

the President and the Democrats in this particular circumstance is so disappointing.

Nobody around here expects Democrats and Republicans to always agree. They certainly don't expect the President to never issue a veto threat. But the President's apparent determination to obstruct everything is pretty discouraging.

If the President continues to make veto threats at the same rate he has so far, we will be looking at almost 90 veto threats by the end of 2015. The American people deserve and expect better. Americans sent a clear message in the last election. They were tired of business as usual in Washington. They want Members of Congress and the President to work together to address the challenges facing our Nation. Clearly, the President still hasn't managed to process that message.

#### THE PRESIDENT'S FOREIGN POLICY

Mr. THUNE. Mr. President, before I close, I would like to take a minute to talk about the President's foreign policy. The Congress has received the President's request for authorization for the use of military force in Iraq and Syria, and we will take a hard look at this request. But we still haven't seen a comprehensive strategy from the President for confronting and defeating ISIS. ISIS represents a barely comprehensible level of evil. Wherever its members go they leave a trail of blood. Their reign of terror in the Middle East has included the systematic persecution and murder of Christians and other minorities, rape, torture, burnings, beheadings, as well as reports of the crucifixion and burying alive of children.

Just 2 weeks ago ISIS beheaded 21 Coptic Christians in Libya. The men's only crime was professing their faith. This morning's news included reports of another 90 Assyrian Christians being abducted by ISIS from a village in northern Syria.

My heart sinks each time I hear any report of abductions of this nature because we know the fate that is likely in store for these people. Evil like this cannot be ignored. It must be confronted. The United States should be a leader in the effort to defeat this hellish organization and its reign of brutality.

The President should have articulated a plan for responding to ISIS months ago, but, unfortunately, his lack of decision is par for the course when it comes to this administration's foreign policy. Time and again, the President has been confronted with a foreign policy crisis and has simply failed to respond. That needs to end now. With crises multiplying around the world, it is time for the President to step up and start leading. We cannot afford for him to sit on the sidelines any longer.

I yield the floor.

#### ORDER OF PROCEDURE

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate recess until 2:15 p.m., with all other provisions of the previous order remaining in effect.

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:27 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

Mr. BENNET. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

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

#### BLACK HISTORY MONTH

Mr. BROWN. Mr. President, this week marks the final week of Black History Month, an annual tradition that celebrates Black history and culture but also is a call to action to continue our Nation's march, as halting as it sometimes is, toward equality.

This week we take an important step toward awarding a Congressional Gold Medal to the foot soldiers who participated in Bloody Sunday, Turnaround Tuesday, or the Selma to Montgomery Voting Rights March. Senator SCOTT and I and Senators SHELBY and SESSIONS and the banking committee moved forward on that earlier today. I am proud to be one of the 65 cosponsors. I am also introducing a resolution this week instructing the Postal Service to issue a commemorative stamp honoring the 50th anniversary of the Selma marches.

It is far past time for us to honor the brave men and women who risked life and limb to demand full participation in our democracy. We can do this on

the Senate floor. We can do it by traveling to Selma. Next week Senator SCOTT and I will lead a delegation to Selma for the anniversary of the march. I understand my colleague from Ohio may be joining us. I took my daughters Emily and Elizabeth there a number of years ago. I look forward to the journey to Selma with my wife in a couple of weeks, marking the 50th anniversary.

Fifty years ago, Dr. King led thousands in that 54-mile march—the second Selma bridge crossing, if you will. They arrived in Montgomery 4 days later to a crowd of 25,000 Black and White supporters. In his speech that day, Dr. King told a story of one of the marchers: Sister Pollard, a 70-year-old African-American woman who lived in Montgomery during the bus boycott a little less than a decade earlier.

She was asked if she wanted a ride during the march instead of walking. She said: "No."

The person said: "Aren't you tired?"

She said: "My feet are tired, but my soul is rested."

Progress is never easy, and as we celebrate Black History Month, we are reminded of the long journey we have traveled and how far we still have to go.

This month we celebrate the contributions African Americans have made to the fabric of our Nation.

When Carter G. Woodson started what became Black History Month in 1926, my State of Ohio—the Presiding Officer's State—had already produced 19th-century poet Paul Laurence Dunbar; Columbus native Granville T. Woods had already invented the telegraph device that sent messages between moving trains and train stations; Mary Jane Patterson had already become the first Black woman to graduate from Oberlin College, in my part of Ohio; Garrett Morgan, a Cleveland, had already invented the traffic signal; Ohio State Representative John P. Green had introduced a bill to establish Labor Day in Ohio, which later became Labor Day, which we all celebrate; and COL Charles Young, who found freedom in Ripley, OH, in the Presiding Officer's old congressional district, became the highest ranking African-American commanding officer in the U.S. Army in 1894—120 years ago—and the first African-American superintendent of a national park.

