

willing to take administrative action if the House refuses to pass comprehensive immigration reform. I am on the floor of the Senate today to lay out my principles of what that action should look like and what I will urge the President to do if the worst happens and Republicans in the House do nothing.

First of all, the administration should make changes to ensure that while we are being tough on those who are a threat to our public safety or our national security, we are also enforcing our immigration laws in a smart, humane way for the millions of undocumented immigrants who are American in all but name. Frankly, that means changing our priorities. It means focusing our immigration enforcement efforts, including deportations, on actual criminals who are a danger to our communities, not innocent people such as Ben who randomly cross paths with an immigration official and not undocumented immigrants who live in our communities, attend church alongside us, and whose crime is seeking a better life in the United States of America.

It also means we should stop relying on detention centers to lock away undocumented immigrants who pose no public safety risk, are already in our country, and are contributing members of their community. Rather than simply locking them up under terrible conditions and then sending them away, we should take advantage of more humane, more cost-effective methods of enforcement, such as weekly check-ins with our immigration officials.

Secondly, we need to reestablish in our immigration system the most basic of American principles: due process of law. For example, if you are in our country, absolutely no one should be deported or turned away from the United States without a hearing before an immigration judge. Part of making that a reality is providing the funding for immigration judges and access to legal information for undocumented immigrants.

The policies at every single Federal agency that deals with undocumented immigrants, including ICE, Border Patrol, and any other agency, should be reformed so they are consistent, transparent, and fair. For far too long the rules have been different from one Federal agency to another and the policies have been so convoluted and illogical that innocent families are being torn apart.

We should also discontinue the use of unconstitutional ICE detainees when there is no probable cause, as many counties have bravely done in the Pacific Northwest, because not only is holding someone without probable cause a violation of our constitutional rights, it is expensive to local sheriffs and diverts precious law enforcement resources away from policing and protecting communities.

We should reduce the 100-mile enforcement radius for Border Patrol agents and make sure there is not 1

inch of land in this country that can be called a Constitution-free zone.

Finally, we must expand prosecutorial discretion and decide that before we deport someone such as Ben Nunez-Marquez out of this country, we should take a second to use our common sense first. We should build on the great success the administration has had with DACA—the deferred action for childhood arrivals policy—and ensure that Federal agencies are focusing their efforts on actual criminals, not families trying to make a life in the United States.

None of these actions can solve the underlying problem of a broken immigration system. Only legislation from Congress can do that. If the inaction of the House Republicans continues—and I hope it doesn't—we could be left without a choice.

Since that historic vote 1 year ago, we have all watched as more and more of our friends and neighbors fall victim to immigration laws that were designed for criminals, not families or our economy. We have seen Members of the House of Representatives choose politics over good policy and completely ignore a full-blown crisis that we have the power to change.

I look forward to working with President Obama, along with Republicans and Democrats alike in Congress, to make sure our immigration system works. I know so many people here and around the country join me in hoping the House Republicans step up and do the job the American people expect them to do.

I thank the Presiding Officer.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

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

SUPREME COURT DECISION

Mr. MCCONNELL. Mr. President, I welcome the Supreme Court's decision in the Noel Canning case. It represents a clear rebuke to the President's brazen power grab—a power grab I was proud to lead the effort against. Today's decision was clear, and it was a unanimous—unanimous—rebuke of the President of the United States.

As my Republican colleagues and I have said all along, President Obama's so-called recess appointments to the NLRB in 2012 were a wholly unprecedented act of lawlessness. The President defied the Senate's determination that it was meeting regularly, and the Supreme Court unanimously—unanimously—agreed with us.

Today's ruling is a victory for the Senate, for the American people, and for our Constitution.

The Court reaffirmed the Senate's clear and constitutional authority to prescribe its own rules, including the right to determine for itself when it is in session. And the Supreme Court unanimously rejected the President's completely unprecedented assertion of a unilateral appointment power—a power the Framers deliberately withheld from his office.

Our counsel, Miguel Estrada, did an outstanding job defending the Senate and its uniquely important place in our constitutional system. By contrast, our Democratic colleagues shirked their institutional duty to defend the Senate. They failed, yet again, to stand up to the President. Although they failed to defend the Senate when it mattered most, they, their successors, and their constituents will benefit from today's ruling.

The principle at stake in this case should extend well beyond narrow partisanship. It should be about more than just one President or one political party.

In closing, the administration's tendency to abide only by the laws it likes represents a disturbing and dangerous threat to the rule of law. That is true whether we are talking about recess appointments or ObamaCare.

So I hope the Obama administration will take away the appropriate lessons because the Court's decision today is a clear rebuke of this behavior.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CHERYL ANN KRAUSE TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk reported the nomination of Cheryl Ann Krause, of New Jersey, to be United States Circuit Judge for the Third Circuit.

CLOTURE MOTION

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

The bill clerk read as follows: