

broadband world. This is the next chapter in the history of American innovation. It is our country's declaration of innovation. Chairman Wheeler and the FCC are on the right side of history.

This battle for Net neutrality was not fought without opposition. The deep-pocketed broadband barons want to turn the Internet into a set of gated communities. They say it will raise taxes. They say it is an overreach. They say it will not stand up in court. Some claim it will harm investment. But then companies such as Sprint and Verizon say it will not, in fact, influence how they invest. So I say to the critics: Do you want to return to the days when a few telecommunications giants—which today we would call big broadband barons—control the vital wires and spectrum we use to communicate or do we want a free, dynamic, open market where the best in ideas survives and thrives? The choice is clear.

The FCC Commissioners supporting the open Internet order have made the right choice. Today the people won. I applaud the FCC and Chairman Wheeler for standing up for students in their dorm rooms, engineers in their basements, and innovators in their garages. I applaud the FCC for standing up for the best ideas, not merely the best funded ideas. The FCC has chosen the right path forward. I commend the Commission for that action.

Reclassifying broadband under title II is a major victory for consumers, for our democracy, and for our economy. Consider that in 2013, 62 percent of the venture capital funds invested in this country went toward Internet-specific and software companies. The free flow of ideas supported by the Internet are creating the companies launching the global revolution and supporting the communications that we rely on every day. We want a free, dynamic, open market where the best in ideas survives and thrives.

Today is a historic, revolutionary day for consumers, innovators, entrepreneurs—anyone who counts on the Internet to connect to the world. I applaud and I thank the millions of American revolutionaries who stood up and fought for Net neutrality. The fight is not over. There is much more work to be done. But today is a historic victory. It is Internet freedom and innovation day.

Let's celebrate this transformative power of the Internet today and for generations to come. We are going to ensure that the architecture of the Internet remains one where the smallest entrepreneurs who can go to the capital markets and raise the funding for the new ideas, for the follow-on ideas to Google and eBay and Amazon and Hulu and YouTube, are able to be joined by new companies like Dwolla, like Etsy, like Vimeo, and like hundreds and thousands of others whose names we do not yet know, because now they are going to have the capacity to be able to say to their investors:

We now have the capacity to reach a market. With our ideas, we can transform some part of the way in which people communicate in this country and on this planet.

That is what we are celebrating today—the power of the Net, the power of individuals to come up with the capital so they can then transform some part of the way in which we communicate in this life.

So just remember that when the 1996 Telecommunications Act passed, there were no companies like the ones I just mentioned. That was because it was an old world. But in the blink of an eye, a technological eye, we have moved to this new world where each of us is carrying a device in our pockets. Each of us is wondering how we ever got along without the capacity to be able to tap into all of these wonderful new companies and the products they provide. That is what today is all about—Net neutrality day. It will not impact the investments of the big companies, but it will ensure that the small companies—those that received 62 percent of all venture capital in America in the last year—will be able to provide their new products, their new innovations, their new challenges to the way in which we communicate. I think that is the whole key. We need to maintain the Darwinian paranoia-inducing competition that the Net has introduced. If we do that, then I think America will be No. 1, looking over its shoulder at Nos. 2, 3, and 4 in the world in terms of our innovation in the communications sector.

Congratulations to the Federal Communications Commission, and congratulations to all entrepreneurs across America. Today is a day when you should be celebrating.

RECESS

Mr. MARKEY. Madam President, I ask unanimous consent that the Senate recess until 1:45 p.m., as provided under the previous order.

There being no objection, the Senate, at 12:30 p.m., recessed until 1:47 p.m. and reassembled when called to order by the Presiding Officer (Mr. BARRASSO).

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

The PRESIDING OFFICER (Mr. SASSE). The Senator from Hawaii.

Mr. SCHATZ. Mr. President, with 1 day before the funding expires for the Department of Homeland Security, I rise to urge the adoption of a clean funding bill.

It seems we are on a path to ensure that, at least in the Senate, we are going to adopt a bill that funds the critical safety and national security functions of the Department of Homeland Security without extraneous immigration riders. I encourage my col-

leagues in both Chambers to embrace what Members on both sides of the aisle have acknowledged is the best way to resolve this issue—avoid a shutdown, enact the clean bipartisan Homeland Security bill, and address the immigration policies through regular order on the floor.

By now, we have all heard from a host of people spelling out the many negative impacts of a shutdown—our colleagues, Secretary Johnson, previous Secretaries, and many of our Nation's mayors. We would be unnecessarily disrupting funding which all of our States' emergency managers rely on and which allows for programs that function to keep us safe and keep people and goods moving securely and efficiently throughout our country.