This month we celebrate these and other pioneering Ohioans: two Pulitzer Prize winners—Nobel Prize-winning writer Toni Morrison from Lorain and former Poet Laureate of the United States Rita Dove from Akron.

Olympic Gold Medalist Jesse Owens grew up in Cleveland. Jesse Owens spoke at my brother's high school graduation in Mansfield.

Howard Arthur Tibbs from Salem served with the Tuskegee Airmen, and I was honored to meet his family in 2007 when this body posthumously awarded him the Congressional Gold Medal.

Congressman Louis Stokes, who so many in this body know, rose from one of the first Federal housing projects in the Nation, in Cleveland, to prominence as a lawyer and legislator. Yesterday Louis Stokes celebrated his 90th birthday. He argued before the Supreme Court in his legal practice, and during his two decades in Congress he was a forceful advocate for the city he loves.

This month we honor them and many others. These achievements have come in the face of centuries of oppression, making these achievements all the more remarkable. They have not come to be recognized simply through chance. It took a century of concerted effort—longer than that, really—led by Black Americans such as Dr. King, to give voice to the struggles and the stories, the triumphs and the traditions of the African Americans who have shaped who we are as a country and as a people. These stories are the ones we celebrate this month and the ones we must do more to honor and tell.

This month I am introducing legislation to begin the process of designating the Parker House in Ripley, OH, as a national monument. John Parker was a slave who purchased his freedom, became a successful businessman, and helped many others to freedom on the Underground Railroad through crossing the Ohio River and heading north, some to Oberlin and ultimately many to Canada.

Stories such as these are too often untold and overlooked. They show us how African Americans have shaped their own destiny in this country.

I hope today my colleagues will join me in honoring the African Americans who have made us who we are as a nation. I would add that I hope this 50th anniversary, this trip that a number of colleagues and I will take to Selma, will mark progress in voting rights.

We took huge strides in voting rights in the last 50 years. In fact, in 1964 it was a conservative Republican Congressman from north of Dayton by the name of William McCullough, who was the senior Republican on the House Judiciary Committee—Jacqueline Kennedy and others credited Congressman McCullough, perhaps more than any other single Member—even more than Hubert Humphrey or Everett Dirksen—for the Civil Rights Act and Voting Rights Act passing the U.S. House of Representatives and the Senate and being signed by the President.

Unfortunately, in the last few years we have seen State legislators and far too many Members of this body try to scale back and roll back some of those gains in voting rights—all in the name of stopping fraud, when in fact voting fraud is much exaggerated by them. It barely exists. But the efforts to roll back voting rights has resulted from that. It is wrong, and it is shameful, especially as we celebrate the 50th anniversary.

I am hopeful we can move forward in spite of what this very conservative

Supreme Court has done, move forward in voting rights as we honor Black History Month, as we honor 50 years of Selma, and as we honor the work African Americans and Whites have done to make this country a better place to live.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. CORNYN. Mr. President, as my colleagues know, for weeks now Senate Democrats have repeatedly blocked the Senate from even considering a \$40 billion funding bill for the Department of Homeland Security that would extend through the end of the fiscal year, the end of September. They have done it not once, not twice, not three times, but four times. Four times they have filibustered this Department of Homeland Security funding bill that would pay the salaries of the men and women who protect our ports, our airports, and our border.

Meanwhile, our friends across the aisle are telling the American people: No, it is not us blocking this funding, it is the Republicans. Well, I beg to differ. The House of Representatives has actually passed a Homeland Security appropriations bill—the bill we tried to get on four different times and the Democrats don't seem satisfied with the ability to offer amendments to change it or modify it in any way that they can command 60 votes to do. Their attitude is: We are not even going to consider it unless we get everything we want right upfront.

I guess I can kind of understand why they are of that frame of mind because over the last few years, the Senate has become completely dysfunctional. Under the previous majority leader, there wasn't any opportunity to offer amendments and get votes on those amendments on legislation. It was a "my way or the highway" proposition.

In other words, what I am saying is the Senate was broken, and after years of running the Senate as an incumbent protection program and voting on only poll-tested messages and blocking amendments, last November the American people said, enough is enough; no more dysfunction. Let's have a Senate and a Congress that represents our interests, not the interests of protecting incumbents against taking tough votes.

I believe our colleagues who have blocked consideration of this funding amendment should be, frankly, ashamed of themselves. It doesn't seem as though they have gotten the message.

