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Senate

The Senate met at 9:30 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.

O God of light, in whom there is no darkness, thank You for Your love. You are a guide who gently leads us. You are a mystery but not a puzzle, profound but not incomprehensible. You are loving but not sentimental, patient and long-suffering but not weak and indecisive. O God, You are all things that we are not but need to be.

You, O God, with steadiness and perseverance, move in the lives of humanity and in the life of the whole world and its events. Awaken our lawmakers to Your inescapable presence. Enable them to feel You in their midst as they grapple with the problems of our time.

And, Lord, we thank You for the many years of faithful service by Kathie Alvarez.

We pray in Your great 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. HELLER). 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 assistant 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.

CARTER NOMINATION

Mr. MCCONNELL. Mr. President, later today the Senate will consider the nomination of Ash Carter to be the next Secretary of Defense.

If I could place one demand on him, it would be to leave our Armed Forces in a better position to deal with global threats than they are today. As I have noted in the past, the overall consequence of many of the President's policies have been to weaken our ability to confront Al Qaeda and its affiliates, the Taliban, and associated groups.

The President's inflexible commitment to campaign promises made in 2008 has led to artificial deadlines for withdrawal from Afghanistan, a rushed withdrawal from Iraq, and Executive orders to close Guantanamo and send detainees back home to places such as Yemen and Afghanistan. It has also led essentially to end America's ability to capture, detain, and interrogate terrorists—whether or not we are still at war with Al Qaeda.

The truth is Al Qaeda was at war with us before we went to war with them, and today we face a diffuse and versatile threat from terrorists, with ISIL intent on striking America and its allies.

The next Secretary of Defense needs to explain to the President that drawing down in Afghanistan—based on an artificial deadline—risks the gains we have made there. He needs to explain that the Haqqani network and the Taliban continue to threaten our allies.

The next Secretary of Defense must do all he can to make a declaratory

policy of pivoting to Asia a real one. Past drawdowns of conventional power and failure to modernize the American force have encouraged foes and unsettled friends. So it is time to invest in the platforms and the capabilities needed to address effectively China's military buildup, and the next Secretary must also support the Chairman of the Joint Chiefs of Staff when he provides his best military advice to the President, especially when that advice is ignored in the White House.

In the Senate I will do all I can to support the next Secretary. That starts today. I intend to support Ash Carter's nomination, but my support is conditioned on this request: The incoming Secretary needs to have the courage to speak truth to power—to Congress, yes, but also to his Commander in Chief.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, I have been trying to understand what has been holding up the funding for the Department of Homeland Security.

The Department of Homeland Security is the agency we created after 9/11 that merged 22 different agencies of our government to make sure that 9/11 never happened again. We created this new Department, and we said to them: Keep America safe. Use our tax resources and your best efforts to keep America safe. Thank goodness that we have not had a repeat of that terrible tragedy of 9/11 since—under either Republican or Democratic Presidents.

When we started debating about funding the agencies of government in December with an omnibus budget bill, the House Republicans said: We will fund the entire Government of the United States, but we will not give regular budget appropriations to the Department of Homeland Security. They singled out the one department responsible for our safety and security and

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



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said: We will give them temporary funding.

In fact, the funding for this round ends February 27, in 15 days. So we are in an almost impossible-to-explain situation where the agency with the premier responsibility of keeping America safe is not being adequately funded to do its job. Now, we know we live in a dangerous time in the world's history. Evidence continues to be shown of the ruthless, barbaric tactics of extremist groups such as ISIS.

Kayla Mueller, this magnificent young woman—I believe 26 years old—taken captive by ISIS, was killed by them. They murdered a Jordanian pilot by burning him alive. They beheaded the Japanese journalist. So we know they are ruthless and barbaric, and we know that they are extending their reach.

Well, we are doing what we must do with the Department of Defense when it comes to stopping them, but we are not doing enough when it comes to the Department of Homeland Security because we are not funding this agency as it should be funded. It has been singled out by the House Republicans as the only agency that doesn't receive regular appropriations.