My home State of Hawaii is 2,500 miles from the closest landmass. It hosts the Nation's fourth largest airport for international arrivals and is currently responding to and recovering from presidentially declared disasters related to lava threats and tropical storms.

For these and many other reasons, I am concerned that Congress would consider risking timely funding for the agencies that keep our airports safe, our coasts and waters secure, and provide for critical planning and response support to our States' first responders.

Additionally, I don't think anyone should attempt to trivialize a shutdown based on the argument that many Department of Homeland Security employees will have to report to work regardless. What an insult. For the thousands of Hawaii residents employed by the Department of Homeland Security, this is significant. These are middle-class jobs helping to support middle-class families. These employees will still have to make rent, pay a mortgage, buy gas, food, childcare and the like, and the Coast Guard's men and women will have to report for duty—not for pay. We owe them better than that. We shouldn't subject these families to uncertainty about their next paycheck.

Our path forward is actually totally simple: pass the original funding bill that was negotiated in good faith by both parties and both Chambers last December. Because of where we are right now, it is important to remember that the underlying Department of Homeland Security funding bill was the result of a bipartisan negotiation and compromise between both Chambers and both parties.

That means we have to resist the temptation in either Chamber to make political decisions that have no chances of success in the Senate or would be vetoed by the President. For example, reinserting partisan immigration riders into this bill is a non-starter. The Senate has not wavered on this point, and that dynamic is not going to change.

Let's just do our jobs. Let's fund the Department of Homeland Security, and

then we can debate comprehensive immigration policy any time the leadership desires to bring it to the floor.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. HOEVEN). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, tomorrow, on February 27, the Department of Homeland Security will run out of money and be forced to at least partially shut down. This is the Department responsible for protecting America against terrorism. It faces a government shutdown in about 24 hours.

Last year the congressional Republicans insisted that when we pass the overall Federal budget we cut out of it the Department of Homeland Security and not fully fund the Department. They insisted on this so they could enter into a debate with the President over the issue of immigration, and the House of Representatives sent us funding for this Department contingent on five anti-immigration riders going after the President's position on immigration. They have created an artificial, unnecessary, dangerous funding crisis.

I have come to the floor over the last several weeks while this has been under consideration in the Senate urging the passage of a clean appropriations bill for the Department of Homeland Security. I was heartened yesterday by the overwhelming vote of 98 to 2 to move toward passing this clean appropriations bill. It appears we have finally come together on a bipartisan basis to fund this critical agency at the eleventh hour.

Sadly, there is no response from the House of Representatives as to whether they will even consider the timely funding for this Department, so we run the real risk we will have to shut down this Department and put America at risk as a result. That is unfortunate because we know how important this Department is and we know the threats are real.

It was just last weekend when we disclosed intelligence gathered that there were extremist groups threatening the malls of America. There were specific threats to malls that were owned by Jewish enterprises, whatever that meant, but that is what they said. That is what we are up against. We see it around the world, real terrorism and real extremism, and now the question is, Does the Speaker of the House see this threat? Do the Republicans who are in the majority in the House see this threat? Do they see it enough to want to fund this critical agency?

This morning on television there was an interview of one of the Republican Congressmen from Alabama. He said:

No, this is really a debate about the Constitution, not about convenience.

Convenience? I don't understand that word when we talk about protecting America from terrorism. This is not a convenience, this is a necessity. This is part and parcel of why we exist as a Congress—to keep America safe.

So now the ball is in the court of the Republicans in the House. I think we will pass a clean bill here, and I think it will be overwhelmingly positive and bipartisan.

What is the issue that is sticking in their craw over there that troubles them so much that the House Republicans would jeopardize funding the agency assigned to keep America safe? It is the issue of immigration, particularly Executive orders issued by the President.

One particular part just absolutely gnaws at them as they think about the possibility the President's order of 2012—the so-called DACA order—will be carried out in the future. What is that order? It is an order which said: If someone was brought to the United States as a child—an infant, a toddler, a small child—undocumented, and they went to school in this country and they have no criminal record, we are going to give them a chance to stay here and not be subject to deportation. They can go to school here, they can work here, and they are protected by the President's Executive order—the so-called DACA.

The Republicans in the House hate this idea like the devil hates holy water. They can't understand why these young people who had no wrongdoing in coming to this country should be given this chance, and they are prepared to shut down the Department of Homeland Security if we don't relent.