The senior Senator from New York, Senator SCHUMER, who is a member of the leadership and my friend, told the Huffington Post recently that "it is really fun to be in the minority." By that, I guess he means it is fun to block Homeland Security appropriations bills not once, not twice, not three times, but four separate times. But filibustering this critical funding for the men and women who protect us

every day is not my idea of fun, nor is it, I suspect, for the thousands of men and women who work in the Department of Homeland Security, from the Coast Guard to the Border Patrol to all of the people who work day in and day out to try and help keep us safe in the homeland.

When given the opportunity four times over the last few weeks to fully fund the Department of Homeland Security while rolling back the President's unconstitutional Executive action, four times Senate Democrats have taken the low road and continued to obstruct.

Over the last several weeks, we pointed out the tough talk that came from some Senate Democrats last fall when the President issued his Executive action on immigration back when the President made his intent clear to follow through with a series of unilateral actions that he had previously said, on 22 different occasions, he didn't have the authority to do. Twenty-two times the President said publicly he didn't have the authority to do it, and last November, after being encouraged to wait until after the election so it didn't have a negative blowback on people running for the Senate, he went ahead and did it anyway.

As I noted before, some of our colleagues on the other side expressed their concerns at the time. Some said it made them feel uncomfortable, and some said: I wish he wouldn't do it. Well, no kidding.

When the President usurps the authority given under the Constitution to the legislative branch of government and seeks to arrogate to himself the power to unilaterally change the law, they should feel uncomfortable. One by one these same folks who were so concerned and so uncomfortable with what the President did last November have come down to the floor and voted in lockstep. They voted, in effect, to reaffirm the President's actions.

In justifying these votes, we heard the common refrain, we don't necessarily agree with the President's Executive actions, but an appropriations bill is not the proper vehicle to address them. That is what they said time and time again. So now we have a pretty simple and straightforward message to our Democratic friends who were so concerned and so uncomfortable and who wished the President had not gone around Congress on immigration. We are here to say: Here is your chance.

This week the Senate will take up a bill that will address the President's Executive actions that were announced last November. Senator MCCONNELL, the majority leader, made it clear last night that this targeted bill is not tied to the Department of Homeland Security funding.

Under the regular rules of the Senate, the process he set in order last night will come to fruition on Friday, and that will be the time for all of our colleagues on this side of the aisle and

the ones on the other side of the aisle who expressed disapproval of the President's Executive action to vote for a bill that expresses that disapproval—the so-called Collins bill.

My strong preference would be to pass the House bill—that has been filibustered four separate times by our Democratic friends—because it fully funds the Department while reining in the President's overreach. But since the Democrats have refused on four different occasions to even allow the bill to come to the floor with the excuse that it is tied to the Department of Homeland Security funding, we are going to give them an opportunity to put their money where their mouth is. In other words, we are going to see if they can take yes for an answer.

If all of the occasions where my colleagues said they were uncomfortable with the President's actions are not enough—if the 22 times the President himself said he didn't have the authority to issue this Executive action—well, we now know that during the recess last week a Federal judge in Texas has given us one more reason.

A week ago U.S. District Judge Andrew Hanen in Brownsville, TX, ruled in a lawsuit brought by 26 different States, including Texas, that what the President did was illegal. He issued a temporary injunction blocking implementation of the President's Executive action.

If that were the end of it, any amount of money that was appropriated by the Congress to fund the Department of Homeland Security could not legally be used to fund the President's Executive action because there is an injunction in place issued by a Federal court that says you can't do it, and, indeed, the administration has acknowledged that. They stood down, but now they have come back to the judge and asked for a stay of the judge's temporary injunction. They said if they don't get that, they will go to the Fifth Circuit Court of Appeals in New Orleans and ask the appellate court to stay the judge's temporary injunction.

Judge Hanen's ruling enforces what I and many others have been saying for a long time, that the President acted outside of the law when he went around Congress to unilaterally change our Nation's immigration laws.

But the judge's ruling gets to a broader issue, and there is one part of it that I found particularly important. In writing his opinion explaining his ruling, Judge Hanen looked at the Obama administration's case and imagined how you could take their argument and apply it across the board.

It is easy to overlook and overreach what the President has said if you perhaps agree with what he actually accomplished, which is, in effect, to give legal status to roughly 5 million people. If you think that is a good idea, you are likely to turn a blind eye to the way the President did it. But if the courts establish the precedent that this President—or any future President, Re-

publican or Democrat—can pick and choose which laws to enforce, what could end up happening? Well, it doesn't take a lot of imagination. Judge Hanen writes: “then a lack of resources”—which is the argument that was made by the administration—“would be an acceptable reason to cease enforcing environmental laws, or the Voting Rights Act, or even the various laws that protect civil rights and equal opportunity.”

