

The Senator from Utah.

TRIBUTES TO DEPARTING SENATORS

Mr. HATCH. Mr. President, I have only heard two of the comments of the majority leader—one for the distinguished Senator from Michigan and one for the distinguished Senator from West Virginia. I have to say that both of those Senators deserve a lot of commendation for the service they have given to the Senate. They are both friends of mine.

CARL LEVIN

Senator LEVIN has been a terrific, solid performer for the Democrats in the U.S. Senate, and he is an honest—totally honest—decent, honorable man.

JAY ROCKEFELLER

Senator ROCKEFELLER is on the Finance Committee with me. He is one of the senior people on that committee and certainly one of the people I have enjoyed working with. We worked a number of years ago on the CHIP bill, the SCHIP bill, and he was of inestimable help there. I have to say he has been a wonderful member of the very important Finance Committee.

I will miss both of these brethren and wish them the very, very best in their lives as they go through the remaining years of their lives, and hopefully they and their families will have a wonderful, wonderful time together.

PRESIDENT OBAMA'S IMMIGRATION EXECUTIVE ORDER

Mr. HATCH. Mr. President, as the Appropriations Committees prepare to release the product of their negotiations on a spending bill this afternoon, I rise today to discuss the troubling development that has made their work all the more challenging: President Obama's immigration Executive order. By circumventing Congress, the President has dispensed with the duly-enacted law of the land in a unilateral attempt to alter the legal status of millions of immigrants.

Unfortunately, this issue of Executive overreach is not a new one. Over the past year, I have come to the Senate floor repeatedly to lay out my objections to President Obama's lawlessness—from the release of Guantanamo detainees to ObamaCare, from his purported recess appointments to Benghazi. Today I come to discuss this latest astonishing instance in the area of immigration.

Immigration is a complex and divisive issue, and Americans hold a wide variety of views on the matter. But one thing that should not be controversial is the President's duty to place fidelity to the Constitution over partisan politics.

The Constitution vests lawmaking authority with Congress, not the President. And the Framers specifically sought to end centuries of abuses by the English monarchs, who claimed the

power to dispense with the laws of the land, by requiring the President to take care that the laws be faithfully executed. The Constitution does not suggest or invite the President to enforce the law; it obligates him to do so.

The President and his executive branch, of course, exercise prosecutorial discretion—the discretion to choose not to prosecute certain cases. But that power stems from considerations of fairness and equity in particular cases. Instead of requiring individualized determinations in specific cases, the President's latest Executive order claims the power to sweep up millions of people based on only a few broad, widely shared criteria.

The President is also within his rights not to prosecute when there are not sufficient resources to do so, but the Obama administration has never explained how the Executive order would save money. In fact, the administration's own policy advisers have acknowledged that a work permitting program will be expensive and will take away resources from law enforcement. While no one disagrees that capturing and removing violent criminals should be our highest immigration priority, President Obama has gone much further and made current immigration law essentially a dead letter for millions of illegal immigrants.

President Obama cannot credibly claim that he is attempting to execute immigration law faithfully when ICE agents were forced to release 68,000 potentially deportable aliens last year alone, when the administration took disciplinary action against ICE officers for making lawful arrests, and when the President of the National ICE Council felt compelled to testify before Congress that although “most Americans assume that ICE agents and officers are empowered by the government to enforce the law . . . nothing could be further from the truth.”

Moreover, despite the administration's claim to the contrary, President Obama's action is not comparable to the Executive actions taken by President Reagan or even President George H.W. Bush. Even the Washington Post's editorial board found that claim by the White House to be “indefensible.” Presidents Reagan and Bush simply implemented the enforcement priorities established in laws that Congress actually passed. By contrast President Obama has sought to change the law before Congress has acted, so he cannot rely on Congress's authority to enforce the policy he prefers. Here President Obama has acted directly in the face of congressional opposition, and we should call his Executive order what it is: an attempt to bypass the constitutionally ordained legislative process and rewrite the law unilaterally.

