

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 President, I ask unanimous consent that the quorum call be rescinded.

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

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SESSIONS. Mr. President, I always try to be accurate in what I say on the floor. Having been trained before Federal judges for almost 15 years, practicing law, if you said something out of line, you got hammered for it.

My friend, very good friend and colleague, the Democratic whip, Senator DURBIN, earlier today came to the floor and said: Mr. President, I have been trying to understand what is holding up the funding for the Department of Homeland Security.

I would ask my colleague Senator DURBIN: Have you ever heard of a filibuster? What about the filibuster you are leading to block the bill that funds Homeland Security? I mean how much more obvious can the answer be to what is holding up funding for the Department of Homeland Security, the House-passed legislation?

It is good legislation, to my knowledge. There is very little dispute about the agencies and the departments in Homeland Security in terms of what they would get in terms of funding. They simply said that the extra-lawful actions of President Obama would not be funded.

The Los Angeles Times now says that this executive amnesty could cost up to \$484 million. I think it will be much more. The Los Angeles Times isn't counting the cost to State and local governments, welfare costs, tax costs. This is just their idea of what it will cost to give lawful status to 5 million people. It is going to cost more than that. But \$484 million is still a lot of money.

Congress, the House of Representatives, said: Mr. President, we don't agree with this policy and your policy is unlawful. You said 20 times yourself you don't have the power to do this. Constitutional scholars say that. It is an erosion of our power and, based on the fact that we don't like the policy and we think it is unlawful policy, we are going to fund Homeland Security, we are just not going to allow you to take money from enforcement of homeland security laws to reward people who violated the laws.

Isn't that a responsible thing for Congress to do? Isn't it an absolute fact that Congress has the power to fund what it desires to fund and not fund what it does not desire to fund? That is the power of the purse, vested in the coequal branch of Congress. It is Congress's fundamental power.

Senator DURBIN is now leading the filibuster. We have had a series of votes. He has been able to get every single Democrat to vote with him to block even going to the bill, even allowing a bill to come up on the floor of the Senate for debate and amendment.

If he wants to offer language that says we want to ratify what the Presi-

dent did and allow all this to happen, he is free to offer that amendment on the floor of the Senate. But he is not even attempting to do that. He is basically saying we are not going to allow the bill to come up for a vote, and we are going to blame the Republicans for blocking the bill.

What kind of world are we living in? I have suggested that is "through the looking glass." We have the people leading the filibuster accusing the House and Republicans in the Senate for blocking the bill when they, indeed, are the ones doing it.

He also quoted our fine colleague Senator FLAKE to say: To attempt to use the spending bill to try to poke a finger in the President's eye is not a good move, in my mind.

I agree with that, we shouldn't be using a spending bill to poke the President in the eye. But I suggest to my colleagues that the President is the one who has poked the American people in the eye, he has poked the rights and powers of Congress in the eye by taking money that was assigned and given to Homeland Security to enforce the laws of the United States. He is taking out money and spending it at this very moment to undermine and to violate the laws of the United States.

Colleagues, the law of the United States—we have a lot of laws—says that an employer, for example, cannot hire somebody unlawfully in the country.

So the President's proposal: Well, I am going to make 5 million people who are unlawful today lawful. I am going to give them a photo ID, I am going to give them a right to work, a Social Security number, and the right to participate in Social Security and Medicare, because I am angry that Congress wouldn't pass it.

Senator DURBIN says this—and our colleagues who have been leading the filibuster have been saying this—repeatedly.

It is impossible to explain the situation, quoting Senator DURBIN, where the agency "with the premier responsibility to keep America safe is not being adequately funded."

He goes on to say that again about placing America at risk.

I would ask a couple of questions. How does taking funding from the lawful, authorized policies of Homeland Security that are supposed to identify people unlawfully here, to identify terrorists, and do other things to make America safe—how does taking the money from them, to give legal status to 5 million illegal aliens make us safer?

Does that make us safer? How absurd is that?

Ken Palinkas, who is head of the union of CIS workers, the National Citizenship and Immigration Services Council, said:

Unfortunately—and perilously overlooked in Washington—our caseworkers are denied the urgent professional resources, enforcement tools, and mission support we need to

keep out those who are bent on doing us harm.

This is processing the 1 million or so per year who are given lawful status in America. He is not referring to the future when they are going to be expected to process—immediately, apparently—5 million more. They don't have money to process the people today. These are his words, not mine, in a letter dated September of last year. He said:

The 9/11 hijackers got into the U.S. on visas and now, 13 years later, we have around 5 million immigrants in the United States who overstayed their visas—many from high-risk regions in the Middle East. Making matters more dangerous, the Obama Administration's executive amnesty, like S. 744 that he unsuccessfully lobbied for, would legalize visa overstays and cause millions additionally to overstay—raising the threat level to America even higher.