We sat down with Secretary Johnson and asked him: Well, what impact does it have on you, on managing your Department when it comes to temporary funding, as opposed to a regular budget?

He said: I can't make grants to fire departments in Illinois, Nevada or Arizona. The fire departments come to me and say: Our firefighters need better training; can you give us a Federal grant for that purpose?

Or if they need equipment to keep themselves safe, he said: I can't give the grants because I am under a continuing resolution.

If we look at the budget for this Department of Homeland Security, honestly, there is no real disagreement on how much they should receive. When we look at this budget of \$47.8 billion, it raises some obvious questions.

I wish to mention for the record some of the items the money is used for. There is \$8.5 billion, roughly, for the Coast Guard. We know the Coast Guard's responsibilities—focusing on preventing terrorist attacks; addressing evolving threats to our maritime and transportation systems as well as the global supply chain; preventing the unauthorized acquisition, importation, and use of chemical, biological, radiological, and explosive materials. That is what the Coast Guard is supposed to do. I said \$8.5 billion, but it looks like it is \$10 billion in total that is supposed to go to the Coast Guard. But it is being held up by this continuing resolution.

We have to ask ourselves: What is stopping us from funding the Coast Guard properly so they can protect us?

How about Customs and Border Protection: There are \$12.5 billion for Customs and Border Protection to secure

U.S. air, land, and sea borders; safeguard and streamline lawful trade and travel; and disrupt and dismantle transnational, criminal, and terrorist organizations.

The list goes on and on. What is it that is holding up this appropriation? It took some research, but I found what is holding it up.

It is this young woman on the poster. Her name is Herta Llusho. Herta Llusho was brought to the United States from Albania at the age of 11.

She grew up in Grosse Pointe, MI, a suburb of Detroit. She quickly learned English and became an academic star. She graduated from Grosse Pointe South High School with a 4.05 grade point average. In high school, Herta was a member of the varsity track team, won an Advanced Placement Scholar Award, and was a member of the National Honor Society.

Herta went on to the University of Detroit Mercy, and she graduated with honors with a major in electrical engineering. While Herta was in college, she completed internships at engineering companies, was very involved in her community, and volunteered at homeless shelters, tutoring programs, and in her church.

Listen to what her friends say about Herta Llusho:

I am humbled by Herta's willingness and desire to serve. I have had the privilege of going to the same church at which she faithfully serves. She spends hours tutoring kids and volunteering with the junior high Sunday school class. It's a joy to watch so many kids run up to her at church because of the love they receive when they are with her.

Herta, after she graduated, learned that she could be protected from deportation—because she is undocumented—with a Presidential order called DACA. It is Deferred Action for Childhood Arrivals, and it was an Executive order by President Obama which says that Herta Llusho could be a DREAMer, allowed to stay in the United States, and will not be deported.

It turns out that Herta Llusho is the reason why we can't fund the Department of Homeland Security, in the minds of Republican leaders. They believe she needs to be deported first before we fund the Department of Homeland Security.

I hate to put that burden on Herta's shoulders, but she and many like her are at the center of this debate—600,000 young people, many of them people such as Herta Llusho, who came to this country as children, made a great record in high school, have no criminal issues whatsoever, and who want to be part of America's future. And what we are hearing from Republican leadership is that we will not fund the Department of Homeland Security to protect America until they deport Herta Llusho. That is what the House bill says. It makes no sense whatsoever.

We were off to a flying start in the Senate. We had 3 straight weeks of debate and 30 to 40 amendments from both sides of the aisle. I thought there

was—but for one bump in the road on a Thursday night—a great spirit of cooperation. Amendments were being offered on the Democratic side and on the Republican side. Some were controversial, and people didn't want to vote on them. But I happened to welcome what happened on the floor. I think that active debate, deliberation, and all these amendments were the right thing to do, even though I disagreed with the basic bill, the Keystone Canadian pipeline bill that came before us. We took it through to its conclusion.

