

should get beyond the discussion as to whether climate change is real—

Mr. CORNYN. Mr. President, I ask for regular order.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. WHITEHOUSE. I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. CORNYN. Mr. President, I renew my unanimous consent request. I have conferred with the Senator from Rhode Island and yield to him for purposes of asking a question.

Mr. WHITEHOUSE. Reserving the right to object—it is not in the form of a question—but, as I said, during the Keystone debate, the energy committee chair said we should get beyond the discussion as to whether climate change is real and talk about what do we do. I will not take more time now than to say that I hope we soon do get to that question: What do we do?

With that, I will not object.

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

#### ORDER FOR ADJOURNMENT

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of the Senator from Alabama, Mr. SESSIONS, who I understand is en route.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SESSIONS. Mr. President, tomorrow we will vote on whether to proceed to the Department of Homeland Security appropriations bill, which fully funds the Department of Homeland Security and includes the law enforcement priorities that were agreed to on a bipartisan basis in the House. It is indeed a clean bill. The House of Representatives has voted to fund fully homeland security, as the President has requested.

Now, it is not a perfect bill. Republicans and Democrats and individuals on both sides have different priorities on some matters, but they did come to an agreement to fund all of the programs of the Department of Homeland Security and on how much they were funded—activities and actions that are authorized, however, by the laws of the United States.

So this bill will not deny a penny of funding. In fact, it says: Mr. President, spend the money on enforcing and following the law. Spend the money on enforcing the Immigration and Nationality Act as passed by Congress—that is the law of the United States of America. Spend the money to let our law enforcement officers carry out their duties as prescribed by the laws.

Yet our Democratic colleagues say they are going to block this bill—that they will all stick together and not even let it come to the floor of the Senate. Why? Why would they do that? Because, they say, they want to give the President the funds, apparently, to spend on his unconstitutional and unlawful Executive amnesty. They will not allow the bill to even be voted on, and without a vote in the Senate, the funding for Homeland Security does not go forward. They are not going to allow it to be voted on because they want to protect the President in his assertion of an unconstitutional and illegal power to order duly-constituted enforcement officers of the U.S. Department of Homeland Security to carry out unlawful activity.

The President is not entitled to spend taxpayer dollars to implement a system of immigration that Congress—representing the American people's wishes, let me add—rejected just last year. Surely our Democratic colleagues will not block the Senate from proceeding to this bill to fund the Department of Homeland Security. If they are unhappy with the language of the bill of the House of Representatives, if they think the President wrongfully or rightfully, using legitimate powers, could direct them to provide Social Security numbers, Medicare participation, earned income tax credit money from the Federal Government and the right to work in the United States when the law says they are not entitled to be employed in the United States, then they can offer an amendment to the bill and bring it up on the floor of the Senate to strike that language if they think it is so bad.

Of course, if you think about it, that would be a stunning event; would it not be—the Senate taking language from a bill or striking language from a bill that restores the separation of powers as properly understood by the Framers and preventing the President from violating law and the constitution. They are going to vote against that? Maybe that is why they choose not to have this bill go forward. Maybe they do not want to confront the issue.

I am going to quote Senator REID in a moment because he said we ought to

confront the issue square-on. All right, let's do so. I suspect Senator REID, though, and his team are not so interested in having votes and being held accountable for their votes.

Our colleagues would have the right to offer amendments. Senator MCCONNELL is allowing amendments. He is going out of his way to allow amendments and changing the terrible state the Senate had found itself in under the leadership of Senator REID. Consistent with the rules of the Senate, those amendments can be brought up, and a motion to strike this language is certainly appropriate.

It is an untenable position—untenable constitutionally, untenable because it is contrary to the will of the Members of the House and Senate who oppose the President's action—Republicans and Democrats. Perhaps most importantly, it is untenable politically because the American people strongly reject it. So why would any Senator—Democrat or Republican—when the very integrity of the Congress is under assault by an overreaching executive branch, not want to assert congressional authority at this point?

We are coequal branches of government, and the President does not have the authority to enforce a law that was never passed—indeed, a law that was explicitly rejected by the Congress of the United States—and grant amnesty to people who are unlawfully here, provide them work authorizations, a photo ID allowing them to apply for any job in America, with Social Security numbers and the right to participate in Social Security and Medicare. That is what the President's actions are going to do.

