

we—maybe better than any other nation in the world—have found this miraculous way to marry together development and conservation, to decide that there are going to be places that we are going to develop for their natural resources or for their industrial capacity. But then there are going to be these magical places, like this beautiful farm in northwestern Connecticut, where agriculture is happening and which to many of us defines the character of the place in which we live—practical reasons why we should conserve a place such as the Wike Brothers' Farm to continue agriculture. But I would also argue there are spiritual reasons as well—reasons having to do with what it is to be a citizen and inhabitant of this great Nation.

Republicans and Democrats, over the course of our congressional history, have come together to protect open spaces. Since 2006 Republicans and Democrats have come together to protect this important tax incentive; 221 House Members have cosponsored the legislation and 27 Senators.

I will leave with this statement. It is a bipartisan legacy for me as well.

I ran a spirited race for the U.S. Congress in 2006, beating a 24-year incumbent, Republican Nancy Johnson. There were places where I departed from her legacy and there were places where I inherited it. Nancy Johnson was one of the authors, one of the creators, of this important conservation tax incentive. So in my corner of the world there is a legacy of standing up for it, which is why I come to the floor today.

I thank the body for the time, 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.

#### IMMIGRATION

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 SESSIONS.** Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. SESSIONS.** Madam President, it has already started. There is being readied today a building in Crystal City, VA, to house the announced 1,000 workers who will be hired to process the unlawful Executive amnesty the President has said he intends to execute.

The President is already moving forward. He is rushing to impose his immigration views before the Congress can contain it or restrain it; before the American people fully understand what is happening; and to make it so it can't be stopped.

The President's Executive orders violate the laws of Congress—the laws that Congress has passed—in order to implement laws he wishes Congress had passed but which Congress has refused

to pass. It refused in 2006, 2007, 2010, 2013, and 2014.

The American people, through their congressional representatives, have considered these kinds of proposals, they evaluated them, the American people expressed their views on them, and Congress said no. The people have been clear on this issue. For decades they have pleaded, demanded, really, that this Congress create an immigration system that is lawful; that we end the lawlessness, that it be principled, that it serve the national interest, and that it serves their interest and not the special interests. But Congress and political leaders have refused to do so.

It is unfortunate to a degree I don't think I have seen on any other issue. Perhaps no other issue defines the gap between the elites in this country and middle Americans who go to work every day, who support our country, pay our taxes, and fight our wars. Our people want our laws that are on the books now enforced. If new laws are needed, they want us to pass new laws to end this lawlessness. But this President rejects the will of the people. His policies nullify the laws we have. His policies, shockingly, direct Federal agents to ignore their oaths and not enforce the laws, which creates the lawlessness that stains our legal system in our country today and is causing so much angst out there. People are not opposed to immigration. People are frustrated that their government refuses to create a lawful system that will work and serve them.

What I want to say to my colleagues is that the President has gone even farther than that. He has gone farther than just saying: I am not going to enforce the laws, which he, as a President, the Chief Executive Officer, is required to do. He is required to execute the laws of the United States faithfully, which he is absolutely failing to do. But he is moving forward with his immigration agenda, rejected by Congress and the American people, and he is moving forward in a lot of different ways.

This was an issue in the campaign. The people heard about it just a few weeks ago and they cast their ballots. There are nine new Senators elected to this Senate, and not one of them said they supported President Obama's scheme. Not one of them. They steadfastly opposed it. So in this lameduck Congress, the attempt is being made to move this new lawless agenda forward out of fear that it might not be so popularly received next year.

Is Congress hopeless, helpless, ineffectual? Is it not able to stop this? Absolutely not. Congress has the power to control what the President does. It has the power to control what he spends money on. The President, the executive branch, cannot spend one dime that has not been approved by the U.S. Congress. He can't spend more on roads, highways, schools, defense, education, or health care that Congress has not appropriated and not approved. So Con-

gress has a responsibility and a duty here. Congress should fund no program, should allow no Presidential expenditure to be spent on programs it deems are unworthy. It absolutely has a responsibility to ensure this President spends no money to execute policies that are plainly in violation of existing law.

This Congress has a constitutional duty, no matter what Members may feel about the substance of the issue. I have opinions on that. I oppose the President's substantive position. But as a matter of law, separation of powers, and constitutional duty, this Congress should stop the expenditure of Federal funds for projects that Congress has rejected and are not worthy of funding. Congress has deliberated these issues. This is not something it has not considered before. It has rejected this policy.

The special interests have spent, according to one independent group, \$1.5 billion to try to ram through Congress an immigration plan the American people reject and that Congress has refused to pass. The President hasn't given up, and these special interests haven't given up, despite the election and despite the wishes of the American people. They want their policies and they are going to ram them through this Congress, if they possibly can, no matter what the people think. That is a threat to representative democracy. It is a threat to the laws of this country. And the Congress needs to say no.

Let us be specific now. People may think: Well, you may not expend money if you don't prosecute somebody. So how are we going to complain about that, Senator SESSIONS? Well, let us look at this. This is from the U.S. Citizenship and Immigration Service, which is charged with processing the applications of people who wish to enter the country lawfully. Broadcast on Monday, December 1—just this week—at 11:52. Subject: Today's email news.

USCIS is taking steps to open a new operational center in Crystal City, a neighborhood in Arlington, Virginia, to accommodate about 1,000 full-time, permanent Federal and contract employees in a variety of positions and grade levels. The initial workload will include cases filed as a result of the executive actions on immigration announced on November 20, 2014. Many job opportunities at the operational center will be announced in the coming days and please continue to monitor USAJOBS if you are interested.

This is just days from now.

Now let's put this little chart up. This briefly continues on what they published. This is right off their email.

Current vacancies include: Special Assistant GS-12.

Boy, a lot of people in the country would like to be a GS-12.

Arlington, Virginia, today. Special Assistant GS-15, Arlington, Virginia. Today. Chief of Staff GS-15, Arlington, Virginia. Today.

It goes on, today, today, today, today. They are rushing this through. They are determined to get this done before the American people can find

out what is happening, to raise their voice, to communicate with their Members of Congress and the Senate and stop it. This is not good for this country.

You may say: Well, JEFF, surely the President hasn't overreached in these matters. But Congress has stated you cannot enter the country unlawfully. That is a fundamental principle of our immigration law that has been on the books for many years. If you enter unlawfully, you are not entitled to work in America. And if you enter unlawfully and attempt to work and someone hires you and knows that you are illegally here, the employer is subject to criminal penalties and other penalties. That is the basic law. It has been on the books for years. The President is just wiping that off the books, colleagues.

Are we going to accept this? Are we going to allow the President to just wipe out duly passed laws to create an entirely new system of immigration that Congress refused to establish? Our laws are on the books today. He has no power to reduce and erase those laws.

How serious is this? Last night former Speaker of the House Newt Gingrich—Ph.D. in history, a student of American government, author of quite a number of books—made some dramatic statements about the meaning of this Presidential action, and we should hear it, colleagues. This is the former Speaker of the House, a student of American history and government. This is what he says about what is happening today. We cannot be oblivious to this, because what happens today will set trends and policies for tomorrow. He said:

Obama funding new staff and offices without congressional approval is step toward kingship or dictatorship. He must be stopped now.

How much clearer can it be than that? He goes on to say, in another tweet here:

Congress should only approve very short spending bill to set up fight in January on Obama unconstitutional power grab. No long term CR.

Here is the third one from last night:

Our entire constitutional structure is at stake. The new Obama power grab is the greatest threat to freedom since King George Third.

Those are quotes from Newt Gingrich. I am telling you, this is not a little bitty matter, and we have to fully understand the nature of what is happening here. Congress refused to pass what the President is enacting right now by Executive order and he has no power to do it. He should not be doing it. He may well be stopped by lawsuits in years to come, but Congress has the power to stop it now. We don't have to allow money to be spent in Arlington, Crystal City, VA, to hire 1,000 people to process these applications.

Now, how are things going in our immigration system today? I wish I could report better circumstances than we have. The situation was grave even be-

fore this action. On May 20, last year, National Citizenship and Immigration Services Council president, representing thousands of USCIS workers, issued a statement.

Colleagues, we need to know what has happened. It is unbelievable.

This is a person directly engaged with the people who do the work every day, the law officers who go out there and try to adjudicate these immigration cases.

USCIS adjudications officers are pressured to rubber stamp applications instead of conducting diligent case review and investigation. The culture at USCIS encourages all applications to be approved, discouraging proper investigation into red flags and discouraging the denial of any applications. USCIS has been turned into an "approval machine."

This is an absolute abdication of the responsibility the Congress and the American people have given to the President as the Chief Executive Officer and given all the way down to the lowest USCIS officer. They are not to be a rubberstamp machine. They are not to be an approval machine. They are to serve the interests of the American people. They are to evaluate applications and do so carefully and fairly and consistently. They are to investigate red flags.