We are all sometimes disappointed and even angry about the outcomes of the legislative process. I have certainly felt that way many times over the course of my 38 years here. But the right response is to redouble our efforts

to get it right, not to try to subvert our constitutional system.

The President should heed his own wisdom from as recently as last fall when he said that by broadening immigration enforcement carve-outs “then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that is not an option. . . . What I've said is there is a path to get this done, and that's through Congress.”

Even beyond the legal and constitutional problems with the Executive order, the President's approach is also bad policy. His Executive order greatly undercuts the chances for lasting immigration reform because it undermines our confidence that the President will live with any compromises we agree to forge through the legislative process. The Executive order is even bad for those who are currently here illegally—those who are supposed to benefit from it. Instead of temporary half measures, they need the certainty that only legislation can provide.

Last month, in an election in which President Obama insisted that all of his policies were on the ballot, the American people delivered the President a decisive rebuke. Many of us from Congress took the right message from the election—that it is time for us to come together to find areas of agreement and to govern like adults.

Apparently President Obama missed that message. To announce this Executive order after the defeat at the polls displays shocking arrogance. Given how the White House and its allies in the media keep raising the specter of a shutdown or impeachment, it is clear the President is attempting to goad Congress into a fight rather than work with us in the difficult job of actually legislating.

Unlike President Obama, I am committed to making real progress toward implementing lasting immigration reform. I supported the Senate's comprehensive immigration bill last year. Even though the bill was far from perfect, I voted for it because I believe in working together to get something done on this vitally important issue. As I have long argued, the way to get real immigration reform back on track is not for the President to insist on his “my way or the highway” approach, either by trying to enact his preferred policy unilaterally or even for him to demand an all-or-nothing comprehensive bill. Instead we should consider individual immigration reform measures that can win broad support and help rebuild trust in our country. Only by doing so will we clear a path forward for other more far-reaching reforms.

Take the area of high-skilled immigration. We face a high-skilled worker shortage that has become a national crisis. In April for the second year in a row the Federal Government reached its current H-1B visa quota for workers just 5 days after accepting applications. Employers submitted 172,500 petitions for just 85,000 available visas, so

American companies were unable to hire nearly 90,000 high-skilled workers essential to help grow their domestic businesses, develop innovative technologies at home rather than abroad, and compete internationally. Keep in mind most of these folks we have educated in our colleges and universities. They could be of great help to us.

I have been trying to get H-1B expansion through here for a number of months. I think we will get it through honorably. In response to this crisis I worked with my friends Senators KLOBUCHAR, RUBIO, and COONS to introduce the bipartisan immigration innovation or the I-Squared Act. Our bill provides a thoughtful, lasting legislative framework that would increase the number of H-1B visas, based on annual market demand, to attract the highly skilled workers and innovators our economy so desperately needs.

Unilateralism is not the way forward on immigration. If the President is serious about enacting meaningful immigration reform, he can choose to take the first essential step. Even in the current partisan climate there is a widespread consensus and real opportunity for bipartisan, bicameral reform for our outdated visa system for economically essential high-skilled immigrants.

The concrete legislative victory where there is already considerable consensus would help build trust and good will among those who disagree sharply over other areas of immigration policy and would mark a critical first step along the path to broader reform.

For the life of me I cannot understand why the President doesn't accept this hand we are extending to him, knowing that we educate these people, get them their college degrees, their master's degrees, their doctoral degrees, their Ph.D.s, and then we push them out of the country when they want to stay and help us in the continually evolving and impressive high-tech world. It is mind-boggling to me that we do this.

Canada even advertises in California and in the States south of the Canadian border: Come to Canada. You are welcome here. I commend Canada for having the brains and guts and ability and the political instincts to attract these very highly educated—educated in the United States—people, to help them in their high-tech world, in their engineering world, in their mathematical world, in their science world. Of course we can name a whole host of other areas where they are now helping Canadians when they were educated here, wanted to stay here, wanted to be part of America, and we could not provide a means whereby these people could help us and at the same time an intelligent means that people in our society could accept.