There were countless times when any Democrat could have stood up, objected and stopped the Senate for 30 hours or 60 hours, as we saw over the past several years. We did not do that.

We tried in a spirit of bipartisanship to engage in an active debate, even on an issue where we knew the Republicans would prevail. I think that was the right thing to do.

Sadly, in the past 2 weeks, we have fallen back into bad habits. There has been this insistence by Speaker BOEHNER that the Homeland Security bill not go forward to fund this critical agency unless they can challenge President Obama on immigration issues.

Why are they doing this? Why are they endangering the safety of the United States of America?

Is it because of Herta Llusho and their determination to make sure this spectacular young woman leaves America, is deported back to Albania, a country she barely remembers? Is that why we are doing this? If it is, it is sad. In fact, it borders on being disgraceful.

We need to pass a clean Homeland Security bill. We need to do it now. We can take up the debate on immigration any time the Speaker and the majority leader want to bring it up. It is within their power to call the next issue we are going to debate.

I sincerely hope that before we leave for the President's week break that we call up this bill; that we debate it and pass it, so we can make sure America is safe in this age of terrorism, and then let's save for another day the debate on Herta and the thousands just like her and what their fate and future will be in the United States of America.

Some Republicans have stepped up recently and joined us in our effort. I thank the Presiding Officer for the time he joined us on the rollcall. Yesterday, my colleague Senator KIRK, from the State of Illinois, made a statement on this issue. He said: My hope is that we pass the Homeland Security appropriations bill clean now. I would think we should just pass a regular appropriations bill under regular order. Republican Senator JEFF FLAKE said: To attempt to use a spending bill to try to poke a finger in the President's eye is not a good move, in my mind.

More and more Republican Senators are speaking up. I hope the leadership is listening and I hope the Speaker is

listening. If we want a debate on immigration, let's have it. I am anxious to tell the story of Herta and many others and to appeal to my colleagues on a bipartisan basis to come up with sensible immigration reform. But let us not withhold funding from this critical agency while we are embroiled in this political squabble.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes, with the Democrats controlling the first half and the majority controlling the final half.

The Senator from Illinois.

CARTER NOMINATION

Mr. DURBIN. Mr. President, I rise to express my support for the President's nominee, Dr. Ashton Carter, to serve as our Nation's 25th Secretary of Defense.

SECRETARY OF DEFENSE CHUCK HAGEL

Let me first say a few words of thanks to Chuck Hagel, our former colleague in the Senate, who has served as Secretary of Defense. He is a friend, he has had a long career in public service, and he is a veteran of Vietnam. The people of Nebraska rewarded him by asking him to represent them in the United States Senate.

As our Nation's first person of enlisted rank to serve as Secretary of Defense, he had a unique, ground-level view on matters of war and peace, and a strong commitment to our troops. I thank Chuck Hagel for his service and his family for their sacrifices over the last 2 years.

Dr. Carter has an impressive and distinguished record of service as well in government, as an adviser and as a scholar. He has what it takes to be a great Secretary of Defense.

His credentials as one of our Nation's top security policy experts are well established. He earned a bachelor's degree in physics and medieval history from Yale and his doctorate in theoretical physics from Oxford. He has served as faculty chair at Harvard and is the author of 11 books.

As singularly impressive as this is, Dr. Carter is also very much a doer. He has served no fewer than 11 Secretaries of Defense, including Leon Panetta and Chuck Hagel. He has four times been awarded the Department's Distinguished Service Medal, as well as the Defense Intelligence Medal.

As an assistant secretary during the Clinton administration, he was instrumental in removing nuclear stockpiles from the former Soviet states of Ukraine, Kazakhstan, and Belarus.

As Under Secretary of Defense for Acquisition, Technology and Logistics, he was renowned for breaking through bureaucratic logjams to get our troops what they needed, when they needed it. We talked about this at some length when we met in my office a few weeks ago. How can we continue, I asked him, to reform DOD so that it will be able to rise to the occasion of today's challenges?

As part of the discussion, I was pleased to hear his appreciation for the organic industrial base of the Department of Defense, especially one near and dear to my heart, the Rock Island Arsenal in Illinois.

He recalled his experience in Afghanistan as he tried to bring our troops the body armor and armored humvees they needed. He also recalled working alongside the great dedicated employees at the Rock Island Arsenal as they delivered the necessary lifesaving equipment to our troops and rolled it off their assembly lines in record time.

I am confident Dr. Carter can steer the Department of Defense through difficult times and provide the President with the best policy advice to deal with our Nation's challenges. He has my full support.

LYNCH NOMINATION

Mr. DURBIN. Mr. President, while I am pleased the Senate is moving, and moving quickly, on Ashton Carter, I am troubled that my colleagues across the aisle are delaying consideration of Loretta Lynch, the President's nominee for Attorney General of the United States. It has been 96 days since the President announced the nomination. This is longer than any other Attorney General nominee has had to wait in recent memory. By way of comparison, the Democratic-controlled Senate confirmed Michael Mukasey as Attorney General in 53 days, Eric Holder in 64 days.

I sat through the hearings with Loretta Lynch, and I listened to the questions, particularly from the Republican side, because most all Democrats I know of are supporting her. I listened to the questions on the Republican side and I came to the inescapable conclusion that Republican Senators were going to refuse any effort to renominate Eric Holder for Attorney General. That is all they had to say. Their grievance was with the sitting Attorney General, who has announced he is leaving as soon as his successor is chosen. I listened carefully for any criticism of Loretta Lynch and I didn't hear it.

Then they had the panel of public witnesses. That is a panel that has a majority of Republican-chosen witnesses and Democratic witnesses. Early on, I believe Senator LEAHY asked the question of all the witnesses there: How many of you who are on this public panel oppose the nomination of Loretta Lynch for Attorney General? Not one—not one Republican, not one Dem-

ocrat. There is no opposition to Loretta Lynch.

Why are they holding up this important appointment by President Obama? Why don't we consider that this afternoon? It can be done, and it should be done very quickly.

Nobody has questioned her record as a Federal prosecutor. She has twice before been unanimously confirmed to serve as U.S. Attorney for the Eastern District of New York. She has been vetted and examined and questioned to a fare-thee-well. She testified before the Senate Judiciary Committee for nearly 8 hours, answering every question, including 600 written questions that were sent to her.

It is time to move forward and confirm this obviously well-qualified and historic nominee.

The Senate Judiciary Committee will have the opportunity to report Ms. Lynch out this week. We have the opportunity to confirm her immediately. There is no reason for further delay. What are the Senate Republicans trying to prove by holding up an obviously qualified nominee for a critically important agency such as the Department of Justice?

I hope the spirit of bipartisanship shown in that committee can be shown on the floor of the Senate.

Mr. President, I yield the floor.

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. MURPHY. 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. MURPHY. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

AUMF

Mr. MURPHY. Mr. President, to her high school classmates it was pretty clear what kind of person Kayla Mueller was going to turn out to be. As a teenager she took up the causes of the disenfranchised and the dispossessed, such as when she joined a campaign to stop the city of Flagstaff from using recycled wastewater to make snow on a set of peaks the Hopi people considered to be sacred. She later went to the most dangerous place on Earth because people there needed help. She saw suffering on an unimaginable scale, brought on by a vicious civil war inside Syria and Iraq, and she wanted to make it better.

No one is responsible for her death except for ISIL. They killed her, as they did James Foley, Steven Sotloff, Abdul-Rahman, Peter Kassig, and thousands of individual innocent Iraqis and Syrians over the course of the last year.

It has been a long time since the world has seen such evil. This is a brutal inhuman terrorist organization