I come to the floor regularly to tell stories about these young people, and today I want to tell you the story of one of these DREAMers. Her name is Maria Ibarra-Frayre. She was brought to the United States from Mexico at the age of 9, grew up in Detroit, MI, and is an excellent student. She spent a lot of her spare time in community service and as a member of the National Honor Society, the Key Club, and the school newspaper. She volunteered twice a week tutoring middle school students, performed over 300 hours of community service, and graduated from high school with a 3.97 grade point average. There aren't too many of us in the Senate who can boast that kind of grade point average.

Maria was admitted to the University of Michigan, one of the top State colleges in the Nation. She couldn't attend because she is undocumented. Instead, she entered the University of Detroit Mercy, a private Catholic school. She was elected vice president of the student senate. She also helped found the Campus Kitchen, taking leftover meals from the school cafeteria and delivering them to seniors who had difficulty staying in homes.

She participated in the alternative spring break, where she spent her vaca-

tion time helping those in need. One year, she went to South Carolina and helped rebuild an elderly couple's house, and another year she worked with the homeless in Sacramento, CA.

Maria graduated as valedictorian of her class, with a major in English and social work. After graduation, her options were limited because she was undocumented. I might add that she didn't have a penny of government assistance going through college—undocumented students don't qualify. But she dedicated herself to community service and volunteered for the Jesuit Volunteer Corps, a Catholic nonprofit organization.

Then in 2012 President Obama issued his order to give protection to a young person like herself. She was able to get a temporary work permit to work in the United States. She didn't run out and get a high-paying corporate job. She continued her community service, and now she is a full-time program coordinator for the Jesuit Volunteer Corps. She has applied to graduate school for social work. She wants to become an advocate for victims of domestic violence.

She wrote me a letter and talked about this Executive order which many House Republicans can't wait to rescind and defund. Here is what she said:

DACA means showing the rest of the country, society, and my community what I can do. I have always known what I'm capable of, but DACA has allowed me to show others that the investment and opportunity that DACA provides is worth it.

If the Republicans have their way, Maria will be deported. Having spent the majority of her life in this country, pledging allegiance to that flag, singing our national anthem—the only one she knows—they want her out of this country as quickly as possible.

America is better if Maria can stay. People will get a helping hand from her as they have throughout her entire life. I cannot understand this mean-spirited political strategy that cannot wait to deport this wonderful, amazing young woman from America. And 600,000 young people, many just like her, are only asking for a chance to make this a better Nation.

I hope that we do have a debate on immigration. I hope Members of the Senate and Congress will reflect on the fact that we are a nation of immigrants. Our diversity is our strength. Young people such as this who come to America make us a better Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, 3 weeks ago I came to the Senate floor to speak on an amendment which I had hoped would provide a framework that would accomplish three goals:

First, to provide funding for the Department of Homeland Security so that it could perform its vital mission of protecting the people of our country;

Second, to put the Senate on record as opposing the President's extraordinarily broad immigration actions

issued by Executive order in November of 2014;

And, third, to ensure that individuals who were brought to this country as children and qualify for treatment under the June 2012 Executive order on Deferred Action for Childhood Arrivals—the so-called DREAMers that Senator DURBIN has just spoken of—could continue to benefit under that program.

I am very pleased that it looks like we are moving forward on a bill to fully fund the Department of Homeland Security. We had a very strong vote on that yesterday. Indeed, I have not heard a single Senator on either side of the aisle say that we should shut down the Department of Homeland Security. Each of us recognizes its vital mission.

As someone who served as the chairman or ranking member of the Homeland Security and Governmental Affairs Committee for a decade, I certainly understand how vital the mission of this Department is.

I am keenly aware, as a member of the Intelligence Committee, of the threats against our country and the risks that we face from those who would do us harm.

At the same time, as members of the legislative branch, we have an obligation to speak out and to register our opposition when we believe that the President has exceeded his grant of Executive authority under the Constitution in a way that would undermine the separation of powers doctrine. I wish to read what a constitutional scholar has said about the President's Executive order and how far the President could or could not go. This is what this constitutional scholar says:

Congress has said “here is the law” when it comes to those who are undocumented. . . . What we can do is to carve out the DREAM Act, saying young people who have basically grown up here are Americans that we should welcome. . . . But if we start broadening that, then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option.

Who was that constitutional scholar? It was the President of the United States, Barack Obama. He said this in September of 2013. President Obama got it right back then. I believe that he was within the scope of his Executive authority when he issued the 2012 Executive orders that created DACA, which allowed for the DREAMers to stay here.