That is what Judge Hanen said in his opinion in repudiating the argument made by the administration that the President had this authority and talked about what kind of dangerous precedent it would set if it were accepted by the court as legal.

I am sure I am not the only one who would hate to see our country head down that sort of lawless path where the laws don't make any difference, it is just the preference of whoever is President which determines the direction the country should take. That is a dangerous path. It is completely inconsistent with who we are as a country that believes in the rule of law.

So now that the President's actions have been settled in the court of public opinion, where they are deeply unpopular, and ruled upon by a court of law, my friends from the other side of the aisle need to take note because they have a very clear choice. They can continue to give excuses for why they are filibustering this \$40 billion Homeland Security appropriations bill or, as I said, they can put their money where their mouth is and vote to stop the President's 2014 Executive action separate and apart from any issue of funding of the Department of Homeland Security.

At the end of the day, the Senate will make sure the people who protect our borders and our ports and our skies get paid because that is the responsible thing to do. Senate Democrats, who were so concerned and so uncomfortable with what the President did last fall, are out of excuses, and they are going to have a chance to vote on the Collins amendment on Friday or at some other time mutually agreed upon by the majority and the minority.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DURBIN. Mr. President, I listened carefully to the remarks of my friend and my colleague from Texas.

If my friend has a moment as he walks out this door, he should take a sharp left and stop at the staircase and look up. At the top of the staircase the Senator from Texas will see this amazing portrait that has been copied and referred to over and over again. It is an incredible painting that shows President Abraham Lincoln signing the Emancipation Proclamation in the midst of the Civil War while surrounded by his Cabinet. This Emancipation Proclamation freed 3 million slaves in America from involuntary servitude.

Was the President signing a bill that had been passed by Congress? No. He was signing an Executive order—the same type of Executive order used by President Obama to address the issue of immigration.

All right, Senator DURBIN, you found one moment in history. According to arguments you heard on the floor, there could not be very many more. Let's fast forward to the late 1940s with President Harry Truman. President Harry Truman, after World War II, decided to finally end racial discrimination in the ranks of our military. How did he do it? Did he do it by signing a law passed by Congress? No. He signed an Executive order ending the discrimination and segregation taking place in our military.

I don't argue that Presidents can exceed their constitutional powers. It has happened. But to argue that Executive orders that have been used by President after President are inherently unconstitutional defies any accurate, honest reading of history.

Here are some realities. The immigration system in the United States of America today is broken—broken terribly—to the point where we may have 12 to 13 million undocumented people in this country, where our borders are stronger now than they have ever been, but still have to be fortified to make sure we don't have the unnecessary migration of people into the United States in an illegal status. There are so many things we need to do to fix this broken immigration system, and we addressed them.

Two years ago eight Senators came together—four Democrats and four Republicans. I was honored to be part of it. We sat down for months and wrote a comprehensive immigration reform bill. We brought it to the floor of the Senate after considering 100 amendments in the Senate Judiciary Committee, and it passed on the floor with 68 positive votes. Fourteen Republicans joined the Democrats for the bipartisan bill which was supported by the Chamber of Commerce, the AFL-CIO, and conservatives and liberals across America.

Pretty good work for a Congress that is blamed many times for just being obstructionists. We passed it with 68 votes, sent it to the House of Representatives, where it languished for almost 2 years, never being called for a vote—never.

At that point the President stepped forward and said: I have to do something to deal with the problems of illegal immigration in America. Here is what he proposed—two things, basically. He said: If you are here in America and are the parent of a child who is a U.S. citizen or the parent of a child who is a legal resident alien, you can come forward, pay about \$500 as a fee, subject yourself to a criminal background check. If you clear it or you committed no serious crimes and are no threat to America, then we will give you a temporary work permit to be in

the United States and work. We want to know who you are, where you live, the members of your family, and where you work. That is what the President proposed, and that is what they want to stop.

We would continue the current situation with millions of undocumented people working without background checks, working without any registration to this government, so we know their whereabouts and what they do. That is what they want to end. They think the President went way too far in setting up this process. I think they are wrong.

The Republicans had a chance to pass a comprehensive immigration bill and they refused. In refusing, they left the President no alternative. He is trying to make sense out of a broken immigration system. It would be better if the Republicans joined us in the House and the Senate in a bipartisan effort to achieve that.

The last point I want to make is this: I think one of the most heartless things I have seen in my time in the House and Senate is the effort by the Republicans to end DACA. DACA was the protection the President gave to DREAMers. DREAMers are children brought to America—children, infants, toddlers, and young kids—by their parents, who grew up in America and went to school, have no serious criminal issues in their background, and who simply want the chance to be part of America's future. That is all they are asking for.