That is what the people who enforce the law every day are saying.

In January of this year, a few weeks ago, January 22, Mr. Palinkas said:

The President's executive amnesty—

And that is what they are objecting to. That is what the people who are filibustering this bill today are doing. They are protecting, advancing, supporting, and attempting to fund the President's unlawful amnesty.

Mr. Palinkas, whose duty it is to enforce these laws, said:

The President's executive amnesty order for 5 million illegal immigrants places the mission of USCIS [that is the immigration service] in grave peril. Instead of meeting our lawful function to protect the Homeland and keep out those who pose a threat to U.S. security, health, or finances, our officers will be assigned to process amnesty for individuals residing illegally inside our nation's borders. This compromises national security and public safety, while undermining officer morale.

That is exactly right. You don't have to be a real expert to understand he is exactly right about this.

He continues:

The Administration's skewed priorities means that the Crystal City amnesty processing center will likely have superior work-site conditions for personnel relative to our normal processing centers. Additionally, the security protocols at place in this facility will be insufficient to engage in any basic screening precautions, ensuring and rewarding massive amounts of fraud. For the administration to continue down this course after the Paris attacks is beyond belief.

This is what we are dealing with. In October of last year, Mr. Palinkas, when the President was proposing this amnesty before it happened, issued a statement on behalf of his workers and his colleagues in the immigration service. He concludes in his statement:

That is why this statement is intended for the public. If you care about your immigration security and your neighborhood security, you must act now to ensure that Congress stops this unilateral amnesty. Let your voice be heard and spread the word to your neighbors. We who serve in our nation's immigration agencies are pleading for your help—don't let it happen. Express your concern to your Senators and Congressmen before it is too late.

Well, that is what it is all about. The President 20 times said he did not have the power to do such a thing, but he—under political pressure, I suppose, or just an overreach on his part—decided to do it anyway. He said he didn't have the power to do this. Now he has acted on it, even though the officers pleaded for him to not do it, even though an overwhelming majority of the American people said don't do it, even though at least nine Democratic colleagues who were supporting this filibuster said the President didn't have the power or shouldn't do it this way, that these kinds of decisions are part of Congress's power.

Mr. President, don't do it, is what they said. Yet all nine of them are now standing in lockstep to block the funding of homeland security that funds every part of homeland security—it just doesn't fund this building they have leased across the river in Crystal City that is supposed to process up to 5 million people.

Colleagues, I want you to know it is absolutely true they will not even have face-to-face interviews with these applicants. This is going to be coming in by mail and computer. They will eventually be sent someplace to get a photo ID, they will be given a work permit to take any job in America, and the right to participate in Social Security and Medicare, weakening both of those programs over the long term, without any doubt.

That is what is occurring without congressional approval. This is going to cost hundreds of millions of dollars just in the process.

But what I want Senator DURBIN to know is this is going to weaken national security. Because if someone is here to do harm to America—perhaps they are a drug dealer or they are a terrorist and they want to do criminal acts in America, and they have a record—they are not going to ask for the amnesty. They are going to stay and continue to work their wicked will. That is what they are going to do. Nobody is going to go look for them. Nobody is looking for them now, and nobody will be looking for them then. It will be business as usual.

But if you came here with a bad purpose—terrorism, drug dealing, other criminal activity—and you don't have a criminal record, you will just call in, send an email in, get your identity, and be allowed to permanently operate in the United States.

And colleagues, the American people, I think, understand this. Nobody is going to investigate anything, other than maybe to run a computer background check—a computer check to see if there is a criminal record out there. There is no way anybody is going to go back and try to verify whether someone has actually been in the country a number of years, verify family relations. They are not going to go back to some school to see if they actually graduated. There are no people to do that. This is just a blanket approval

for people who apply, basically. You send in a few documents, and you are in. There is no capability of doing anything other than that.

So the President has just made a big mistake—a big mistake—and Congress needs to push back. Congress has the power to consider what kind of policies we want to set with regard to immigration. Those have been set. It is unlawful for people unlawfully in America to work in America and to participate in Social Security and all of those programs. It is just unlawful to do that. The President is violating that law in issuing directives through these departments and agencies to Federal employees, and those employees are protesting dramatically, but nobody seems to care.

Congress is the one body that is supposed to stand up to that, and the House of Representatives has done so. They passed a bill that would stop this activity, that says: we will not authorize the expenditure of any money to carry out this plan that Congress has not approved, that undermines the laws we have in place, and that—as Palinkas and other officers have told us—will encourage more people to come to America unlawfully, further decimating any integrity the system has.

We issued a 49-page document of 200 different actions taken since President Obama has been in office that undermine the moral integrity of the immigration system, making it more and more difficult to maintain even a modicum of legality in the system. His actions are continuing to erode that—the most dramatic, of course, being this Executive Amnesty. So we are just supposed to accept this.

This isn't a personal issue to attack President Obama or any of our colleagues. It is a big American policy issue. It is a huge issue for this country, and we need to understand it. It is a constitutional question as well as a policy question.

The constitutional question, which the House of Representatives understands, is that Congress appropriates money. Congress has no duty to placate the President of the United States when he wants to carry on an activity that Congress chooses not to fund. Congress has a duty to history and to generations yet unborn to defend and protect its power of the purse. Congress has to do that.

I plead with and say to my colleagues that those who know the President overreached on this, this is the time, this is the bill when we should fix this. Passage of this bill without the language of the House would basically fund all of the Executive Amnesty. It would not block funding of this activity. To take out the House language and to pass what our colleagues want to pass—a bill that makes no reference to the Executive Amnesty—takes no action to stop that activity; that is, it ratifies it. It is in effect a financial ratification of an unconstitutional

overreach by the executive branch that will have ramifications in the future that we can't even imagine today.

Somebody asked the question—and I think it is a valid analogy—what if the President wanted to reduce the tax rate from 39 percent to 25 percent and Congress wouldn't pass it. So he tells all of his IRS agents—they work for him—don't collect any money over 25 percent. He says to the people: Don't send in money more than 25 percent. I told the agents not to collect more than 25 percent.

Is that so far-fetched, if this were to pass?

What the President is saying is, I know the law says you can't work here. I know the law says you are supposed to be removed if you are here illegally. I know all of these things, but we are just not going to do it. Not only am I not going to enforce the law with regard to immigration, but what I am going to do is I am going declare you as lawful. I am going to give you Social Security numbers and work permits.

A recent report from a liberal group, the Economic Policy Institute, announced on February 10 that the unemployed exceed job openings in almost every industry in America.

We know unemployment is exceedingly high, and we know that we have high job unemployment in the country. Remember, the unemployment rate we see today does not include people who drop out of the workforce, it only reflects those people who are underemployed and looking for more work or people who are actually seeking employment aggressively and have signed up on the unemployment rolls in efforts to get a job.

This indicates that in the big industry we used to hear a lot from—the construction industry—there are six times as many construction workers as there are job openings. Even for professional and business services they are higher. In retail trade there are far more applicants than jobs. It goes on and on, sector after sector.

So remember, at a time of this high unemployment, we are also going to be legalizing 5 million people to take jobs. We know we have to get over 200,000 jobs created in a month—that it takes 180,000 or 200,000—just to stay level with the growth in the population of America. We have been slightly above that recently, and there has been a lot of positive spin about that. But we still have the lowest percentage of Americans in their working years actually working that we have had in this country in 40 years.

Income is down \$4,000 since 2007 for middle-class working families. The median income is down \$4,000 since 2007. So how is this good for lawful immigrants, permanent residents, American citizens? How is it good to bring in even more workers at a time when we have the smallest percentage of Americans in the workforce in 40 years? I point to 40 years ago because we began to see a lot more women working in

those years, so this is a reversal of that trend.

What do the American people think about it? Here is some Paragon Poll data that says by a more than 2-to-1 margin Americans strongly oppose rather than strongly support the President's Executive actions. Blue collar and middle class workers strongly oppose the President's action by more than a 3-to-1 majority. By a 50-point margin, voters want Congress to pass legislation making it harder for companies to hire workers now illegally in the country—71 to 21.

The American people want to make it harder. Their children, their husbands, their wives are looking for work and not finding any. They want to have a decent wage, a rising wage, and a chance to get a job. So this is a 50-point margin. Remember, the President's action—far from making it harder for people to get a job—is going to provide a photo ID, work authorizations, and Social Security numbers to 5 million people unlawfully here. Almost all of those are adults, frankly.

Just to show how people feel about this and how strongly they feel about it, Kellyanne Conway's polling data shows that by a 75-to-8 margin Americans say companies should raise wages instead of allowing more immigrant workers to fill jobs.

People would like to see a pay raise around here for a change. Salaries dropped 5 cents in December. We are not doing nearly as well as some would like to say. That is a Department of Labor statistic—a government statistic—that says that.

How about this? What about people who have the hardest time finding work right now. African Americans, according to the Conway poll, by an 86-to-3 margin say companies should raise wages instead of allowing more immigrant workers to take jobs. For Hispanics that is true by a margin of 71 to 11. So by a 71-to-11 margin, Hispanics in America say companies should raise wages instead of bringing in more workers to take jobs, pulling wages down. That is what the market says.