Let me also make clear that I am a supporter of comprehensive immigration reform. While I was disappointed that immigration reform legislation of some sort did not become law when we passed it a few years ago, I reject the notion that its failure can serve as justification for the actions taken by the President last November. He simply cannot do by Executive fiat what Congress has refused to pass regardless of the wisdom of Congress's decision. Such unilateral action is contrary to how our constitutional system is supposed to work, and it risks under-

mining the separation of powers doctrine, which is central to our constitutional framework.

That is really what this debate is about. It is about the proper constitutional constraints on unilateral Executive action. It happens to be an Executive action that deals with immigration, but it could be an Executive action on any other issue. That is why it is important that we draw those lines.

Indeed, the legislation I proposed, which we will be voting on at some point, is fully consistent with the court ruling in Texas, which my colleague, the senior Senator from Texas, is very familiar with and knows much more about than I do. But it is fully consistent with that ruling which lets stand the 2012 Executive order but stayed the implementation of the 2014 Executive order. There is a difference.

Now, I consider the Senator from Illinois to be an excellent Senator and a dear friend, and it truly pains me to disagree with his analysis of my amendment. I know that he acts in good faith. But there are either misunderstandings or misinterpretations or just plain disagreements. So I would like to go through some of the points that he has made about my amendment.

One of the chief objections of the Senator from Illinois to my bill is that it strikes provisions of the November 2014 immigration action that would expand—that is the key word; it would expand—the 2012 DACA Program to add certain individuals who are not eligible under that program.

He talks about expanding the age limit, for example.

Now, let's take a look at exactly what the criteria are for DREAMers under the 2012 Executive order. These are criteria that were praised by my friend from Illinois and numerous other Senators on the Democratic side of the aisle when the President issued his Executive order. I, too, agree with these criteria.

In order to qualify, an individual has to have come to the United States under the age of 16, has to have continually resided in the United States for at least 5 years preceding the date of this memorandum, and has to be present on the date of the June 15, 2012, memorandum.

The individual has to be currently either in school, have graduated from high school, have obtained a general education development certificate or has to be an honorably discharged member of the Coast Guard or our military. In addition, the individual has to have a pretty good record. The person cannot have been convicted of a felony offense, a significant misdemeanor offense, multiple misdemeanor offenses or otherwise pose a threat to national security or public safety. And they cannot be above the age of 30.

These are reasonable criteria that the President came up with.

Frankly, I am not enthralled with the one that allows for multiple mis-

demeanors, and the Executive order also states that the individual cannot have multiple misdemeanors. The form that is used by DHS says the individual can have up to three misdemeanors. I personally would require an absolutely clean record. But these are reasonable criteria, and these are not changed by the Collins bill in any way. The 2012 Executive order stands.

So the argument of my friend from Illinois is focused on the fact that he wants an expansion of these criteria and to add other categories of individuals, and that is what the November 2014 immigration action does. It has nothing to do with the status of the individuals who were allowed to stay in this country as a result of the 2012 Executive order. My amendment protects the 2012 Executive order and those who benefited from it.

So we have a sincere disagreement over what is appropriate to be done by Executive action and what needs to be done by legislation. Even though I support many of the policies that are in the 2014 Executive order, I just don't think the President can unilaterally proclaim those changes.

Mr. DURBIN. Will Senator yield for a question?

Ms. COLLINS. If the Senator's question is a brief one, I will be very happy to yield.

Mr. DURBIN. I will make it very brief. If the Senator acknowledges—and I believe she does—that the President had the authority in 2012 to issue an Executive order under DACA and to spell out the criteria, which includes, at the very bottom of her chart, that the person is not above the age of 30, why does the Senator disagree with this situation: someone who was 29 years old in June 2012, eligible for DACA, the Executive order, and now it is 2½ years later, and the President tried to amend in November 2014 that last line to expand it so that those who have aged out would still have a chance because Congress has not acted otherwise. Why would the Senator from Maine draw that distinction saying that the President has the authority to write this order but not the authority to amend this order?

Ms. COLLINS. Mr. President, I am happy to respond to the point made by the Senator from Illinois.

The point is that the President's 2014 Executive order goes far beyond those who would “age out,” in his words; it adds entirely new categories of people. In fact, the estimates are that some 5 million undocumented individuals would be covered by the 2014 Executive order. Should the President unilaterally be allowed to make that kind of Executive order, that kind of change in our immigration law? The court has said no, and I believe the court is right about that. In fact, when these criteria were issued in 2012, the Senator from Illinois said in a press release as recently as June of last year, before the November Executive order, that this was a smart and lawful approach.