This is not prosecutorial discretion—nowhere close to prosecutorial discretion. It is an Executive fiat. It is an imperial act. As the President himself said repeatedly: I am not a king; I am not an emperor. When dealing with this very issue, he told people over a period of years—20 times—that he did not have the power to do this. But then he changed his mind. Under pressure from certain political interest groups and because he couldn't get Congress to vote for the bill he wanted, he just decided to do it on his own.

This is an unthinkable overreach. It is a matter of great national importance. The American people were engaged in this. They were following this issue. The President couldn't get the constitutional process to give him the power he wanted, so he just did it anyway.

Why can't it be stopped? I get asked that. What is the matter with you people in Congress?

Well, we had seven Members on the Democratic side of the aisle, still in this Senate today, who said the President overreached. They said he shouldn't have done this, and it should have been done by the legislature, by the Congress, not by the President. Yet are all seven of them going to vote with Senator REID and become part of

the palace guard that protects the President in his unlawful act so the President can't be challenged?

That is what it amounts to. There is no doubt about it. That is precisely what it amounts to—a palace guard circling around the White House to protect the President, even though Members of this Senate have said he overreached and what he did was wrong. They are, apparently, going to continue to vote for it. Out of what—party loyalty? Out of loyalty to Senator REID, the minority leader in the Senate?

Well, they say—and the media even is saying sometimes—Democrats and others are sometimes saying that the bill contains controversial new immigration riders, and therefore, it ought to be blocked. It contains unconstitutional or controversial new immigration riders, and that is bad. That is why it ought to be blocked.

What new policy is in the bill? What new expenditure is in the bill that is not consistent with the laws of the United States? Not one. The bill passed by the House carries out the essential functions in the normal orderly way of Homeland Security. It doesn't add any pork, and it doesn't add any special expenditures for some controversial project. It doesn't do any of that.

So if the President says that he will deploy his Border Patrol officers—no longer at the Mexican border where we have large flows of illegal labor—to Montana or Maine, where we have very few people, in effect, he is saying we are no longer going to enforce the border there or even attempt to, and he is going to reassign them. He is saying: I am the President. They work for me. I can do such things.

Well, would it be a controversial rider for the Senate, or for the House of Representatives, to say no, we prohibit funds to do that? We are going to fund the officers' duty at the border with our Mexican neighbors where they need to be.

The point is who is creating the controversy—not the House of Representatives. It is the President of the United States. He has overreached, without any doubt, and the situation is very grave.

What if the next President of the United States decides to do something else? Senator CRUZ, at the hearing for the Attorney General nominee, Ms. Lynch, asked her: What if Mr. CORNYN—whom he was sitting by, at the time, the Senator from Texas—were President and he didn't like certain labor laws that applied to people in Texas and he told his bureaucrats—who in effect work for the President of the United States—don't enforce labor laws in Texas?

So Senator CRUZ asked the nominee, Loretta Lynch, who wants to be Attorney General of the United States of America, whether under President Obama's Executive amnesty theory, the next President could do that and bar the enforcement of labor laws in

the State of Texas. She said she would have to review it. She wasn't sure. Of course that is blatantly unconstitutional. It shouldn't have taken her 5 seconds to say of course a President can't do that. Have we gotten such a confused understanding of law in America that we are at that point that universal laws of labor are subject to the whim of a President of the United States, and even the Attorney General will not say it is wrong and even the Congress will not say no to the President on this?

Well, the House did say no. They passed a perfectly responsible funding bill for Homeland Security. They said: We are not going to allow you to spend money to advocate a policy which we have rejected—which they can do just that way: We don't like this action. We are not going to fund this action. The Executive of this country—the President—cannot act on it if he is prevented from spending money on it. It goes to the very core of the legislative process. It is what the American Revolution was about. It is what happened in England. They wrested this power from the King, and we adopted it in terms of the President and put the power in Congress. They had the power in Parliament. It is a big deal.

I don't think we are at a point where we need to back down on this. It is not an overreach. Those great leaders, some at Homeland Security, so confident in their wisdom and policy ideas, having forgotten what the rule of law is, suggest that Congress should just roll over and forget it and go on and let it happen and not be controversial by standing up to it.

Now, look. I like Senator REID. We battle a lot. He is pugnacious, as this *Politico* article said, but I can live with that. I am glad he is back and I hope he is doing better and I hope he recovers fully, and I am confident he will. A *Politico* article by Mr. Burgess Everett earlier today quoted Senator REID as saying:

Why should we be dealing with issues that have nothing to do with homeland security?

Nothing to do with homeland security, Senator REID said.