The President's Executive order gives them that chance to prove themselves, and the Republicans want to eliminate that order. I don't understand it. If they take the time to meet some of these young people, they would realize what a waste it would be of such great skill and talent and love of America.

I will close—and I see my friend and colleague Senator MURRAY—and say this: We are a nation of immigrants. Our diversity is our strength. The people who are willing to risk everything in their lives to come to this country, to be part of this great American experiment, to have an opportunity for their next generation to have a chance for a better life, that is what defines us. That is who we are.

I stand here—and I have said it so many times and proudly so—the son of an immigrant mother who was brought here at the age of 2. She was the first DREAMer in my house, and she raised a son to serve in the U.S. Senate. That is my story. That is my family's story. That is America's story.

It is time for us to fund the Department of Homeland Security and protect America and then have an honest debate about an immigration policy consistent with American values.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Illinois for his passionate remarks. That rings so true

to all of us. I thank him for all his work on the DREAM Act and making sure young people who are raised in this country have the opportunities that all of us do.

As we count down the final days before funding for the Department of Homeland Security potentially runs out, I want to take a few minutes to talk about how we got to this point. As this deadline gets closer and closer, I have been continually reminded we have been down this road many times before. This is a manufactured crisis, and it is no different than so many others we have faced in Congress over the last few years. What is happening in Congress right now is not a debate over government spending policies or priorities. That much is certain. This is not a debate over how the Department of Homeland Security should function. It is certainly not a debate about our national security. This is, pure and simple, a political fight Republicans are having with themselves across the two Chambers of the Capitol and across the different factions of the Republican Party. That is not the case for every Republican in the Senate. Several Members have said clearly we should fund the Department of Homeland Security without any strings attached.

The fact remains some Republicans are making it clear they are willing to hold hostage the basic operation of our government over rightwing politics and nothing else. While this process might seem complicated, it is actually very simple.

Democrats—along with national security experts, law enforcement experts, State and local officials, and three former Secretaries of Homeland Security, including two Republicans—want to do nothing more than fund the Department of Homeland Security cleanly, no strings or unrelated political amendments attached. But because they are so angry about the President's actions months ago to improve our country's immigration laws, some Republicans are demanding to pass a bill that will tear apart families who are working hard to make it in America, put our security at risk, and seriously threaten all of the work we have done recently—including the budget agreement I reached with Congressman PAUL RYAN—to keep our government functioning. That is not only bad policy. It doesn't make any sense.

The bill passed by Speaker BOEHNER and House Republicans would be devastating to families across the country, and it would make day-to-day operations for the Department of Homeland Security needlessly difficult. For example, TSA agents who work to keep our airports safe and secure would be forced to work without pay. These men and women should be worrying about doing their jobs, not knowing whether they are going to be able to pay their bills and put food on their table. That is not what we want them worrying about. But because of political pressure from the extreme anti-immigration,

rightwing party, that is what Republican leaders in the House are demanding.

This looming shutdown of the Department of Homeland Security has become to them nothing more than collateral damage. The national impacts of not funding the Department of Homeland Security have been discussed for weeks now. This would also cause problems all the way down to individual fire departments in our local communities.

Right now the Whatcom County Fire District 18 located in my State—close to the northern Canadian border and it is about an hour north of Seattle—is applying for an assistance to firefighters grant which is funded through the Department of Homeland Security. This is a very rural fire district. They only have one paid employee—it happens to be the fire chief—along with a volunteer firefighting force of 16 and a volunteer EMT force of 6.

They have applied for a very small \$24,000 Federal grant to replace their heavily used and outdated equipment—everything from boots and helmets to gloves and fire hoods—that are now over 11 years old. I have been working with them to help them get that needed equipment which protects those volunteers who put their lives on the line to save others, but if Congress does not fund this department those grants are at risk. That is unacceptable. It is proof this political mess the Republicans have made is not a hypothetical problem. It is something that will have real impacts on every one of our communities across the country.

My colleagues are not going to give in and let the Republicans play politics with the Department of Homeland Security. For years now we have seen that strategy doesn't work. It holds us back. I am encouraged the majority leader has said they are willing to bring up a clean Department of Homeland Security appropriations bill to the floor. We need the same commitment from the Speaker of the House of Representatives. Time is running out. The country is waiting. We need to fund Homeland Security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

#### KEYSTONE XL PIPELINE APPROVAL ACT—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on S. 1, which the clerk will read and which will be spread in full upon the Journal.

The legislative clerk read as follows: