and to do immigration policy by fiat.

What about the 60 percent who won’t be covered by his Executive order? They don’t get any relief under his Executive order. They are going to need to look to Congress to know what the rules are.

So in the President’s desperate attempt to placate some very vocal activist groups and to make up for years of hollow promises, he has decided to flout the rule of law and end up making real immigration reform that much harder to pass.

I saw a Congressman from South Carolina, TREY GOWDY, who said: During the first 2 years the President had 60 Democrats in the Senate and controlled the House of Representatives. If immigration reform was such a priority for the President, why didn’t he do that?

Well, don’t just take my word for it that this will make our job much more difficult.

The junior Senator from Maine, an Independent but a Member of the Democratic caucus, said of the President’s Executive amnesty: I think it will create a backlash in the country that could actually set the cause back and inflame our politics in a way that I don’t think will be conducive to solving the problem.

I mentioned a moment ago that the results of this anticipated action are all too predictable. So I would ask the President: Why in the world would you want to encourage children to make one of the most dangerous journeys from Central America through Mexico and be subject to the tender mercies of these cartels, which care nothing about them? Why on Earth would you want to establish yet another big incentive for people to enter our country illegally? And why on Earth would you want to help contribute to yet another humanitarian crisis on the Texas-Mexico border?

I would urge the President, in the strongest of terms, to respect the rule of law and the democratic process and to give the new Congress that will con-

vene in January a chance to do our job. I don’t underestimate the difficulty of dealing with our broken immigration system, but I don’t think we have a choice. We do not have a choice. We must. And it will not be something I will like 100 percent; it won’t be something any Senator or Congressman will like 100 percent. But that shouldn’t cause us to shrink from our duty.

If the President is actually interested in having his last 2 years in office be more productive than simply a lame-duck session, he needs to work with the Congress rather than go around Congress. I urge him to put the Constitution ahead of his campaign promises and to consider the likely human cost in Mexico and elsewhere of such a lawless policy change.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. HIRONO). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. MIKULSKI. Madam 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. Madam President, a parliamentary inquiry: What is the pending business?

The PRESIDING OFFICER. The Senate is in morning business.

Ms. MIKULSKI. Madam President, I wish to speak on a legislative matter on which we will be voting later on this evening. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

CCDBG REAUTHORIZATION

Ms. MIKULSKI. Madam President, in a few minutes we will be voting on the child care and development block grant reauthorization bill. I am here to urge my colleagues to vote for final passage.

This bill is authored by myself, working shoulder to shoulder with Senator RICHARD BURR of North Carolina, under our chair and ranking member, Senators HARKIN and ALEXANDER.

On this bill we showed that we can actually work together to get things done. We worked across the aisle and across the dome with our counterparts in the House. Today we have an opportunity to pass a bill that will actually help American families with one of the biggest challenges they face—affordable childcare.

Everywhere I go in Maryland I hear young mothers and not-so-young mothers and grandmothers and actually dads saying that we need childcare that is affordable, accessible, reliable, and safe. This Child Care and Development Block Grant Act will meet those compelling human needs. It focuses on families of modest means—parents who want to work or get ready for work by going to school but can’t afford childcare.

I wish to take a second to talk about the process and where we stand. This is