If my Republican colleagues have some problems with something the President has done on immigration, for example, hit it head on. Don't hide it in homeland security.

Well, the problem is Homeland Security. The President has directed the officials of Homeland Security to take money that has been authorized and appropriated for them to enforce the immigration laws of this country and to use those funds to carry out a scheme Congress has rejected.

Under the laws of the United States it is illegal to hire somebody unlawfully in the country. There is no doubt about that. People unlawfully in the country are not entitled to participate in Social Security or Medicare. How could it be otherwise?

So he told the Homeland Security officials to create a new office, a new building across the river in Crystal

City. He directed them to hire 1,000 new employees to process applications under his Executive amnesty, a policy Congress rejected. It is breathtaking. It is going to cost tens of millions of dollars just for that one office. That just begins to suggest how much money will have to be spent to execute his vision for immigration that the American people rejected.

So how do we deal with it directly? How do we hit it on the head openly and directly? The Congress has the power of the purse. No money can be spent by this President that Congress hasn't authorized.

So the House discussed this. They went into some detail about it, worked at it for some time, and the House decided they would not fund this action that contradicted laws they passed and execute a policy they didn't agree with. I think that is confronting it head on—no doubt about that—and it absolutely deals with homeland security. My goodness. So this is the kind of logic and weak arguments that are being put forth here.

We will talk about a lot of things as we go forward with this debate that evidences the bankruptcy of the policies carried out by this administration.

One of the things that came out today as part of the President's budget was his assumption that if his immigration policies are passed, we would save lots of money for the U.S. Treasury. Why would it save money? It would save money because we would collect more Social Security benefits, and this would create more revenue for the government and put us in a sound position to help balance the budget.

We are not going to balance the budget. We are not going to come close to it, but he said a substantial amount of money would come from it.

Colleagues, we have to understand what a misrepresentation of colossal enormity is at stake in that statement. Everybody knows Social Security and Medicare are on unsustainable financial courses. Anybody who knows anything about Medicare and Social Security knows the fundamental problem is people are not putting in enough money to take care of those who retire, and so the flow is not enough. Over time it is going to get worse. We are just now beginning to go into deficit for Social Security. The disability portion is in critical shape. It is in very bad shape, but what this calculation is based on is the next 10 years.

So it says we will have more income in the next 10 years, and that may be so. But every person who goes on Social Security today—and even more so in the future—are, under law, projected to take out more than they put in plus interest. So obviously add 5 million new people to the Social Security rolls and no change in the amount of money that they pay in, they make the long-term strength of Social Security even more weak. It makes the hole even deeper that we have to dig our way out of. There is no other way to analyze it.

It is just unbelievable to me that they would make such a statement.

Those of us in the Congress need to be thinking about the long-term financial course of America. We need to be trying to put not just short-term benefits here so Congress can spend more money, but also we need to be thinking about how to place this country on a sound long-term path. Adding more people to Social Security—particularly lower income people as most of these are, who will draw out even more than the higher income people draw out as a percentage on the basis of what they paid in—is not a way to save Social Security.

In a December 1, 2014 article in Investor's Business Daily entitled, "Obama's Amnesty will create a Fiscal Nightmare for Entitlements," Merrill Matthews, resident scholar at the Institute for Policy Innovation, and Mark E. Litow, retired actuary and past chairman of the Social Insurance Public Finance Section of the Society of Actuaries, wrote this:

Obama's amnesty action greatly exacerbates the problem, because retirees get back far more than they pay in.

That is as plain and as simple as daylight following dark. They go on to write:

But millions of Obama's newly legalized are working-age adults with children, so many could be in their 40s or older.

Thus, they could pay FICA taxes for the next, say, 15 or 20 years—less than the average American worker—and be eligible for the full array of Social Security and Medicare benefits.

This is going to be devastating to Social Security and Medicare. It is going to hammer those programs. It is going to make it harder for us to save them, which we have an obligation to do. There is no obligation to give Social Security and Medicare to persons who enter the United States unlawfully. People aren't entitled to come into the country unlawfully and demand the benefits of the country. The first thing we should do to confront unlawful immigration is not to subsidize it with taxpayer money.

The article goes on to say:

Using a basic simulation model, we believe the government will receive about \$500 billion in payroll tax revenue (including Part B and drug premiums) and expect it to pay out some \$2 trillion in benefits over several decades.

So they pay in \$500 billion, but we are going to pay out \$2 trillion—four times as much. How does this make America more financially stable?