So the answer is, how do you draw the line, and what is the appropriate role of the executive branch vis-a-vis the legislative branch? And I say that as someone who believes and hopes that later this year we will take up a comprehensive immigration bill, and I hope to be able to support it again. But this is an issue of what is the proper role of Congress vis-a-vis the President under our constitutional system. And I was not surprised when the Texas court kept the 2012 Executive order but blocked the 2014 Executive order.

There is another issue the Senator from Illinois has raised that I think is a very important point to make. He has said that my bill could bar some of those who received the ability to stay in this country through the 2012 Executive order from renewing their status.

That is simply not how I read the Executive order, and I think it is very clear. Let's look at the 2012 Executive order. This is what it says. This is what Janet Napolitano talked about in "exercising prosecutorial discretion." The June 15, 2012, DACA Executive order grants deferred action "for a period of two years"—here are the key words—"subject to renewal." So there is nothing in my amendment that prevents children and young adults—people up to age 30—from getting a renewal of the deferred status that they have been granted through this Executive order. It says it right there: "subject to renewal."

But let's look further at the data. This is on DHS's Web site. According to the data from U.S. Citizenship and Immigration Services, the government has renewed more than 148,000 2012 applications as of the first quarter of this fiscal year, and many of them were completed before the November 2014 Executive orders were even issued.

So there is nothing in my bill that prevents the renewal of those individuals who received this status. It is very clear—148,000 of them have had their applications renewed.

The Senator from Illinois has said that I would prevent DHS from issuing a memorandum that allows for the renewal. There is no need for such a memorandum; otherwise, 148,000 of these young people would not have been able to get a renewal—and before the 2014 Executive order was even issued.

The Senator has also said that my bill calls into question the very legality of the 2012 DACA order because it is a "very similar program to the 2014 Executive action."

To restate my basic point, my bill does not affect the 2012 DACA Program. It is substantially different from the 2014 Executive order. In fact, if you read the language of the 2014 Executive order, it embraces that distinction. It specifically states that it does not rescind or supersede the 2012 DACA order.

Let me say that again. The 2014 Executive order specifically states that it does not rescind or supersede the Exec-

utive order that was issued in 2012. Instead, it says it seeks to supplement or amend it.

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

Mr. HOEVEN. The Senator from Texas.

Ms. COLLINS. I will be happy to yield to the Senator from Texas.

Mr. CORNYN. I appreciate the leadership of the Senator from Maine on this issue, and in her typical diligence and attention to detail, I think she has shown that the objections to a vote on the Collins amendment, which would be scheduled for Saturday unless moved up, are not well-taken.

I would ask the Senator from Maine whether her interpretation of the President's Executive action in November of 2014 is any different from what the President himself said 22 different times, when he said he did not have the authority to issue such an Executive action?

Ms. COLLINS. Mr. President, if I could respond to the senior Senator from Texas, he raises an excellent point. I would bring up a quote that is just one of those 22 quotes in which the President has said over and over again that he would like to do more on immigration, that he was very disappointed the House didn't take up the comprehensive immigration bill but that his hands were tied. I believe at one point he even said, "I am not a king."

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

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I would ask the Senator from Maine—you are not alone—and the President is not alone—in stating your objections to the 2014 order. Your amendment would seek to get a vote and to put Senators on record. Is the Senator aware that there are a number—perhaps seven or eight Senators on the other side of the aisle who at different times around the November 2014 order said they were uncomfortable with the President taking this authority unto himself? In other words, I think the junior Senator from Maine was one who said that while he may agree with the outcome, this is not the right way to do it. Are you familiar with the fact that there are many of our Democratic friends who have expressed similar concerns about the illegality of the President's Executive action?

Ms. COLLINS. Mr. President, it doesn't surprise me that there are both Democratic Senators and Republican Senators who are extremely uncomfortable with what the President did last November because it is so outside of the scope of his authority as President that I think that most of my colleagues, in their hearts, on the other side of the aisle must have qualms and misgivings about what the President did. In fact, I would almost guarantee that if a Republican President had exceeded his Executive authority to that degree, there would have been an up-

roar. So I think this is important in terms of our protecting the checks and balances that our Founding Fathers so wisely incorporated into the Constitution. And I do believe there are even more Senators on the other side who may not have said what they were thinking but who really do have qualms about it even if they agree with the policy.

