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Senate

The Senate met at 10:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who transforms common days into transfiguring and redemptive moments, may we honor Your Name.

Make our lawmakers great enough for these momentous times as they seek to live worthy of Your great Name. May Your precepts keep them from life's pitfalls, guiding them through the darkness to a safe haven. Cleanse the fountains of their hearts from all that defiles so that they may be fit vessels to be used for Your glory.

Lord, because of Your unending love, we are determined to walk on the path You choose. Let Your peace be within us as Your Spirit inspires us to glorify You in our thoughts, words, and actions.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROUNDS). The majority leader is recognized.

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

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 240.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows: Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

MEASURE PLACED ON THE CALENDAR—H.R. 596

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

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

The 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. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

Mr. MCCONNELL. Mr. President, yesterday Democrats voted once again to protect politicians by blocking Homeland Security funding. I do not understand why they would want to block the Senate from even debating a bill to fund Homeland Security. It really does not make sense. You would think our Democratic friends would at least want to give the Senate an opportunity to make improvements to the bill, if they want to make such improvements. Why would our friends want to stand tall for the ability of politicians to do things President Obama himself has described as "unwise and unfair"? Why would our friends go to the mat to protect the political class from the consequences of "overreach" that President Obama himself has referred to as "ignoring the law"?

Well, here is the good news. There is a way forward. There is a way to end this Democratic filibuster. All it requires is a little common sense and a

little Democratic courage. Remember, several Democrats previously indicated unease with the idea of overreaching in ways President Obama has seemed to imply would "violate the law." So now is the time to back up those words. Now is the time for our friends on the other side of good conscience to vote with us to break this party's filibuster of Homeland Security funding and help us protect American democracy.

I ask unanimous consent that the motion to proceed to H.R. 240 be agreed to and that it be in order for the managers or their designees to offer amendments in alternating fashion, with the majority manager or his designee being recognized to offer the first amendment.

The PRESIDING OFFICER. Is there objection?

RECOGNITION OF THE MINORITY LEADER

The Democratic leader is recognized.

Mr. REID. Mr. President, reserving the right to object, there is bipartisan objection to the request by the majority leader. It is worth our spending a minute or two hearing what Republicans Senators have had to say in the last few hours.

JOHN MCCAIN, the senior Senator from Arizona: Is that the definition of insanity, voting on the same bill over and over again?

JIM INHOFE: I think three is enough. There is a division within the conference on this.

JEFF FLAKE of Arizona: We can go through the motions, sure, but I don't think we are fooling anybody.

Another Republican Senator: I wish we could take no for an answer and figure out the next step.

Well, what has happened in the last 30 hours? We knew 30 hours ago about ISIS. We have watched their brutality, killing thousands and thousands of innocent people, going back, I guess, in memory to the days we thought would never exist again: Tamerlane killing thousands and thousands of people those many centuries ago, Genghis

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Khan killing thousands and thousands of innocent people. ISIS has been doing this, but they have also added some things that we have watched not because we wanted to but because they forced us to: beheadings. Somebody kneels down in front of them, and they cut off their head with a knife. They film that and send it around the world for us to watch.

But what happened 30 hours ago? The brutality we thought had reached its pinnacle got worse. What ISIS did approximately 30 hours ago is put a Jordanian pilot in a cage—a cage—dump flammable liquid over that cage, and then film that man being burned alive for 22 minutes. We have been forced to watch that. Yes, ISIS is awful. The worst. Uncivilized. But that is what we are dealing with. We are dealing with that. Now Republicans forced an entirely unnecessary debate.

All the papers—not only the Nevada papers, but pick up the New York Times, pick up the Washington Post, and you will see a picture of a young woman from Nevada. Her name is Blanca Gamez. A young woman now, she came to the United States as a baby—a baby. Because of the direction taken by the President of the United States, this young woman and hundreds of thousands of others who dreamed of being able to lead a different life are now leading a different life. Blanca has gotten two college degrees. She is going to law school next year. She works. She pays taxes. Why in the world are Republicans afraid of Blanca Gamez? Why?

It has been said by MARTIN HEINRICH and by CLAIRE MCCASKILL that it appears Republicans in the Senate are more afraid of the DREAMers than they are of ISIS. Well, I know the chairman of the Subcommittee on Homeland Security, as it relates to appropriations, came to the floor yesterday and talked about regular order. I say to my friend that regular order in the Senate has a number of different connotations. One of them is clear, so clear, and that is why JOHN MCCAIN spoke out, JEFF FLAKE, JIM INHOFE, and others spoke out, because in the Senate we need to fund our different subcommittees on appropriations. We have done that, except Homeland Security.

We have these terrorist acts all over the world taking place right now. We saw it in Canada. We saw it in Australia, all over the European Union, in Paris. All over. We have had so many frightening things happen. We in the United States of America are in a position where we are not going to fund Homeland Security because of Blanca Gamez.

We would love to debate immigration. We have done it here on the Senate floor before. It was a wonderful bipartisan debate. We are willing to do it again.

I am going to offer a consent request. I am going to object to my friend's consent request. That is on the record. I

am going to make my own consent request. I am going to make a consent request that seems to me to be pretty good.

I ask unanimous consent that following the enactment of the text of S. 272, which is the Homeland Security Appropriations Act for this year, 2015, at a time to be determined by Senator MCCONNELL, after consultation with me, but no later than Monday, March 16, the Senate proceed to the consideration of the Border Security, Economic Opportunity, and Immigration Modernization Act, as passed by the Senate by a vote of 68 to 32 on June 27, 2013, the text of which is at the desk. That is my consent request.

The PRESIDING OFFICER. There is an objection to the request of the majority leader.

Is there an objection to the request of the Democratic leader?

Mr. MCCONNELL. Mr. President, reserving the right to object, just a correction to my good friend the majority leader. There is no Republican opposition to the consent request that the Democratic leader objected to. It is clear on our side. It would allow us to have a fair amendment process. If there are differences with the House, regular order has a remedy. It is called going to conference. None of this is possible while the Democrats continue filibustering even getting on the bill. So therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. REID. Mr. President, let me again state words I did not make up. JOHN MCCAIN—he is actually paraphrasing what Albert Einstein said: The definition of insanity is someone who keeps doing the same thing over and over again and expecting different results.

That is what JOHN MCCAIN said. Is that the definition of insanity—voting on the same bill over and over again and expecting a different result?

JIM INHOFE: I think three is enough.

JEFF FLAKE: We can go through the motions, sure, but I don't think we are fooling anybody.

Another Republican said: I wish we could take no for an answer.

There is bipartisan support to move forward on a freestanding bill that sends Homeland Security funding directly to the President. We want to do that. That is what should be done. That is regular order.

If the Presiding Officer and the rest of the Republicans want to come and debate immigration, we are willing to do that. That is what my consent request calls for.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, as my good friend the Democratic leader reminded me for 8 years, the majority leader always gets the last word. So let me say again that the consent request that I offered, to which the Democratic leader objected, was unanimously ap-

proved on our side. What it would do would be to set up an order for amendments, rotating from side to side, which is exactly the open amendment process the Democratic leader seems to feel somehow we are preventing. That is exactly what I offered. I am not going to propound it again, but I will just lay out what it said: to offer amendments in an alternating fashion, with the majority manager or his designee being recognized to offer the first amendment. We would go back and forth and back and forth. So that is about as open as I can imagine. And there were no objections to it on the Republican side. Regardless of how Members who are being quoted by the Democratic leader may have observed the overall process for going forward, there is no objection over here to having amendments on both sides, alternating from one side to another.

The PRESIDING OFFICER. The minority leader.

Mr. REID. The American people are crying out that we defend our homeland. They are doing it around the rest of the world, why shouldn't we? That is what this is all about.

If they want to debate immigration, go ahead and debate immigration but not on the back of Homeland Security, leaving it totally naked and not giving us the ability to do what needs to be done to protect our homeland.

Mr. MCCONNELL. There is a bipartisan desire to fund the Department of Homeland Security, and I am sure we will resolve this sometime in the next few weeks.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 11:30 a.m. will be equally divided in the usual form.

The assistant Democratic leader.

Mr. DURBIN. Mr. President, the Calendar of Business has been put on the desk of Senators. The Calendar of Business makes reference on page 12 to S. 272.

That is a bill that has been introduced by Senator SHAHEEN of New Hampshire, who is on the floor and is the ranking member of the Appropriations subcommittee responsible for the Department of Homeland Security, as well as Senator BARBARA MIKULSKI of Maryland, who is the ranking Democrat on the Appropriations Committee.

On page 128 is the answer to our dilemma. This solves our problem.

S. 272 is a bill that is going to fund the Department of Homeland Security for the remainder of this year. This Department that we count on every minute of every day to protect America will receive all the funds they need and they will receive them almost immediately because there is no debate between the House and the Senate about how much to send the Department. The debate comes down to all the other extraneous matters which

the House Republicans added to this bill.

So if we are looking for a solution to the problem, I thank the Senator from New Hampshire and the Senator from Maryland. We have page 12, S 272.

What the Senate heard just a few moments ago from our Democratic leader is something none of us will ever get out of our minds. Imagine—imagine—this Jordanian pilot captured by ISIS, put in a cage, covered with flammable fluids, liquids. They started a fire and burned him to death.

The King of Jordan was visiting the Capitol when that horrible news came out and rushed back to be with his countrymen. He has now vowed that Jordan, which has played a judicial role in trying to find peace in the Middle East, is now dedicated to stopping ISIS even more.

So if ISIS thought they were going to break the resolve of the King of Jordan and the Jordanian people, exactly the opposite occurred. If ISIS is resolute in their barbarity, we need to be resolute in protecting our country. To think that we are caught up in this political debate over immigration, the President's actions, and not funding the Department of Homeland Security is disgraceful.

The Secretary of the Department of Homeland Security came to our lunch just 1 or 2 days ago and he said: Trying to operate this Department, the Department of Homeland Security, with this temporary funding is like trying to drive a car with a gas tank that only holds 5 gallons and you don't know where the next gas station is going to be.

That is what he is up against. So the Department of Homeland Security is unable to fund critical, necessary investments.

So what is the issue? What is the political issue that is so important to the Republicans that they would stop the funding for the Department of Homeland Security? Well, I will say what the lead issue is. The lead issue is DREAM-ers.

Fourteen years ago I introduced the DREAM Act that said if you were brought to America as a child—a toddler, an infant, a small child by your family—and they didn't file the papers so you could be legal in America, and you knew grew up in this country and had no serious problems in your background, graduated from high school and wanted to be part of America, we would give you a chance. You would get a chance at the dream. Oh, you have to go on to school beyond high school or enlist in our military, and we will put you on the path to legal status. We couldn't pass that despite 14 years of efforts. It would pass in the Senate, not in the House, and so forth.

Finally, President Obama stepped up 2½ years ago and said: OK. There are about 2 million young people in America—just like this—brought to the country when they were kids, and now they want a chance to work here, to

live here, and to even go to school here without fear of deportation.

He created something called DACA. The DACA Program allowed them to register, pay their fees, and be protected from deportation—600,000 signed up, 35,000 in the State of Illinois.

They signed up so they could get protection from deportation. The House Republicans and the Republicans in the Senate have insisted we deport these young people. I wish to give the story of one of these young people very quickly because I know there are other Senators seeking recognition.

This is Everardo Arias. He was brought to the United States from Mexico in 1997 at the age of 7. He grew up in Costa Mesa, CA. He was an outstanding student in school. He dreamed of being a doctor. It was not until he applied to college that he realized his immigration status made that next to impossible. He was accepted at the University of California, Riverside, but because he was undocumented he didn't qualify for a penny of Federal assistance to get through school.

When he was a sophomore, he met with a counselor to ask him: How am I going to get to medical school? The counselor told him: You can't go to medical school. You are undocumented in the United States of America.

He didn't give up. He did not give up. In 2012 he graduated from the University of California, Riverside, with a chemistry major and research honors. Then a miracle occurred. President Obama issued an Executive order called DACA and Everardo Arias was given a chance to sign up for protection with this Presidential order and he did.

After he received this DACA protection, Everardo worked for 1 year as a mentor for at-risk kids in his own hometown of Costa Mesa. The following year, through AmeriCorps, Everardo worked as a health educator with seven local clinics, volunteering and working through AmeriCorps with some of the poorest people in his community.

During his year as a health educator, he decided now, with the protection of DACA, to apply to go to medical school. Everardo Arias is in his first year at Loyola University in Chicago, Stritch School of Medicine. He is one of seven protected by DACA who had a chance to go to school, but there is a catch. Loyola University said: You can go to medical school here, but for every year you are in medical school, you have to promise to give 1 year of your professional life working with the poorest people in my home State of Illinois, in small towns and rural areas as well as big cities, and he agreed to it.

He has a giving, caring heart. He agreed to it, to finish medical school, and to give the years of service necessary to the poorest people in my State.

Why do the Republicans want to deport Everardo Arias. Why do they want to take this outstanding individual

who has struggled and succeeded in life, who knows no other country but America, and deport him to Mexico?

Will we be a better nation if this young man is not a doctor? Will we be a better country if he is not given a chance to give back?

This is what he wrote to me in a letter about this DACA Program which the Republicans want to abolish. Everardo wrote:

DACA changed my life. It opened the door to the future ahead of me. If it weren't for DACA I would not be here and I probably would not have pursued medicine. I'm blessed to have the opportunity to do what I love to do and to give back to the country that has given me so much.

We are a nation of immigrants. Immigrants have come to this country and made it what it is. We should never forget that. This is the latest generation of immigrants who want to give back to America and make us a stronger nation. Why the Republicans are opposed to giving them that opportunity, I cannot understand. They clearly have not met these young men and women. If they did, their feelings would change.

So let's debate. Let's have the debate on DACA but not at the expense of the appropriations for this Department.

Page 12 of the Senate Calendar, S. 272, offered by Senator SHAHEEN and Senator MIKULSKI is our answer, a clean bill to fund America to protect against terrorism and, as the Democratic leader suggested, then start the debate on immigration. That is the right thing to do for our country.

I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Maine.

Ms. COLLINS. Mr. President, in light of the eloquent remarks from the assistant Democratic leader who is my friend, I hope he will listen carefully to the proposal I am about to outline.

In just over 3 weeks the law that funds the Department of Homeland Security will expire, jeopardizing the Department's ability to carry out its critical mission. Legislation to provide funding to the Department throughout the remainder of this fiscal year has passed the House and is awaiting action in the Senate, but progress has stalled. The Democrats have blocked it from even being considered because it is not a clean bill.

On my side of the aisle House Republicans have insisted that provisions remain in the bill directing the administration to spend no funds implementing a series of Presidential orders issued over the past few years.

The Senate has held two votes this week to try to begin debate on this bill, both of which have failed on near-party lines. Thus, we have reached an impasse.

In an attempt to find a path forward, yesterday I filed an amendment in the nature of a substitute that would accomplish three goals. First, it would ensure that the Department of Homeland Security is fully funded to perform its vital mission to protect our

people. Second, it would allow the Senate to go on record in strong opposition to the President's extraordinarily broad immigration Executive order issued last November. Third, it would protect the DREAMers whom Senator DURBIN just talked about.

I wish to go back to the November Executive order. This particular Executive order represents a misuse of the President's authority that threatens to undermine the separation of powers doctrine in our Constitution. As the President himself has said more than 20 times, he does not have the authority to expand the law in this manner. He made the exact point in remarks of July 2011 when he said:

I swore an oath to uphold the laws on the books. . . . Now, I know some people want me to bypass Congress and 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.

The President was exactly right when he stated that reality. The substitute I proposed would block the sweeping 2014 Executive order, but it does not overturn the more limited Executive orders from past years.

Specifically, my amendment would not undo the 2012 deferred action program that allowed DREAMers, young people brought to the United States by their parents years ago, to receive legal status as long as they meet certain requirements.

The House bill includes a controversial amendment, which I do not support, that would invalidate this 2012 program retroactively.

My substitute accomplishes my third goal of protecting these children who have grown up here, who speak English, have clean criminal records, and often know no other country. They did not make the choice to come to America. That decision was made by their parent or parents.

My substitute amendment, therefore, is straightforward. First, the amendment mirrors the underlying bill with respect to the funding levels provided to the Department of Homeland Security so it can carry out its functions. Ironically, there is no dispute over those funding levels. Second, it strikes the House provision restricting the expenditure of funds to implement the DREAMers Program that I described and that Senator DURBIN just commented on.

And third, it retains the House prohibition on expenditures to fund the President's unauthorized action on immigration announced in November of last year.

Now, let me make clear that Congress should consider comprehensive immigration reform. The fact that there are now an estimated 11 million illegal immigrants in the United States is irrefutable evidence that our immigration and border security systems are badly broken. That is why I supported the bipartisan immigration reform bill that passed the Senate in 2013.

While I was disappointed that immigration reform legislation of some sort did not become law, I reject the notion that its failure can serve as the justification for the action taken by the President last November. He cannot do by Executive fiat what Congress 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 undermining the separation of powers doctrine, which is central to our constitutional framework.

Our Constitution vests the power to make law in the legislative branch—with Congress—not with the President. To the President it assigns the obligation to take care that the laws are faithfully executed. That was the rule used by the Supreme Court in 1952 in the famous *Youngstown Sheet & Tubing* case that overturned President Truman's Executive Order nationalizing the steel industry to prevent a strike during the Korean War.

As the Court explained, the President's power to faithfully execute the laws does not make him a lawmaker. The Court said:

(T)he Constitution limits his functions in the lawmaking process to the recommending of laws that he thinks wise and the vetoing of laws he thinks bad.

In other words, the President is not free to pick and choose among laws, enforcing the ones that he likes and ignoring the ones that he doesn't.

The President is fully aware of this fact. He has often made the point that he could go no further than to protect the DREAMers. Here is what 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, 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.

Those are the President's own words. The action taken by the President in November is a direct contradiction to his own statements. By acting unilaterally, ironically, the President is making it less likely that Congress will act to pass comprehensive reforms. He is undermining the efforts of those of us who favor immigration reform by diverting energy and attention from that goal.

I urge my colleagues to give consideration to the proposed compromise that I filed as a substitute yesterday. It will ensure that the men and women on the front lines of the Department of Homeland Security can do their vitally important jobs, it will overturn the President's misuse of his Executive authority last November, and it will protect the legal status of children brought to this country by their parents years ago.

Mr. President, I believe I have put forth a reasonable, constructive compromise that could get us out of this impasse that is such a disservice to so

many. I hope my colleagues will join together and support the substitute I have proposed.

THE PRESIDING OFFICER. The Senator from New York.

MR. SCHUMER. Mr. President, first I want to compliment once again my colleague, the senior Senator from Maine. She is always looking for a compromise. She is always looking to try to work in a constructive way. While I don't appreciate the results she has asked for—which I will talk about in a second—I always appreciate her efforts.

We have a very simple position here. It is a position that is logical. It is a position that even Republicans, as Leader REID has mentioned, have talked about: Pass a clean homeland security bill and then go to the floor and debate amendments. Debate the amendment of Senator COLLINS, debate the amendment of Senator CRUZ, and debate any immigration amendments you want.

To repeat, we will not be held hostage. The American people don't want a gun to their head, particularly when it involves security, to debate immigration. We know that. We know what the junior Senator from Texas is doing. Everyone on the other side knows it; and, of course, we are not going to go along.

So my dear friend from Maine comes up with a new solution. It is still hostage taking because it is attached to funding the Homeland Security bill. We are now only debating the size of the ransom. We will not do it. We are not going to be pressured, be bullied into doing this or that immigration reform as a price to funding Homeland Security.

Homeland Security is too vital to America. It is too vital to our country. It is not the way legislating should work. My dear colleagues on the other side should have learned this lesson a year and a half ago when they threatened to shut down the government unless they got their way. No matter how deeply they feel about the substance, they lose.

The junior Senator from Texas is leading his Republican colleagues at best into a cul-de-sac and at worst over a cliff, and I don't think they want to follow. But the House is in a box and says: Show us the Senate won't pass the bill. Well, we won't. We are not into hostage taking, we are not into being bullied, and we are not into legislating with a gun to our heads. And my guess is the White House would not support anything like this either.

So I say to my dear Republican friends, go back to the drawing board. You control the Senate. You are in charge. It is your responsibility to find a way out of this. Our way is simple, as Leader REID outlined. First, pass a clean Homeland Security bill to protect our security, and then place on the floor immigration. We welcome the debate. We welcome the debate on the

amendment of Senator CRUZ. We welcome debate on the amendment of Senator COLLINS—but not as a hostage taker. Again, all Senator COLLINS is doing is saying what the size of the ransom is, but we are still doing hostage taking.

I yield the floor.

Mr. ENZI. Mr. President, I wish to encourage the Senate to start debate on H.R. 240, the Department of Homeland Security Appropriations Act of 2015. I am puzzled by my colleagues on the other side of the aisle who insist on blocking debate on this bill, particularly after many of those individuals criticized the majority for spending 3 weeks on the Keystone XL bill.

This body has a constitutional obligation to consider appropriations bills. As a member of the Senate Homeland Security and Government Affairs Committee, I understand the important role that the Department of Homeland Security plays in protecting our Nation at its borders and in our communities. As the chairman of the Senate Budget Committee, I also understand the substantial amount of resources it takes to fund Customs and Border Protection, FEMA, Immigration and Customs Enforcement, the Coast Guard, and TSA.

It was not all that long ago, President Obama criticized Congressional Republicans by saying it was time to, “get out of the habit of governing by crisis.” Well, here we are just shy of a month before funding for the Department of Homeland Security expires. This bill has already passed the House with substantial support and now the Senate has the time to debate it, amend it, and pass it. However, nobody will get a chance to offer amendments unless our colleagues join us in allowing debate to begin on this bill.

I also believe President Obama acted unconstitutionally with his Executive actions on immigration last year. A number of my colleagues feel the same way and this bill is an opportunity for the Senate to debate and fix this administration’s failure to enforce the law.

I do not buy the arguments that the Senate should consider its own bill to fund the Department. I would like to take this time to remind my colleagues that the Constitution requires revenue and spending bills to originate in the House. Why not call up the House bill and then offer our own amendments?

It is important that the Senate continue the regular order that rejuvenated this body with the start of the 114th Congress. I have long spoken on the merits of considering bills, amending bills, and passing bills under regular order. It is a process that our constituents demand and it is one that makes the Senate a healthier institution.

I for one do not wish to play chicken with the Department that keeps our skies safe, protects our borders and enforces a substantial body of Federal law. This is why I encourage my col-

leagues to move forward with debate on this bill at this time.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There is 10½ minutes.

Mr. SESSIONS. Mr. President, I ask to be notified after 7 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Mr. President, the key part of the President’s unlawful executive amnesty, the overwhelming majority of it that actually is involved in the House bill, deals with adults and providing them work permits. It is not about the young people, as has been discussed. It involves 4 million-plus people.

We have talked at length about the President’s executive action and how he is unlawfully, unconstitutionally making law—Senator COLLINS laid that out—when only Congress can make law. We have shown that the law he has created is law that he proposed and that Congress specifically rejected. We have shown that the President himself has at least 20 times said he does not have the power to take this action, rightly declaring he is not an emperor—those are his words—and that Congress makes laws.

So now Senator MCCONNELL has moved to bring up the House-passed legislation that fully funds all lawful aspects of the Department of Homeland Security and all its lawful actions to protect the homeland. But the legislation has a provision in it that simply bars the President from spending any money to execute his unlawful Executive directions. It stops the Department of Homeland Security from out-law activities. This is a matter of great constitutional importance.

It is, in addition, a matter of great importance to working Americans. What the President is doing is giving lawful status to over 4 million adults—persons who entered our country against the law or came in and overstayed their time. These persons, under current law, cannot be hired by any business or employer, but the President wants them to work anyway.

Congress considered and rejected this plan. The result is that the President’s plan will be a further kick in the teeth to down and struggling American workers. The facts are clear. I am not seeing them disputed.

Median family income since the recession of 2007 to 2009 has declined by almost \$5,000. This is a catastrophic event. This is unbelievable damage to America’s middle-class workers. Such a decline is unprecedented since the Great Depression 80 years ago. While some say jobs and wages are recovering and we can stop worrying about that, the facts show otherwise. In addition to depressed incomes, America has the lowest percentage of persons in their working years who are actually working in nearly 40 years.

So consider this. There were huge worker layoffs during the 2009 recession, and many more had their hours reduced as a result of ObamaCare and other events.

There are other factors that combine to reveal that job and wage conditions are much worse than the unemployment rates would indicate.

Despite these problems—a slow economy, job-killing automation, and low wages—the President is carrying out his unlawful plan rejected by Congress that we give 5 million persons unlawfully here legal status—a Social Security number, a photo ID, and the right to take any job that may be available in America. The President’s policies are in perfect accord with those of his nominee for Attorney General, Loretta Lynch. When I asked her this simple question last week, I got a surprising answer.

Question:

Who has more right to a job in this country? A lawful immigrant who’s here, or citizen—or a person who entered the country unlawfully?

Answer:

I believe that the right and the obligation to work is one that’s shared by everyone in this country regardless of how they came here. And certainly, if someone is here, regardless of status, I would prefer that they would be participating in the workplace than not participating in the workplace.

That is the testimony last week by the chief law enforcement officer in the land who is supposed to be enforcing the laws of the country. That is her view of who should be working: Regardless of how you came here, you are entitled to work and apparently take any job in America.

This was a moment of inadvertent candor. She tried to modify that later, I acknowledge, but essentially all she said was: Well, I don’t think anybody should work except those the President says should work—and that would include the 5 million who are here unlawfully.

Let’s be clear. These 5 million persons, with their new government-issued documents, will be able to apply for and take any of the few jobs now available in the economy. Sadly, the problem in America is not too few workers, but too few jobs. Last year, the administration celebrated the creation of over 2 million jobs. The President’s actions would create from unlawful immigration over twice that many workers in one single amnesty act. Millions more Americans who lost jobs during the recession still haven’t found work today.

Is this the right thing to do? I don’t think so, and neither do the American people—by a wide margin. But, arrogantly, the President refuses to listen to the legitimate concerns of hurting Americans. He dismisses them, and supported by his palace guards in the Senate who blocked legislation—

The PRESIDING OFFICER. The Senator from Alabama has used 7 minutes.

Mr. SESSIONS. I thank the Chair, and will wrap up and save some time for Senator HOEVEN.

He pushes on to advance the interests of immigration activists, political consultants lusting after votes for the next election, and big business interests lusting after low wage labor. Businesses, who have become so transnational that their interests and those of the American workers are often incompatible.

President Obama supports these business interests. But I ask: Who represents the interests of dutiful American citizens and the lawful immigrant who followed the rules? Who is speaking out for their interests? They are the ones who are forgotten.

I am going to make a prediction: Their voices are going to be heard. No longer, in secret, will the legitimate wishes of good and decent Americans be denied. The people's voice will be heard. The day of the special-interest operatives, tone-deaf politicians, and those who would allow this—their voices will end. This time, the American people will get what they rightly demand—the protection of the laws already on the books. They will force the political class to end the massive lawlessness, and to produce an immigration system that serves the national interests, not the special interests. They will force these self-interested forces out of the seats of power and demand policies that protect their wages, their jobs, their national security, and their government budgets.

I thank the Chair. I appreciate the opportunity to speak on this, and I hope, when we vote soon, our colleagues will recognize it is time to consider the opportunities Senator COLLINS has said will be provided here—to have amendments and to go forth and do the right thing for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank my colleagues, both from Alabama and from Maine, for coming down to the floor and saying: Let's do the work of the Senate. Let's advance to this Department of Homeland Security bill, let's offer amendments, let's have the debate. Let's fund the Department.

But let's make sure we do it in the right way, and where we protect the checks and balances built into this government by our forefathers.

For the last few days I have come to the floor to call attention to the importance of voting "yes" on the motion to proceed to the Department of Homeland Security appropriations bill for 2015—H.R. 240.

I wish that weren't the case. I had hoped that by now we would be much closer to passing a funding bill for the Department; that the Senate would have proceeded to the DHS appropriations bill, and that we could begin the process of debate, of considering amendments, and of developing consensus—of getting our work done.

Yet here we are on the third day, just trying to proceed to funding the De-

partment of Homeland Security—a Department that everyone agrees is vital.

That is what this bill does: It funds the Department fully and completely, and it does it in the right way by enforcing the law.

I don't have to tell my colleagues that the defining attributes of the Senate come from the Senators' ability to debate and to amend legislation. Debate and amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HOEVEN. Mr. President, I ask unanimous consent for another 3 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mrs. SHAHEEN. I certainly want to give my colleague time to finish his remarks. I just want to make sure there would be an opportunity for me to also speak before the vote.

The PRESIDING OFFICER. The Senator will be advised there is 9 minutes 54 seconds remaining.

Mrs. SHAHEEN. That is fine. Thank you.

Mr. HOEVEN. Mr. President, I would be willing to defer in the order too if my colleague from New Hampshire prefers to go, and I can follow; either way.

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

Mr. HOEVEN. I wish to thank the Senator from the great State of New Hampshire.

Debate and amendment. Debate and amendment. That is what we are talking about.

We are talking about going to this bill that funds the Department of Homeland Security and having the debate and offering amendments. That is what I am asking for. That is what we need in order to address the issues such as the one that my good friend and colleague from New Hampshire raised on Tuesday. She is the ranking member on the Appropriations Subcommittee of the Department of Homeland Security. She made a request in terms of a parliamentary point of order—budget point of order—and she made the inquiry. It is a valid point of order, one that can and should be debated, and we should have the opportunity to vote on it. But we can't vote on it unless we proceed to the bill. So let's proceed to the bill. Let's have that debate. Bring up the point of order, and let's have a vote. And let's have amendments. That is how we do our work in the Senate.

But despite the best efforts of Republicans to provide that opportunity for debate by proceeding to this bill to move forward, we are met with no's from the other side of the aisle. In essence, we are being filibustered—a tactic that was decied as obstructionist in the previous Congress.

In case my friends on the other side of the aisle think this is going unnoticed, they should check the headlines. Look no further than an article from CNN on Tuesday: "Democrats block funding for DHS to protect Obama immigration orders."

Or the Washington Times: "Democrats filibuster DHS spending bill, block GOP on amnesty debate."

These headlines speak to a central flaw in the arguments of those who say we need a DHS bill, but then vote against this Senate proceeding to that very bill.

On the one hand, they are saying we need a bill, but they won't go to the funding bill that is here before us. That is exactly what we are voting and trying to do, is to proceed to the DHS funding bill—with an amendment process, with open debate.

Yesterday, one of my colleagues from the other side of the aisle stated that if the Senate takes up H.R. 240, the homeland security appropriations bill, it would simply be a delaying tactic.

Well, how can moving to the bill that directly addresses the DHS funding issue constitute delay? In order to pass the DHS funding bill, we have to be allowed to proceed to the bill. The truth, of course, is the delay is in fact coming from those who won't allow us to take up the bill, debate it, and consider amendments and pass it.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. HOEVEN. Mr. President, I yield to my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, in a few minutes the Senate is going to have yet another procedural vote on the Department of Homeland Security funding bill.

The bill before us, the House-passed version of the funding bill, can't become law. We have already heard the President reaffirm yesterday that he is going to veto the House-passed bill before us. That means we could face a shutdown of the Department of Homeland Security.

At this point, given the threats from terrorism, given the work that is done by the Department of Homeland Security, that is not a tenable position to begin.

Let me say, I very much appreciate the efforts of my colleague from my neighboring State of Maine, the senior Senator from Maine, Senator COLLINS. But the amendment she has put forward still raises some serious concerns about the impact on our security, because it includes language that would defund all of the Department of Homeland Security directives from November 20, 2014. So it would defund those provisions that direct law enforcement officers to place top priority on national security threats, convicted felons, gang members, illegal entrants apprehended at the border. It also defunds the southern border and approaches campaign which establishes three joint task forces to reduce the terrorism risk to the Nation. And, as she has indicated, it defunds the deferred action programs.

While she suggested that it would allow the 2012 Executive action that refers to the DREAMers to stay in place,

it raises serious questions about whether USCIS could effectively process renewals of those DREAMers—such as the young man whom Senator DURBIN spoke so eloquently about—who knows what the court action could be on that.

While I appreciate the effort, I don't think it adequately addresses the concerns we have in the Democratic caucus, that we need to pass a clean bill. We need to have a separate debate about immigration.

The Presiding Officer worked very hard 2 years ago to help us get a comprehensive immigration reform bill that most of us didn't agree with everything in it, but most of us supported. We are happy to have that debate, but what we need now is a clean bill—one that allows the funding for the Department of Homeland Security to go forward.

I noticed on the news this morning, one of the issues that is at risk in this debate over whether we are going to support funding for the Department and the security of this Nation versus an ideological objection to the President—this morning one of the lead items on the news had to do with the cyber security breach at Anthem, the second largest health insurance company in the country. I happen to have my health insurance through Anthem, so I paid particular attention to this.

But one of the things that is in this clean bill that was agreed to last December by Senator MIKULSKI and Congressman ROGERS was funding for the cyber security center within the Department of Homeland Security to address the next-generation threat to our cyber networks.

That is critical funding we need if we are going to intercept the kinds of breaches we saw with Anthem and heard about this morning. Yet that funding is at risk because there is not agreement to get a clean bill done to fund the Department of Homeland Security.

What we have heard from almost everybody who has spoken is: We agree we should fund the Department of Homeland Security; we agree to the dollar levels that are in that bill; we agree to making sure the safety and security of this country should be paramount. We have heard a number of our colleagues from the other side of the aisle and from the House who have said ultimately this is about getting a clean bill. So we should do that now. We should provide certainty, we should get this done, and we should stop having an ideological debate about whether we are going to support immigration and the President, or whether we are going to support the safety and security of this Nation.

I think we should all be able to agree that the safety and security of America comes first. We should get this clean bill done, and then we can go on and debate immigration reform.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. There is 1 minute 20 seconds.

Mrs. SHAHEEN. I think it is worth noting some of the great work done by the Department of Homeland Security, which interfaces with the American people more than any other department.

Every day Customs and Border Protection processes nearly 1 million travelers entering the United States and seizes 19,000 pounds of illegal drugs between the ports of entry. The Transportation Security Administration—the people who work at our airports—screen 2 million passengers and their baggage. The Coast Guard patrols 3.4 million square miles of U.S. waterways and conducts 54 search and rescue missions that save lives annually.

Every day FEMA provides \$3.7 million in Federal disaster grants to individuals and households and provides \$22 million to States and local communities for disaster response and recovery. Every day the Federal Law Enforcement Training Center trains 8,000 officers from across the country. This work is just too important for our security to be delayed or disrupted because of ideological reasons concerning immigration reform.

We need to pass a clean, full-year Homeland Security funding bill. We need to pass it without controversial riders, and I hope we will do that.

I yield the floor.

The PRESIDING OFFICER. All time is expired.

CLOTURE MOTION

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 240, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015.

Mitch McConnell, Thad Cochran, Tom Cotton, Roger F. Wicker, David Vitter, Jerry Moran, Daniel Coats, Michael B. Enzi, Mike Crapo, Bill Cassidy, John Boozman, John Thune, Tim Scott, John Hoeven, James Lankford, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 240, an act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—52

| | | |
|-----------|-----------|----------|
| Alexander | Ernst | Perdue |
| Ayotte | Fischer | Portman |
| Barrasso | Flake | Risch |
| Blunt | Gardner | Roberts |
| Boozman | Graham | Rounds |
| Burr | Grassley | Rubio |
| Capito | Hatch | Sasse |
| Cassidy | Hoeven | Scott |
| Coats | Inhofe | Sessions |
| Cochran | Isakson | Shelby |
| Collins | Johnson | Sullivan |
| Corker | Kirk | Thune |
| Cornyn | Lankford | Tillis |
| Cotton | Lee | Toomey |
| Crapo | McCain | Vitter |
| Cruz | Moran | Wicker |
| Daines | Murkowski | |
| Enzi | Paul | |

NAYS—47

| | | |
|------------|-----------|------------|
| Baldwin | Heitkamp | Nelson |
| Bennet | Heller | Peters |
| Blumenthal | Hirono | Reed |
| Booker | Kaine | Reid |
| Brown | King | Sanders |
| Cantwell | Klobuchar | Schatz |
| Cardin | Leahy | Schumer |
| Carper | Manchin | Shaheen |
| Casey | Markey | Stabenow |
| Coons | McCaskill | Tester |
| Donnelly | McConnell | Udall |
| Durbin | Menendez | Warner |
| Feinstein | Merkley | Warren |
| Franken | Mikulski | Whitehouse |
| Gillibrand | Murphy | Wyden |
| Heinrich | Murray | |

NOT VOTING—1

Boxer

The PRESIDING OFFICER (Mrs. FISCHER). On this vote, the yeas are 52, the nays are 47.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. I enter a motion to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from Utah.

Mr. LEE. Madam President, Republicans in the Senate are ready to begin debating the bill to fund the Department of Homeland Security. But in order to do that, we must first vote to proceed to the bill, and Democrats have blocked us from doing that. They have done that yet again today.

This is simply a procedural vote, but it is a very important procedural vote. It is a threshold vote, without which other votes cannot and will not occur.

Voting yes on a motion to proceed to this bill doesn't mean you support the bill. Regardless of which way you vote, it doesn't signal which way you lean on the underlying merits of this bill. It doesn't mean you support this or that amendment. It simply means you are willing to engage in an open, transparent, and public debate about the future of Homeland Security and about making sure the Department charged with this task is funded.

Why would our friends across the aisle be afraid of that? Some may argue that they voted against proceeding to this bill somehow because they support funding Homeland Security, but that is not true. This bill

funds Homeland Security. Why then are my friends on the other side of the aisle voting against proceeding to this bill?

Well, the difference that might be found is that many of them also support the President's incredibly unpopular and controversial action to grant amnesty to 5 million illegals who are here illegally inside the United States, individuals who will now be eligible for work permits and in some cases entitlement benefits. But the American people do not support that. They certainly do not support the action the President took and the way he did it. They oppose the way President Obama went around Congress. They oppose the fact that President Obama ignored the law. They oppose the damage this policy will do to American workers who are already struggling to find work and remain employed. They oppose the crisis this kind of action is creating and will continue to create at the border, as we saw last summer with so many children making that dangerous trip to get into the country and to do it the wrong way, to get here illegally.

Now that the American people have put Republicans in charge, in the majority, in the Senate, we are trying to keep our promise to them, to do what they sent us here to do, and to hold a vote on President Obama's action in this regard. But the Democrats seem to be reluctant to take that vote. They seem to not want to take it. Perhaps they are afraid of it; I do not know. Maybe that is why they refuse to even begin consideration of this bill, plain and simple. This effort to try to hide from the American people is embarrassing, and it is wrong.

My friends across the aisle may say that they have an alternative bill and that we should pass their alternative bill immediately. There are at least two problems with this approach.

First, that may have been the way the Senate functioned under the previous majority—writing bills in back rooms, waiting until the last minute to make bills public, then filling the tree, which means making it impossible for anyone to amend the bill once it gets to the floor, having virtually no debate, and then ramming the bill through without any input from the American people, without adequate debate here, without virtually any debate here. That is not the way the Senate is supposed to work. That is not the way the Senate does work and will continue to work under the Republican majority.

Second, traditionally appropriations bills do not start in the Senate. In fact, the House has not considered a Senate-originated appropriations bill for over 100 years—since at least 1901, the period for which these kinds of records are readily available. Unfortunately for them, the bill the Democrats want is not supported in the House. Why? Well, precisely because it is not supported by the American people.

It is time to stop delaying democracy. It is time to stop hiding from the

American people. It is time to fund the Department of Homeland Security. It is time to have this debate and this discussion about the President's actions—actions that many people regard as unlawful, actions that people have different feelings about as far as the underlying policies but that the overwhelming majority of the American people look at and say: Look, even if I like the underlying policy here, I do not like the way the President did it.

If the President does not like the law, he needs to change the law. The way to change the law under our constitutional system is to go to Congress and to get something passed through Congress. Ours is not a government of one; ours is a government in which we have two entities within Congress that are charged with making the law. The President cannot act alone.

So my plea to my colleagues, particularly those across the aisle, is let's have a vote and then let's have a debate. When we have a vote and we have a debate, we will get to the point where we can fund the Department of Homeland Security and keep our Nation safe. We should not be keeping these important programs—we should not be holding them back simply out of a desire to protect the President and his actions that are outside the law.

MORNING BUSINESS

Mr. LEE. Madam President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Hawaii.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Ms. HIRONO. Madam President, I rise to urge my colleagues to pass a clean appropriations bill that funds the Department of Homeland Security, DHS. Listening to my friend the Senator from Utah, it is very clear that the Republicans' position on this bill that is before us today is totally dependent on their assertion that the President's recent actions on immigration are illegal. Democrats do not concur with that. In fact, I thought illegality of any actions should be determined by courts of law. What the President did recently is no different from like Presidential actions taken by Presidents Reagan and Bush, I might add. So we must fund DHS and resist the temptation to govern through manufactured crises and political games. Our national security is at stake.

Surely my colleagues remember when DHS was created in direct response to the terrorist attacks on September 11, 2001. Just 11 days after 9/11, DHS started to take shape. President George W. Bush named Gov. Tom Ridge to lead an office to oversee and coordinate a comprehensive and national

strategy to safeguard our country against terrorism and respond to any future attacks.

DHS's mission is to protect our homeland, as its name makes perfectly clear. DHS is responsible for border security and immigration enforcement. It is tasked with keeping our airports safe through TSA, with emergency management response through FEMA, and protecting our coasts through the Coast Guard.

As a member of the Senate Armed Services Committee and the Senate Select Committee on Intelligence, I know how important the work DHS does is in keeping our Nation safe. Let's take a step back and remember why DHS was created in the first place and what their mission is. Why should we play politics with the Department that exists to protect America?

DHS's funding runs out at the end of this month. The clock is ticking. The nearly 200,000 who work for DHS do not want us spending valuable time scoring political points; they want the certainty that their important work will be funded by Congress. If the Department is not funded by the end of the month, we probably will once again resort to passing a continuing resolution to keep the Department going. A continuing resolution is only a stopgap; it is a waste of time and money.

DHS Secretary Johnson said: Operating in a stop-and-go cycle of continuing resolutions is like trying to drive a car across the country on no more than 5 gallons of gas at a time and without knowing the distance to the next gas station.

Of the nearly 200,000 DHS employees across the country, 2,000 are based in Hawaii. Nobody will get paid if DHS gets shut down. Some will be furloughed, while many others will be forced, as essential employees, to continue showing up for work without pay. We count on the Coast Guard, the TSA, Customs, and the U.S. Citizenship and Immigration Services—which are all part of the DHS—to be on the job every day.

Some of my Republican colleagues insist that before we fund the critical work of Homeland Security, we must first undo the President's common-sense immigration actions that helped millions of families across the country. The House bill before us holds DHS funding hostage to make political points against the President. This is a manufactured standoff.

The House bill attacks undocumented persons who have American-born children. Those are U.S. citizen children. The President's actions enabled these families to step out of the shadows, pass background checks, pay their taxes, and work in the open without the daily threat of deportation.

The House bill attacks DREAMers, the students who have been helped through the DACA problem for nearly 3 years. Just yesterday President Obama met with six DREAMers in the Oval Office who represent some of the very