That is not the only action we could take. Naturally we should work together as Democrats and Republicans to do real immigration reform. We

have 11 million or more people here who aren't going to go back to their countries. Many of them have never been in their countries, such as the children who were born here and young children who were brought here and never knew anything about their parents' former country. We have to solve these problems, and we don't do it by unilateral actions by a President who basically doesn't seem to give a darn, except for his own unilateral approach to things. That is not what the Presidency should be.

There are three branches of government. They are coequal. The President should enforce laws that are enacted only by Congress. The Supreme Court should interpret laws that are enacted by Congress if there are reasons for doing so. In this case we have a President who basically is ignoring the law, just acting on his own, as though Congress doesn't mean a thing, even though it means everything in these areas.

I counsel the President to change these ways and work with us. I think there will be more people willing to work with him should he do so, and we can solve these problems—we can solve them—not in some stupid, unilateral way that is going to create more problems than it solves but in a way the American people will accept.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

TRIBUTES TO DEPARTING SENATORS

Mr. CORNYN. Mr. President, in the waning days of the 113th Congress it is a bittersweet moment as many of us are saying goodbye—although not on a permanent basis but at least in terms of our official relationships working together as Senators—to so many of our good friends and valued colleagues. Every other December we find ourselves bidding farewell to some of the most admired and respected Members of this Chamber. Today I want to say a few words about three of these esteemed Members, starting with my good friend, the senior Senator from Georgia.

SAXBY CHAMBLISS

SAXBY CHAMBLISS and I arrived in the Senate at the same time following the 2002 elections. At the time, the war on terrorism, as we all know, was barely a year old, and it was by far and away the biggest issue on the minds of Americans across the country and in the Halls of Congress. Senator SAXBY CHAMBLISS immediately established himself as one of the Senate's most important leaders on national security

issues, which came as no surprise to anyone who watched his career in the House of Representatives. Indeed, in his capacity as chairman of the House Intelligence Subcommittee on Terrorism and Homeland Security, he oversaw the first official investigation of the 9/11 attacks. It is hard to believe it has now been more than 13 years since that fateful day, but Senator CHAMBLISS has never lost sight of the continuing threat posed by radical Islamic terrorists and he has never stopped working to uphold bipartisan support for strong national security policies. He has been a consistent leader on important pieces of legislation such as the PATRIOT Act and on the detention facilities at Guantanamo Bay. He has also been a leader on the Armed Services Committee on the annual Defense authorization bill which we will be taking up later this week and on controversial but important topics such as the Foreign Intelligence Surveillance Act. Most recently on the campaign to destroy the Islamic State in Iraq and Syria, Senator CHAMBLISS again has been one of the leading voices helping us find our way to the right strategy and the right policy. In short, name any high-profile national security issue and there is a good chance SAXBY CHAMBLISS has been driving the debate and working to move the United States in the right direction. I know he is also especially proud of his efforts to improve current retirement policies for members of the National Guard and military Reserves.

Senator SAXBY CHAMBLISS comes from a State where agriculture is the single largest industry and he spent 6 years as chairman or ranking member of the Senate agriculture committee. He was one of the first Members of our class in 2002 to serve as a chairman of any standing committee, something we were all a little bit envious of, early on in his first term of office. But he has worked on several tough farm bills during the time he has been in Congress and he has been our go-to Member on all related issues.

In fact, Senator CHAMBLISS understands these issues almost better than anyone on both sides of the aisle, which is another way of saying he understands the challenges facing American farmers better than almost anyone here. That understanding allowed him to play a key role in reforming Federal crop insurance.

Folks down in Georgia have been justly appreciative of Senator CHAMBLISS's work on agriculture policy, and they also appreciate his efforts to accelerate the Savannah Harbor Expansion Project through a Federal-State partnership, which was officially signed back in October. It is an impressive list of accomplishments, and I know I speak for all of our Members on both sides of the aisle and staffers alike, when I say that SAXBY CHAMBLISS will be missed as much for his warmth and friendship as for his policy work.