We need to distinguish between the policy—whether or not some Members agree with the policy; some Members don't—but the question is, Does the President's frustration with Congress's failure to pass immigration reform allow him to unilaterally write the law?

The Senator from Texas is a former Supreme Court justice in Texas, and through the Chair I would pose that question to him.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I have to say to my friend, the Senator from Maine, that the Constitution is written in a way that divides government's authority between the executive, legislative, and judicial branches. And I, of course, agree that there can be no justification on the part of the President that somehow Congress hadn't acted enough or quickly enough or expansively enough to justify the extension of his authority under the Constitution.

I wish to ask my friend from Maine another question in order to drill down on her earlier point. It seems to me that the Senator from Illinois, the distinguished minority whip, is making the suggestion that we are mad about people benefiting from this Executive action, which, to my mind, could not be further from the truth. We all understand the aspirations of people wanting a better way of life and to have opportunities, but isn't it true that when we all take an oath to uphold the constitutional laws of the United States—whether you are the President or a Senator—we have a sacred obligation to make sure no branch, including the President, usurps the authority of another branch or violates those constitutional limitations?

Ms. COLLINS. Mr. President, the Senator from Texas, who has a fine legal mind and has served on the Texas Supreme Court, is exactly right.

Moreover, I wish to read what President Obama himself said about the very point the Senator from Texas made about the oath when we held up our right hand and were sworn into this body, and the oath the President took when he became President. Here is what the President said in July 2011:

I swore an oath to uphold the laws on the books . . . Now, I know some people want me to bypass Congress and to change the laws on my own . . . But that's not how our system works. That's not how our democracy functions. That's not how our Constitution is written.

President Obama had it exactly right when he stated that reality.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. The Senator from Maine has been very patient with me. If I could ask two final questions.

Given the 22 different public statements the President of the United States himself said about his lack of authority to do what he did in November of 2014, given the reservations publicly expressed and reported by a number of Members on that side of the aisle about what the President has done, and given the fact there are 11 Democratic Senators who come from States that filed a lawsuit to block the President's Executive action, can the Senator from Maine understand why the Democratic minority would try to block the Senator's amendment, which would put all Senators on record as to whether they agree with the President when he said that 22 times, whether they agree with the court that issued the preliminary injunction, and whether they agree with their own States that participated in this litigation to block the implementation of this unlawful order?

Can the Senator think of any reason why they would try to block or defeat the Senator's amendment and put all Members of the Senate on record?

Ms. COLLINS. Mr. President, to respond to the Senator from Texas, I hope that will not happen. I have put forth a way forward for this body. I want to ensure that the Department of Homeland Security is fully funded throughout the fiscal year. I want to ensure that we do not overturn the 2012 DACA Executive order, which is narrow enough that it does not raise the very troubling issues the Senator from Texas has so eloquently outlined. But I do believe it is important for each of us to take a stand against the President's overreach here. This is important. This matters.

It is our job to protect the Constitution and to uphold our role, and that is what I am trying to do here—accomplish those three goals—and that is what the Senator from Texas is discussing.

Mr. CORNYN. Mr. President, if I could ask the Senator from Maine one final question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. My friend has been enormously patient with me. We are trying to drill this issue down here so all of the Members of the Senate understand exactly what the Collins amendment does and does not do.

We have talked about the fact that not only are there Members of the Senate who are on record saying what the President did was an overreach, there are 11 Democratic Senators who come from States that filed a suit claiming irreparable damages to their States and will have an opportunity to vote for the Collins amendment—hopefully here soon.

I wish to ask the Senator: There is one part of what the President's Executive order does that, to me, stands out above and beyond the constitutional issues, and that is the ability of people

who have committed domestic violence, child exploitation, sexual abuse, and child molestation to somehow get kicked back to the end of the line when it comes to being repatriated to their state.

For example, we all understand, as I said earlier, immigrants come here for a better life. We all understand that. We would hope they would come and play by the rules as opposed to not playing by the rules. Why in the world would the President want to reward, in effect, people who have committed domestic violence, child exploitation, sexual abuse, and child molestation by moving them down to a second-tier status of priority when it comes to repatriation?

Is the Senator familiar with what I am referring to? Perhaps my friend can enlighten us further on that.

Ms. COLLINS. Mr. President, I am familiar with the issue the Senator from Texas refers to, and I kept a provision included in the bill that we will be voting on at some point, on that issue. It seems to me, if you are a convicted sex offender, why do we want you in this country?

The irony is that just this week the Senate Judiciary Committee held a hearing on sex trafficking, and we heard heartbreakingly stories of very young girls who had been abused by men, who had been taken from State to State, coerced into prostitution. I do not want those individuals, if they come from another country, to be allowed to stay here. All 20 of the women of the Senate requested this hearing from the Judiciary Committee, and the Senator from Texas and the Senator from Minnesota have bills that deal with this kind of human trafficking. We are trying to send a message that these individuals should be a high priority for deportation, but I want to make it clear that contrary to allegations that have been made about my bill—and, frankly, it is a completely specious argument—there is nothing in my bill that deprives the Department of Homeland Security of the authority it needs to pursue those who would seek to harm our country—those, for example, who are terrorists or belong to gangs or pose some sort of public safety or national security threat.

Indeed, the public safety threat is big enough to cover the people we are talking about, but we think they merit special mention in our bill. Why would we want to keep someone in our country who is deportable, who is a sex offender, who has been convicted of child molestation or domestic violence? It makes no sense.

Mr. CORNYN. Mr. President, if I could close with a followup question.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. I thank the Senator from Maine for her leadership on this important amendment. To me it is unthinkable that Senators would block a vote on the Collins amendment at some point in the process this week because

what it does, as the Senator has pointed out, is basically reinforce what the President said himself 22 different times when he said he didn't have the authority. It reaffirms what the Federal District Court held in Brownsville recently, and which 26 States filed suit on. I share the Senator's bewilderment, really, at how on one hand we can be condoning people coming into the country and showing disrespect not only for our immigration laws but compounding that disrespect with these heinous offenses, such as domestic violence, child exploitation, sexual abuse, and child molestation, particularly after we voted unanimously out of the Senate Judiciary Committee on a bipartisan basis these anti-trafficking bills the Senator spoke about.

I want to close by thanking the Senator and the women of the Senate for leading us toward passage of this anti-trafficking legislation, but to also point out, once again, the complete unacceptability of this idea that somehow we are going to play games by blocking the Collins amendment vote and somehow condoning the same conduct on one hand and on the other hand we are condemning them through the passage of this anti-trafficking legislation.

I thank the Senator and the Presiding Officer.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Texas for his contributions to this very important debate. I believe he helped to clarify a lot of important issues that I hope Members on both sides of the aisle will consider as they cast their votes.

I am for comprehensive immigration reform. I have voted that way. That is not what this is about. My bill simply prevents the executive branch from usurping the legislative power by creating categorical exceptions from the law for whole classes of people. That power belongs to Congress. Whether Congress was wrong or whether Congress was right, it does not give the President the authority to write the law on his own, and that is what he has done with his November 2014 Executive order.

I wish to make two other points before I close. The first point is there is nothing in my legislation that in any way undoes the more limited 2012 Executive order that applies to the DREAMers—nothing. It doesn't prevent them from being renewed nor does it take away their status. There is nothing that changes that Executive order. The first version of the House bill did, and I opposed that provision and it is not in my bill.

The second point I will make is that this debate is not about immigration. It really is about the power of the President versus the powers delineated in our Constitution for Congress and the judicial branch.

I will close, once again, with President Obama's own words, because he

got it right back in September of 2013. He said:

Congress has said “here is the law” when it comes to those who are undocumented . . . What we can do is to carve out the DREAM Act—

And that is what he did with his 2012 Executive order.

saying young people who have basically grown up here are Americans that we should welcome . . . But if we start broadening that—

Which is exactly what he did in his 2014 Executive order.

then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option.

That is why the court stayed the implementation of the 2014 Executive order.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

NET NEUTRALITY

Ms. CANTWELL. Mr. President, I rise today to speak about a historic decision by the Federal Communications Commission. It was a 3-to-2 decision in a landmark case that will go down as a way to protect an open Internet economy. Consumers all across America should applaud this decision—and I know they will in the Pacific Northwest—because we will be protecting an aspect of our economy that has created thousands of jobs and millions of dollars.

This decision, known as Net neutrality, simply says that cable companies and telecom companies cannot artificially charge more on the Internet, thereby slowing down traffic or making a two-tier system in which some applications would be given access to faster service and others not, based on what they paid for.

This is an important decision because it champions an open Internet economy that has built so many new aspects of the way we communicate, the way we educate, and the way we continue to transact business around the globe. In 2010 the Internet economy accounted for 4.7 percent, or approximately \$68 billion, of America's gross domestic product. Next year that Internet economy is expected to pass \$100 billion and comprise 5.4 percent of our country's estimated \$18 trillion GDP. So in 6 years the Internet's value has climbed over 30 percent.