So let's go back to the morality of all of this, which is fundamental. We as members of Congress represent the people of the United States. That includes immigrants, recent immigrants—naturalized citizens—living here today. It includes native-born citizens. That is who our obligation is to. So we need to ask ourselves, how are we helping them at a time of difficult wage conditions, difficult job conditions, while allowing a surge of workers to come to compete for the few jobs there are? Is that fulfilling our duty to the voters, to the electors who sent us here? I think not.

I think it is time for somebody to focus on the needs of people who go to work every day, who have had their hours reduced, who have had their wages decline, who have had their spouses and children having a hard time finding work. That is what is happening.

To repeat for my good friend Senator DURBIN, who says he has been trying to understand what is holding up the funding for the Department of Homeland Security, let me answer that question. The House has passed a bill. They have sent it to the Senate. More than a majority of the Senators have voted to pass a bill and fund the Department of Homeland Security. And you, as the Democratic whip, are leading the filibuster to block it from even coming up on the floor so amendments can be offered.

That is the answer to your question. So I don't think you should continue blaming Republicans for not attempting to fund Homeland Security. The whole world knows who is blocking the bill that funds Homeland Security: You and your team of filibusterers.

That is what it is. There is no doubt about that, and we need to get this straight. I don't believe the American people are going to be misled by that argument. I believe they are going to know what is happening in this Senate and why we have this difficulty.

I thank the Chair, and 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. LEAHY. 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. LEAHY. Mr. President, the Senate will vote later today on the confirmation of Dr. Ashton Carter to fill a critically important Cabinet position, that of Secretary of Defense. I think we all know Dr. Carter is a dedicated and distinguished public servant. He has actually been confirmed twice, unanimously, to two senior positions at the Pentagon. He has been recognized as a four-time recipient of the Department of Defense Distinguished Service Medal, and he has been awarded the Defense Intelligence Medal. I have no doubt the vote today in support of Dr. Carter will be overwhelmingly favorable.

The Defense Department faces important, timely, and difficult decisions in the coming months and years. They have to learn how best to balance what we know are our fiscal constraints with not only existing but emerging international challenges. Dr. Carter served as the day-to-day financial officer of the Pentagon, so he is one of the few people who understand the complexities of the Pentagon's budget. I believe that Dr. Carter will build upon the fine work of Secretary Hagel to chart a path toward fiscal accountability while maintaining the kind of military capabilities we need to face current global threats.

Dr. Carter is receiving his confirmation vote just over a week after he testified before the Armed Services Committee and two days after his nomination

was reported to the full Senate, and that swift action is commendable. But I want to contrast how his nomination was handled as compared to Loretta Lynch's for Attorney General.

LYNCH NOMINATION

It is a disappointment that contrary to what was done for Dr. Carter, Republicans on the Judiciary Committee chose to hold over for another two weeks another critical nomination, that of Loretta Lynch to be the Attorney General of the United States, the Nation's chief law enforcement officer.

Loretta Lynch is a renowned prosecutor, twice unanimously confirmed by the Senate. She has worked to put criminals behind bars for such crimes as terrorism and fraud. Some Members of this body said these terrorists should be held in Guantanamo because we, the most powerful nation on earth, should be afraid to try them in our Federal courts—the best court system in the world. She showed a lot more courage. She said, we will try these terrorists in our Federal courts, and we will show the rest of the world America is not afraid—and it worked. She got convictions. Now, the President announced the nomination of Ms. Lynch nearly one hundred days ago. It has been more than two weeks since she testified before the Judiciary Committee. In addition to nearly eight hours of live testimony, she has responded to more than 600 written questions. Her nomination has been pending for longer than any modern Attorney General nominee.

I contrast this to another nominee. In 2007, Democrats, who had been in the minority, took back over control of the Senate. President Bush had had an Attorney General, a man who, by just about any objective standard, had been a disaster. He was removed, and President Bush nominated Michael Mukasey to serve as Attorney General. It took only 53 days from the time his nomination was announced to his confirmation. That included doing all of the background checks and having the hearings. And then, after Mr. Mukasey's hearing, of course under our rules we could have held his nomination over in Committee, but I asked the Committee not to and we did not. While I ultimately voted against Mr. Mukasey because of his responses relating to questions on torture, as Chairman I made sure to have the Committee act quickly on him. In fact, I held a special markup session in order for the Committee to be able to report his nomination as soon as possible, because the President should have an Attorney General—and he was confirmed by the Senate two days later. Now, Republicans should extend the same courtesy with respect to Ms. Lynch's nomination to serve as the Nation's top law enforcement officer.

I look forward to working with Dr. Carter. I am not suggesting we should hold him up because they are holding her up. Of course not. He should be confirmed, as she should be confirmed, and