On December 4 of last year, in an article in the Atlantic magazine entitled "The Cost of Amnesty," senior editor David Frum wrote this:

In the 2011 tax year, the average EITC payment to a family with children was \$2,905, according to the Center for Budget and Policy Priorities. The Additional Child Tax Credit works in much the same way, paying an average of \$1,800 to qualifying households.

Earned-income tax credit—that sounds like some sort of deduction you

might have, but it is not. So many of the persons who will be given this legal status will be eligible for the earned-income tax credit because they have a family—presumably—that is what the President tells us; these are for families—and their income is at a rate that entitles them to draw earned-income tax credit.

But go to the budget of the United States of America and how the Congressional Budget Office calculates this—they don't calculate earned-income tax credit as some sort of tax deduction. They calculate it as an expenditure of the United States of America, and it absolutely is.

The way it works is your income is so low you have a family of such that you don't owe any income tax, and they send you a credit and they call it an earned-income tax credit, and a tax credit is a cash payment to you. It looks something like a tax matter, but it is really a direct check from the United States of America to lower-income families. So this is going to be qualifying for large numbers of people that will be given a legal status.

Citing the Center for Immigration Studies, Mr. Frum in the Atlantic article explains:

About 14.5 percent of the native-born population of the United States earns little enough to qualify for the EITC. Almost twice as great a portion of the total immigrant population, 29.7 percent, qualifies. But the specific immigrant groups most likely to benefit from the President's actions earned even less.

So you have, on a percentage basis, twice as many in the immigrant population eligible for EITC as the average native-born American would be to qualify to receive that check from the United States.

Mr. Frum goes on to say, "The EITC will cost a shade over \$70 billion in fiscal year 2015."

That is a lot of money—\$70 billion. A Federal highway bill is \$40 billion, moving up to \$50 billion. This is \$70 billion.

The refundable portion of the child tax credit will cost about \$33 billion. That's \$100 billion in total. Together, they cost 10 times as much as traditional cash welfare. Soon they will cost much, much more.

He goes on to note:

Quaintly enough, U.S. immigration law still forbids the president to grant residency to aliens likely to become "a public charge." The list of exceptions, however, overwhelms the rule. Here are the benefits that are "not intended for income maintenance" and therefore exempt, according to the Citizenship and Immigration Services. . . .

And they list a whole lot of taxes.

Well, I just want to wrap up by saying the House of Representatives can do time and order, pass the bill that fully funds the United States, and it does not contain riders and it does not contain pork spending. Well, maybe it contains it, but it is not being complained about at this time, and it is before the Senate. To fund the Depart-

ment of Homeland Security the Senate has to pass the same bill with the same expenditures to do so. So all we have to do is fund the Department of Homeland Security but not approve the President's desire to transmit funds in Homeland Security to an illegal, unlawful policy of amnesty that Congress opposes and the American people oppose. Who do we represent?

Since 2009, we learned today, the Obama administration issued 5.5 million extra work permits—double the normal expected flow by over almost a million a year. We understood it to be 700,000. Now we understand there are so many more that have not been calculated in the numbers. His Executive amnesty will issue 5 million more.

Since 2009 family incomes are down \$4,000. There is no doubt about it, colleagues, that this incredibly large flow of immigrants into America exceeds the ability of the American economy to absorb them. It is pulling down wages. It is moving people out of the workplace. It is making it very difficult for lawful immigrants to get jobs in America because there will always be a new group coming in willing to work for less. It is eroding the middle class and middle-class values.

So we are going to talk about this as we go forward. I believe this country will continue to be a nation that allows immigration. We don't dislike or hate or demean people that want to come to America and work here. But we need to send a clear message: If you are not coming lawfully, don't come. And if you come unlawfully, you are not going to be given amnesty. You are not going to be given Social Security, Medicare, earned income tax credits, and the right to go to any hospital in America and demand health care. We are just not going to do that.

If we do that with clarity, colleagues, what will happen? The people who are coming here unlawfully will stop coming. The numbers will fall dramatically, and we will be in a position, then, to reestablish a lawful system of immigration that the American people have pleaded with us to establish—one that we can be proud of, that is just and fair where people apply and wait their turn and are accepted or not accepted based on the merits. If we do that, we will have served the American people with what they have asked us to do.

I thank the Chair, and I yield the floor.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:06 p.m., adjourned until Tuesday, February 3, 2015, at 10 a.m.