What this decision says is: Let's protect the Internet. Let's not artificially tax it, let's not artificially slow it down, and let's not artificially create two tiers of an Internet system and stymie innovation. So many of us now know and enjoy the benefits the Internet provides when we buy a Starbucks coffee and use an app to pay for it or use an app to get on an airplane—and so many other ways that we communicate in an information age. Slowing all that down by just one second causes big problems and curtails an economy of growth.

We all know we have questions about the way cable companies and phone

companies charge us for data. Let's make sure the Federal Communications Commission does its job by overseeing those companies that might want to charge more for those services than they need to charge. Let's keep an open Internet. Let's have Net neutrality be the law of the land.

I applaud the FCC for this historic decision today.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

CELEBRATING BLACK HISTORY MONTH

Mr. BOOKER. Mr. President, I rise today in partnership with Senator THAD COCHRAN from Mississippi having just submitted a resolution recognizing and celebrating Black History Month here in the United States of America.

I wish to take a few moments before that to address an issue that very poignantly has been anguishing my heart for my entire life. From the time I was growing up in the small town of Harrington Park, NJ, through my career in school and college, this has been grieving my heart. It has been grieving my heart since I started working in a predominantly minority city—a city I love—Newark, NJ.

I bring this up in the context of a previous speech I gave about our broken criminal justice system that makes us singular, among all of humanity on planet Earth, for the amount of our population that we incarcerate. We have 5 percent of the globe's population but about 25 percent of all of the globe's imprisoned people. This explosion is not consistent with our history. In fact, it is inconsistent with our history. It is incongruent with our values. To be very specific, the explosion of our prison population is because of the war on drugs.

The bottom line is that there were fewer people incarcerated in 1980 for any reason than there are today in prison and jails for drug offenses alone. Let me say that again, we have more people incarcerated today, either in prisons or in jails, just for drug crimes than all of the people incarcerated in the year 1980. In fact, due to this drug war our Federal prison population has exploded about 800 percent.

In the context of what I am about to talk about in this resolution recognizing African-American history, I wish to particularly point to today this grievous reality that our war on drugs has disproportionately affected African Americans, Latinos, minorities, and the poor in general.

It is painful for me to have seen in my lifetime, in the town I grew up in or at Stanford or Yale, many of my friends using drugs such as marijuana, many of them buying drugs such as marijuana, and many of them selling drugs such as marijuana. But the reality is the justice system they experienced for breaking the law was very

different than the justice system I saw in Newark, NJ. The reality is we don't have a system of equal justice under law, but a system that disproportionately affects minorities in a way that is stunning and an affront to our nation's values. Arrest rates for drug use have a disparate impact on people of color. There is no questioning that. This is unacceptable. When it comes to people who break the law in America, there is actually no difference between blacks and whites who have committed drug crimes—none whatsoever, but African Americans, for example, when it comes to marijuana, are arrested at 3.7 times the rate that whites are in this country. While their usages were similar in Newark or Stanford, law enforcement has arrested and incarcerated far more minorities living in urban communities than whites living in suburban communities.

Between 2007 and 2009, drug sentences for African American men were longer than those for white men. Drug sentences for black men were 13.1 percent longer for the same crime than those for white men. So not only are more African Americans and Latinos and people of color being targeted and arrested at higher rates than whites for the same crimes, but they are also getting and serving longer sentences.

Human Rights Watch put it simply. They found that even though the majority of illegal drug users and dealers nationwide are white, three-quarters of all people imprisoned for drug offenses are minorities. This should call out to the conscience of everyone in our country.

We believe fundamentally, at the core of our American values, in this ideal of equal justice under the law. The punishing thing about this is that not only are arrest rates higher, not only are they receiving longer sentences, but when we get such a disproportionate amount of people being arrested and incarcerated, the collateral consequences which they see at the end of the system become even more punishing on those communities. We now have cities in America that for certain age demographics, almost 50 percent of African American men have been arrested, and over 40 percent of Latino men have been arrested. And what that means is that once someone has a felony conviction for the non-violent use of drugs, one's ability to go to college, to get a Pell grant, to get a job, and even to get many business licenses, is undermined.

Right now we see this punishing impact destroying many communities. Instead of empowering people to succeed, we are getting people trapped in our criminal justice system. Instead of the solid rock of success, people are being sucked into the quicksand of a broken criminal justice system. For example, the blacks and Latinos in the United States are 29 percent of the population but make up almost 60 percent of the prison population. In New Jersey, blacks and Latinos are 32 percent of