What is he talking about when he says red flags? He is talking about threats, criminals, terrorists.

Even Secretary Johnson, Secretary of Homeland Security, testifying a few days ago, acknowledged that of these 4 million or 5 million people who are going to be applying for legal status in America through the President's program, there is no way their applications are going to be evaluated. If they say they came to the country in 1999, nobody is going to check on that. They are not going to see if they graduated from some school or had some job somewhere and investigate it. They are simply going to act on the paperwork they have been given. And in many cases—in the bill that President Obama supported earlier last year—there would not be any face-to-face meetings. They wouldn't even go into an office and actually see the person. It would all be submitted by email and documents, which is highly risky, as the experts told us. They need to see the person because they may not be the person they say they are. They could just submit paperwork, get citizenship status, and nobody would have any idea whether they are worthy of being in the United States.

The situation is graver than a lot of people think. It is our duty to legitimately represent the people in our country who believe this system is supposed to work. They sent us here. We say we have an immigration law in America. Well, good. And then we end up here. It is not so good. It is not working at all.

What are we supposed to do? We are sorry, constituents. We are sorry you voted for us. I know we told you we wanted to do stuff to make this system

better and we are going to end all this, but we will worry about that tomorrow—and we are going to do something.

For 40 years Congress and Presidents have been promising to fix this system. The problem is, the special interests have won every time. The special interests have blocked the kind of reforms that create a system that we know will serve our national interests, will be fair to immigrants who apply, and help the American people live better lives.

To make a couple of more points. October 28 of this year, Mr. Kenneth Palinkas, the president of the association of 12,000 officers—issued this statement:

We are still the world's rubber stamp for entry into the United States—regardless of the ramifications of the constant violations to the Immigration and Nationality Act. Whether it's the failure to uphold the public charge law, the abuse of our asylum procedures, the admission of Islamist radicals, or visas for health risks, the taxpayers are being fleeced and public safety is being endangered on a daily basis.

That is what Mr. Palinkas said. Has anybody ever called him to testify and to lay out these dangers? Certainly not the U.S. Senate. President Obama has his secret meetings with businesses and activist groups—people with their big money and their contributions. He met with them all summer. Did he meet with Mr. Palinkas? No. Did he meet with the head of the ICE officers association? No. Mr. Palinkas pleaded and asked to be admitted so he could lay out the problems they face on a daily basis, and it was rejected.

Mr. Palinkas goes on to say:

I write today to warn the general public that this situation is about to get exponentially worse—and more dangerous. America dodged a bullet when the Senate immigration package S. 744 was blocked by the House. That legislation would have been a financial security catastrophe. But news reports have leaked information to the public of a USCIS management contract bid for a "surge" printing of 34 million green cards and employment authorization documents to be provided to foreign nationals, a bid that predicts the Administration's promised executive amnesty.

Think about what this officer is telling us. It is true. He goes on to say:

That is why this statement is intended for the public: If you care about your immigration security and your neighborhood security, you must act now to ensure that Congress stops this unilateral amnesty. Let your voice be heard and spread the word to your neighbors. We who serve in our nation's immigration agencies are pleading for your help—don't let this happen. Express your concern to your Senators and Congressmen before it is too late.

That was October 28 of this year. He also issued this statement on May 20 of last year:

USCIS officers who identify illegal aliens that, in accordance with law should be placed into immigration removal proceedings before a federal judge, are prevented from exercising their authority and responsibility to issue Notices to Appear.

It goes on to say:

The attitude of USCIS management—These are the political appointees, appointed

by the President to execute his views of immigration.

The attitude of USCIS management is not that the Agency serves the American public or the laws of the United States, or public safety and national security, but instead that the agency serves illegal aliens and the attorneys which represent them.

What a statement. Who is the government supposed to represent? We represent the people of the United States who are lawfully here.

While we believe in treating all people with respect, we are concerned that this agency tasked with such a vital security mission is too greatly influenced by special interest groups.

Boy, that is the truth. We had in one day Microsoft—a great company—demanding that more workers be allowed to come into the country so that they can work, in the same week they announced laying off 18,000.

In September of this year, Mr. Palinkas issued this statement:

Many millions come legally to the U.S. through our wide open immigration policy every year—whether as temporary visitors, lifetime immigrants, refugees, asylum-seekers, foreign students, or recipients of our “visa waiver program” which allows people to come and go freely. Yet our government cannot effectively track these foreign visitors and immigrants. And those who defraud authorities will face no consequences at all in most cases. Our caseworkers cannot even do in-person interviews for people seeking citizenship, they cannot enforce restrictions on welfare use, and they even lack the basic office space to properly function. Applications for entry are rubber-stamped, the result of grading agents by speed rather than discretion. We’ve become a clearinghouse for the world.

Now that is the truth and anybody who knows what is going on in our system knows it. The President’s action will beget even more lawlessness in the future. It is a statement to the world: No matter what the law says, you come to America, you get to stay. You will not be deported.

This is a recipe for disaster. It cannot work. What we need in this country, and can achieve if Congress and the President will act, is to create a lawful system and enforce the law. We need to make it a system that we can be proud of and that is fairly applied. We need a system that ends the ability of people to defraud our country and come in unlawfully, and to serve the interest of working Americans.

That is what it is all about: Are we serving their interest, or are we listening to special interests—political groups and activist groups, politicians who think they gain political advantage, and certain businesses who want more, cheaper labor? Don’t we represent the vast majority of the people? Isn’t there a national interest—an interest of the American people? Somebody needs to defend that interest. It has been lost in this process.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume executive session.

#### NOMINATION OF GREGORY N. STIVERS TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF KENTUCKY—Continued

The PRESIDING OFFICER. Is there further debate on the nomination?

Hearing none, the question is, Will the Senate advise and consent to the nomination of Gregory N. Stivers, of Kentucky, to be United States District Judge for the Western District of Kentucky?

The nomination was confirmed.

#### NOMINATION OF JOSEPH F. LEESON, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to the vote on the Leeson nomination.

Mr. CASEY. I ask unanimous consent all time be yielded back.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Joseph F. Leeson, Jr., of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), the Senator from Massachusetts (Mr. MARKEY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CRUZ), and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 76, nays 16, as follows:

[Rollcall Vote No. 312 Ex.]

YEAS—76

Alexander	Burr	Cornyn
Ayotte	Cardin	Crapo
Baldwin	Carper	Donnelly
Barrasso	Casey	Durbin
Bennet	Chambliss	Enzi
Blumenthal	Coats	Feinstein
Blunt	Collins	Fischer
Boozman	Coons	Flake
Brown	Corker	Franken

Graham	Leahy	Roberts
Grassley	Lee	Rubio
Hagan	Levin	Schumer
Harkin	Manchin	Scott
Hatch	McCain	Sessions
Heitkamp	McCaskill	Shaheen
Heller	McConnell	Shelby
Hirono	Merkley	Tester
Hoeven	Murkowski	Thune
Inhofe	Murphy	Toomey
Isakson	Nelson	Vitter
Johanns	Paul	Walsh
Johnson (WI)	Portman	Warner
Kaine	Pryor	Whitehouse
King	Reed	Wicker
Kirk	Reid	
Klobuchar	Risch	

#### NAYS—16

Begich	Johnson (SD)	Stabenow
Booker	Menendez	Udall (NM)
Boxer	Mikulski	Warren
Cantwell	Murray	Wyden
Gillibrand	Sanders	
Heinrich	Schatz	

#### NOT VOTING—8

Coburn	Landrieu	Rockefeller
Cochran	Markey	Udall (CO)
Cruz	Moran	

The nomination was confirmed.

#### VOTE EXPLANATION

Mr. MARKEY. Mr. President, I was absent from the rollcall vote on the nomination of Joseph F. Leeson, Jr. to be United States District Judge for the Eastern District of Pennsylvania. Had I been present, I would have opposed his nomination.

#### NOMINATION OF LYDIA KAY GRIGGSBY TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate prior to a vote on the Griggsby nomination.

Who yields time?

The Senator from Vermont.

Mr. LEAHY. Madam President, today we will vote to confirm Lydia Griggsby to serve on the Court of Federal Claims.

I thank the Majority Leader for filing cloture on her nomination. She should have been confirmed several months ago but Republicans refused to consent to a vote on her nomination for no good reason.

Lydia was nominated on April 10 of this year. She had a hearing on June 4 and was reported out of committee by a unanimous voice vote on June 12. She is completely noncontroversial and exceptionally well qualified to serve on this court.

It should not have taken 6 days, let alone 6 months, for the Senate to approve her nomination. Despite this unnecessary delay, I am pleased that we finally ended the filibuster and will confirm her today.

Lydia has served on my Judiciary Committee staff since 2006 and currently serves as my chief counsel for Privacy and Information Policy. In this position, she has worked across the aisle on important legislation to