

Mr. McCONNELL. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 12) was agreed to.

MEASURE READ THE FIRST
TIME—H.R. 596

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 596) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and for other purposes.

Mr. McCONNELL. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY,
FEBRUARY 5, 2015

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10:30 a.m. on Thursday, February 5, 2015; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day. I further ask that following leader remarks, the Senate resume consideration of the motion to proceed to H.R. 240, with the time until 11:30 a.m. equally divided in the usual form, and that the mandatory quorum call with respect to the cloture vote and the motion to proceed to H.R. 240 be waived.

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

PROGRAM

Mr. McCONNELL. Mr. President, the cloture vote on the motion to proceed will occur at 11:30 a.m. tomorrow morning.

ORDER FOR ADJOURNMENT

Mr. McCONNELL. 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 Senator STABENOW and Senator SESSIONS.

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

The Senator from Alabama.

DEPARTMENT OF HOMELAND
SECURITY FUNDING

Mr. SESSIONS. Mr. President, we are in an odd world. Our Democratic colleagues continue to have the gall to suggest and state that the Republicans are blocking funding for homeland security in America when nothing could be further from the truth.

I guess they have gotten away with blaming Republicans for blocking things, so they just keep on saying it. But the House has fully funded all the legal policies and programs within Homeland Security, and they sent the bill over here.

What did they do? They simply said: You can't take money out of homeland security enforcement for immigration and border security, and spend it on activities that violate the law, that undermine immigration law, that in fact are contrary to immigration law—that the President has said he intends to do no matter what Congress does, no matter what the American people want. He says he is going to do it anyway. They simply say we are not going to fund that.

So it comes over to pass. It fully funds the Department of Homeland Security. It doesn't change any of the laws in Homeland Security—and they say this is being obstructed by the Republicans.

But look. What does the media say about it? How is it being reported?

Here is Politico: "Democrats filibuster Department of Homeland Security bill." That was yesterday. And that is exactly what is happening. They are filibustering the bill and saying Republicans are blocking it, when all that the Republicans are saying is: Let's get on the bill. We can't even get on the bill so amendments can be offered because they are filibustering the motion to proceed to the bill, blocking us even getting on the legislation so amendments can be offered.

If they are not happy with anything in the bill—the language the House put in or anything else—they can offer amendments to deal with it and strike it out.

That is what Politico said.

How about the New York Times. They are always favoring Democratic immigration policies. This is their headline: "Senate Democrats Block Republicans' Homeland Security Bill." Isn't that true? That is exactly true.

How about the Atlantic. I think this is almost amusing: "The New Democratic Obstructionists." That is the headline in their publication.

So I would push back at this. Are we through the looking glass? Are we down the rabbit hole into never-never land? Where are we?

My good friend Senator SCHUMER, one of our able advocates here—and I really admire him. But this is what he said earlier today:

The right wing of the Republican party is risking a D.H.S., a Department of Homeland

Security, shutdown to get their way on immigration.

This is how Senator SCHUMER framed it:

They're saying take our hard right stance on immigration or we won't fund national security.

He goes on to say:

We think the American people are on our side. We're willing to have that debate.

Well, why don't we have it? Why don't we bring the bill up and let's have the debate if he wants to offer amendments contrary to what the House did?

But remember, the House didn't do anything but say we are going to spend money on all the programs in Homeland Security. It didn't defund any of them. It didn't change any of those rules.

So, is it really true? Do only right-wing Republicans want to end the President's unlawful actions? No, no, no. That is not what the truth is.

Why don't I share with our colleagues here what many of our Democratic Senators have said about the President's unlawful action. Here is what the junior Senator from Indiana said:

It is clear the immigration system in this country is broken, and only Congress has the ability to change the law to fix it . . . I am as frustrated as anyone that Congress is not doing its job, but the President shouldn't make such significant policy changes on his own.

That was just November last year.

The senior Senator from Missouri said:

Our immigration system is broken, and I support a comprehensive plan to fix it, but executive orders aren't the way to do it.

The senior Senator from West Virginia:

I disagree with the President's decision to use executive action to make changes to our immigration system.

The junior Senator from North Dakota:

I'm disappointed the president decided to use executive action at this time on this issue. . . . It's Congress' job to pass legislation and deal with issues of this magnitude.

Isn't that true.

The junior Senator from Maine:

I also have constitutional concerns about where prosecutorial discretion ends and unconstitutional executive authority begins.

Well, I share that thought.

The junior Senator from Minnesota:

I have concerns about executive action. . . . This is a job for Congress.

The senior Senator from Virginia:

. . . the best way to get a comprehensive solution is to take this through the legislative process.

So are those right-wingers? Are those people who can't be trusted to put the public interest first? Are they exaggerating? Are they somehow all in error to question the power of the Presidency to execute this policy?

No, and I will cite one more national leader that is well known. I would cite President Obama himself, who on 20

different occasions said he did not have power to do what he now has done. So Congress is not passing any new law. Congress is not passing any new power. Congress is simply saying: Mr. President, you cannot create new laws and fund new programs that are contrary to existing law, in violation of existing law, and in violation of the wishes of the American people and the decided actions of Congress itself.

Remember all these ideas were presented to Congress, and Congress rejected them. They were elected to represent the people of the United States of America, and they rejected these policies. So why should Congress fund the President, who goes and does what they now reject?

Well, Senator SCHUMER says he believes the American people are on his side, or “our side,” the obstructionist side, the side that is blocking Homeland Security.

Let's look at the polling data. This is a poll from Paragon Insights. The question to the American people was: Should you focus on bettering work situations for Americans? Should that be our focus and not immigration advancements or expansion. Among Democrats, 64 percent said yes. Among Independents, 75 percent said yes.

What about this: Do you believe providing amnesty encourages illegal immigration? Democrats, 63 percent. Is that part of the great rightwing conspiracy? How about Independents—68 percent; Republicans, 88 percent.

How about this: Do you believe illegal immigrants take jobs from vulnerable citizens? Democrats, 57 percent; Independents, 73 percent.

How about this one: Do you believe amnesty is disastrous and unconstitutional? Democrats, 53 percent; Independents, 70 percent.

How about the question that illegal immigrants take jobs from vulnerable citizens. What do Hispanics say about that? Mr. President, 65 percent of Hispanics agree with that.

What about the question that providing amnesty encourages illegal immigration? We all know that it does, and 63 percent of Hispanics agree with that. What about the question: Amnesty will hollow out the middle class. We had a lot of talk about what to do with the middle class. Ask the middle class what they think for a change. Will amnesty hollow out the middle class? Independents—not Republicans, not Democrats, not rightwingers—73 percent agree; 62 percent of Hispanics agree with that statement.

This idea somehow that the American people support blocking the Homeland Security bill to protect the President's unlawful Executive amnesty, that the American people support the Democrats in doing that is not true. The data shows that, and that is consistent with my understanding.

How about this question in a poll by Kellyanne Conway's polling company, a nationwide survey: “President Obama recently said that he may go

around Congress and take executive action on immigration policy.” This was done back in August of last year. “Which do you support more: President Obama changing immigration policy on his own, or President Obama working with Congress to change immigration policy?” Well, 74 percent said he should work with Congress. Only 21 percent said he should do it on his own.

How about Independents? How about the Independents—not conservative rightwingers? What do they view as to whether the President should work with Congress and pass a law in the orderly business according to legitimate processes or do it on his own? Among Independents, 81 percent said he should work with Congress, and only 14 percent say he should do it on his own.

So this idea that somehow the American people are all in support of President Obama's outrageous actions, which he himself 20 times said he had no power to do but did anyway, is just false. It is not true, and it is not true the Republicans are blocking the Homeland Security bill, either. The Democrats are filibustering the bill, not allowing it to come to the floor so even an amendment can be voted on.

What do our colleagues do? They seem to think that if they say the Republicans are causing it to happen, then the media will accept it. But the media is not accepting this, and nobody is accepting this. And I hope the Democratic colleagues who openly question this policy will re-evaluate where they stand and think back.

Isn't this the thing to do? Let's move to the bill, and then we can debate all the language and all the issues that are relevant and see where we go from there—not just block the bill. So I would urge colleagues to think that through and change their view from what they have been doing, which is supporting unanimously a filibuster.

Now there is some simple Paragon Insights polling data. It asked a simple policy question without reference to Republicans and Democrats or President Obama. What did they find in their poll, by a 50-point measure?

The PRESIDING OFFICER (Mr. TILLIS). The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

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

Mr. SESSIONS. I didn't know we had a time limit.

By a 50-point margin voters want to pass legislation making it harder to hire workers now illegally in the country—71 to 21. They want us to protect American workers, to make it harder for businesses to hire people unlawfully in the country. We are not doing any of that. The President has given an Executive order that provides 5 million people with work authorizations, Social Security cards, Social Security numbers, and the right to take any job in America when we have a shortage of jobs in America.

Female voters support this action by a 3-to-1 margin. Hispanic voters support the measure by a 19-point margin, 56 to 37 percent. I would say blue-collar voters, people who go to work every day, strongly oppose the President's action by more than a 3-to-1 margin. One in three Obama voters opposes his Executive action, overall.

We are not going to stop. President Obama does not have the authority to do this. It is a challenge institutionally to this body. No matter what you feel about amnesty or providing benefits for people here unlawfully, it is Congress's job, and we have to face up to it and wrestle with it.

Some say that if we don't approve it, then we are not facing up to it. I don't agree. I think it is worth discussing and voting on it. So far Congress has rejected the President's ideas of how it should be handled. I think they will continue to do so. The American people overwhelmingly want the Congress to defend their interests, to defend their right to work, to defend their declining wages, and to do something about the wages that are declining, to do something about the difficulty their children have in finding a decent job—even college graduates. We don't have a shortage of workers in this country; we have a shortage of jobs in this country. That is absolutely clear.

We can do this country a great service, and we can do the struggling, hurting middle-class workers a great service if we slow down a bit in this unlawful immigration flow. We have a generous lawful flow. Let's end the lawlessness and protect them, and maybe their wages will begin to rise, for a change, instead of falling, as they have done for a decade.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Thank you, Mr. President. First, let me say to my friend from Alabama, I couldn't agree more that we need to focus on jobs. There is no question about it.

I couldn't agree more that we need to have a legal immigration system that works and that protects Americans first, in terms of jobs, people who are here legally, whether it is those working in agriculture, whether it is those working in manufacturing or any other part of our economy. We can very quickly, if the new majority wants to, bring an immigration bill and address it. I think there are 68 of us, if I remember right, who voted for a pretty big bipartisan effort last year, a major effort to actually fix a very broken system. There were important protections in there for American workers. It is something that would have been incredibly important to get done and to put those prohibitions in. So this is not about that.

It is very simple. The majority could very quickly pass the funding for Homeland Security to keep us safe and

immediately go to the issue of immigration, and I would support it wholeheartedly, as would colleagues on this side of the aisle.

Here is what we don't support: holding the security of our country hostage while others debate policy, frankly, that was already agreed to by the majority of the Senate last year. Regardless of your feelings about the immigration policies, if you ask folks at this time, when terror threats are all around us, do they want games being played with the funding of our homeland security, the answer would be no—a resounding no.

So let's get on with the business in a bipartisan way of funding our national security effort, and then let's immediately go to a vigorous and important debate about immigration. I would agree that should be done as soon as possible.

Since the attacks of 9/11 in 2001, we have had a Department of Homeland Security that we organized and put together to play a critical role in protecting America against acts of terror. Make no mistake, as I said, we have terrorist threats all around us, yet, unfortunately, our Republican colleagues are willing to shut down our Homeland Security Department to make a political point.

Yesterday ISIS released a video showing the horrendous burning of a Jordanian pilot. It was unbelievable. But while that is happening, the Senate can't pass a Homeland Security funding bill. We need to pass a Homeland Security bill. Colleagues who are fighting about immigration are willing to shut down Homeland Security in order to make a point with the President.

This past weekend ISIS beheaded a Japanese contractor. Yet Republicans are willing to shut down Homeland Security to make a point. Last week at a hotel in Libya an American was killed in an attack by ISIS. Yet colleagues on the other side of the aisle are willing to shut down Homeland Security in order to make a political point. Last month 11 people were killed in a terrorist strike against America's oldest ally, France. Yet Republicans are willing to shut down Homeland Security.

In November, a Canadian soldier was killed in an attack near the Canadian Parliament, just 60 miles from the U.S. border. Michigan is on that northern border. Yet Republicans are willing to shut down Homeland Security. In fact, we heard Republicans in the House say it wouldn't be that big of a deal to shut down Homeland Security. Really? Anybody who reads the paper or watches the news can see what is happening every day around us, and Republicans in the House say it wouldn't be a problem to shut down Homeland Security? That is stunning.

Detroit, MI, has the busiest northern border crossing in the country. It is the busiest northern border crossing for commerce, products, and people. We rely on our Customs and Border Patrol

every single day. Customs and border security, airport security, and police and firefighters are on the frontlines every day protecting us. Let's not forget about the Coast Guard. All those folks are on the frontlines protecting our families in America. That is what we are debating.

Do we want to play games with that? Do we want to hold Homeland Security hostage because of a debate with the President on another issue or do we fund Homeland Security and then have that debate? We can do it immediately—the same day. We could fund Homeland Security and then the Republican leader could immediately call up any bill he wants on immigration and then have that debate. Unfortunately—with terrorist threats all around us—Republicans are willing to shut down Homeland Security.

Boko Haram is gaining strength in West Africa and hoping to inspire attacks against Americans. We know what they have done. Yet here we are debating whether Homeland Security is going to be shut down.

In the months to come, we will need all of the hard-working men and women who work in every part of that agency to be full speed so they can protect us. Unless Republican colleagues are willing to support a spending bill and get that done right away, we are going to see the Department of Homeland Security management and headquarters stop functioning. Some 30,000 employees will be furloughed. People will be asked to work without pay—talk about jobs for people.

In Detroit alone—and all over Michigan—we get firefighter grants. The budget has already started, and we have 150 firefighters in the city of Detroit alone whose ongoing funding has been stalled. We have firefighters all across Michigan. We have very important law enforcement grants all over Michigan that at the moment are on hold and can't go forward.

We are talking about disrupting programs used to detect weapons of mass destruction and the training of local law enforcement officers who are on the frontlines of our defense. This makes no sense.

It would be one thing if Republican colleagues were in the minority and they felt the only way we could have the debate they want to have is to tie the two together, but that is not the case. Republican colleagues are in the majority. We can pass Homeland Security together—100 to 0—and then get on to whatever immigration debate the majority wants to have or whatever else they would like to debate. We don't have to hold the Homeland Security funding hostage in order to do it.

This past August our Defense Secretary said of ISIS:

They are as sophisticated and well-funded as any group we have seen. They're beyond just a terrorist group.

When we think about it, we are talking about a well-funded terrorist group at the same time we are debating

whether to fund our Homeland Security agencies that keep us safe from ISIS and other terrorist threats.

I implore Republican colleagues to join with us, regardless of the passion on this other issue. We can debate it. It can be addressed.

There are Republican majorities in the House and Senate that can debate the President's actions or debate anything for that matter, but we can certainly debate immigration at any moment. We do not have to hold the funding for the national defense of our homeland hostage to do it.

I encourage my colleagues to get on to the business of passing the funding.

I thank the Presiding Officer.

ADJOURNMENT UNTIL 10:30 A.M.
TOMORROW

THE PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. tomorrow.

Thereupon, the Senate, at 6:06 p.m., adjourned until Thursday, February 5, 2015, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

WAVERLY D. CRENSHAW, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF TENNESSEE, VICE WILLIAM JOSEPH HAYNES, JR., RETIRED.

LAWRENCE JOSEPH VILARDO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE RICHARD J. ARCARA, RETIRED.

DEPARTMENT OF JUSTICE

EILEEN MAURA DECKER, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS, VICE ANDRE BIROTE, JR., RESIGNED.

JOHN W. HUBER, OF UTAH, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF UTAH FOR THE TERM OF FOUR YEARS, VICE DAVID B. BARLOW, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. NINA M. ARMAGNO
BRIG. GEN. JOHN D. BANSEMER
BRIG. GEN. CASEY D. BLAKE
BRIG. GEN. MICHAEL T. BREWER
BRIG. GEN. ANTHONY J. COTTON
BRIG. GEN. CLINTON E. CROSIER
BRIG. GEN. THOMAS H. DEALE
BRIG. GEN. TIMOTHY G. FAY
BRIG. GEN. TIMOTHY S. GREEN
BRIG. GEN. JOSEPH T. GUASTELLA, JR.
BRIG. GEN. DAVID A. HARRIS
BRIG. GEN. JAMES B. HECKER
BRIG. GEN. SCOTT A. HOWELL
BRIG. GEN. JAMES C. JOHNSON
BRIG. GEN. MARK D. KELLY
BRIG. GEN. MATTHEW H. MOLLOY
BRIG. GEN. MICHAEL D. ROTHSTEIN
BRIG. GEN. KEVIN B. SCHNEIDER
BRIG. GEN. BARRE R. SEGUIN
BRIG. GEN. THOMAS J. SHARPY
BRIG. GEN. JAMES C. SLIFE
BRIG. GEN. SCOTT F. SMITH
BRIG. GEN. GIOVANNI K. TUCK
BRIG. GEN. GLEN D. VANHERCK
BRIG. GEN. JAMES C. VECHERY
BRIG. GEN. SARAH E. ZABEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. RANDALL REED

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER A. COFFELT