

not in recess. It was not a close question. He just did it. So it took over 2 years of a lawsuit, and finally the Supreme Court has now ruled. A lower court ruled against the President some months ago. The President clearly and deliberately violated article II of the Constitution in circumventing the advice and consent clause.

At the time of these appointments, the Senate had determined it was not in recess. We determined we were not in recess, and the Court affirmed that determination. The question of whether the Senate is in session is up to the Senate, not the President. So the President has to yield to the Senate's authority to determine its own rules and procedures. This is basic law, it seems to me.

Unfortunately, the President has made it clear that he will only follow the letter of the law when it is not an impediment to whatever agenda he has at the time.

Just today, the White House displayed again its lack of respect for our constitutional traditions. In a rather brazen display of candor, the new White House spokesman today explained the administration's rationale for moving unilaterally to rewrite America's immigration laws. Here is what Josh Earnest had to say. Hear me, colleagues. This is a direct threat to the integrity of our constitutional separation of powers. It is not far different from what the President said before, but it was today.

[We're not just going to sit around and wait interminably for Congress. . . .

How about that: We are not going to sit around and wait on Congress. We do not have to fool with Congress.

We have been waiting 1 year already. The President has tasked his Secretary of Homeland Security Jeh Johnson with reviewing what options are available to the President, what is at his disposal using his Executive authority to try to address some of the problems that have been created by our broken immigration system.

So this is about as close as you can get to an open admission that the administration does not believe it has an obligation to follow the law. You cannot just eviscerate whole code sections of the law claiming that you have authority to decide what you want to prosecute and what you do not. Jonathan Turley, the great law professor, has hammered this idea. He is a liberal. He voted for President Obama in 2008. He has hammered this idea. This is an abuse of Executive power.

We are seeing the results of this on our borders right now. In 2011, we had 6,000 illegal immigrant youth from Central America apprehended. This year, we may hit more than 90,000. Next year, projections are as high as 130,000, costing billions of dollars to take care of them. That would be more than a 2,000-percent increase.

The President's policies are directly responsible for this crisis. They just are. He has acted unilaterally to sus-

pend immigration enforcement and has sent the signal to the world that our borders are open and that if you get here unlawfully and borough in, you will be able to stay here.

As former ICE Director John Sandweg said: "If you are a run-of-the-mill immigrant here illegally, your odds of getting deported are close to zero."

I asked Homeland Secretary Johnson about this during his testimony, to say clearly to the world: Do not come unlawfully. You must follow the laws of the country. If you come unlawfully, you will be sent back home. He refused to even say that in my presence with any clarity.

Here is what the New York Times reported on April 10:

With detention facilities, asylum offices and immigration courts overwhelmed, enough migrants have been released temporarily in the United States that back home in Central America people have heard that those who make it to American soil have a good chance of staying. "Word has gotten out that we're giving people permission and walking them out the door," said Chris Cabrera, a Border Patrol agent who is vice president of the local of the National Border Patrol Council, the agent's union. "So they're coming across in droves."

That is exactly what has happened. It is a national tragedy. It is a human tragedy for those children. It is costing them money, placing their lives at risk, and we are not able to handle them effectively.

Colleagues, I have a timeline over 17 pages long of the ways systematically this administration has ignored or simply suspended immigration law by issuing orders to the officers not to do their duty essentially.

So 1 week before the Fourth of July holiday, America cannot even protect its own borders, and what do our Democratic colleagues wish to do? They want to adjourn this Chamber, go home to their barbecues, work on their reelection campaigns, and promise while they are home they are fighting to end the lawlessness at the border, while doing nothing, while actually doing nothing but objecting to legislation that would make a real difference.

I see my colleague Senator SANDERS and I will wrap up.

I believe we were elected, colleagues, to protect this country and its people and the laws of our country. A critical component of national sovereignty is a control over your borders. We have passed immigration laws that are on the books and not being enforced. We on the Republican side have opposed immigration laws that would reduce the illegality that cannot even see the light of day on the floor of the Senate.

So I am asking my colleagues, we ought to stay here. Why do we not stay here and work on this crisis? I intend to request that we do so—and have done so—and offered unanimous consents to bring up legislation that would help improve the situation. But that has been objected to.

Our taxpayers are overstressed. If we want to get this country back on track,

we need to control this border and enforce the Nation's laws in a fair and equitable way that allows generous immigration to America, that treats people fairly and decently, but is not an open border, where people can come by the tens of thousands unlawfully.

How can any of us relax at an Independence Day barbeque next week knowing at this very moment the Nation's sovereignty is being eroded? I think we have failed in our session. We have not responded to the crisis that is on our border. We could have made real progress. But there is a lack of will and a lack of willingness to act. I am disappointed to see that fact.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

VETERANS HEALTH CARE

Mr. SANDERS. Madam President, as chairman of the Senate Veterans' Affairs Committee, I would hope that every American understands that the cost of war does not end when the last shots are fired or when the last missiles are launched. The cost of war continues until the last veteran receives the care and benefits he or she has earned on the battlefield.

War is an incredibly expensive proposition in terms of human life, human suffering, and in financial terms. In my very strong view, if we are not prepared to take care of those men and women who went to war, then we should not send them to war in the first place. Taking care of veterans is a cost of war, period.

In terms of Iraq and Afghanistan, the human cost of those wars is almost 7,000 dead. The cost of war is 530,000 veterans seeking care at the VA in 2013 for post-traumatic stress disorder, not to mention those struggling with traumatic brain injury.

The cost of war is too many servicemembers coming home with missing arms and legs, lost eyesight, or lost hearing. The cost of war includes veterans each day dying by suicide, high rates of divorce, wives trying to rebuild their lives after losing their husbands, kids growing up in one-parent homes, and a too high rate of unemployment for returning servicemembers. Those are some of the real costs of war that this Congress cannot ignore.

Several weeks ago, Senator MCCAIN and I hammered out an agreement which I think goes a significant way to address many of the serious problems facing the VA. I am very proud that the Sanders-McCain bill passed the Senate with overwhelming bipartisan support, with a vote of 93 to 3. In terms of funding, very importantly, by a vote of 75 to 19, an overwhelming vote, the Senate made it crystal clear that the current crisis in the VA, the crisis facing veterans who are not getting health care in a timely manner, is an emergency and should be paid for through emergency funding. I am very proud that in a bipartisan way the Senate made that important vote.

In the last 4 years we have seen a significant increase in the number of veterans utilizing VA health care. In addition, many of our other veterans from World War II, Korea, and Vietnam require a greater amount of care as they age.

Further, a recent VA audit revealed that more than 57,000 veterans are on too-long waiting lists in order to be scheduled for medical appointments.

In addition to that, there are many other veterans who were never put on a list in the first place, which is what this whole scandal is largely about.

Clearly, these waiting lists and veterans not getting care in a timely manner are unacceptable and must be dealt with immediately, not 6 months from now, not a year from now, not in a great debate about national priorities. This is a crisis which must be dealt with now. I could not agree with Senator JOHN MCCAIN more when he said on the Senate floor during this debate:

If there is a definition of emergency, I would say that this legislation fits that. It is an emergency. It is an emergency what is happening to our veterans and the men and women who have served this country. We need to pass this legislation and get it to conference with the House as soon as possible.

Senator MCCAIN is right. I concur with what he said. We need to get this legislation moving as soon as possible and get it to the President's desk. Veterans in this country must get quality care and they must get that health care in a timely manner. We need to provide the funding the VA needs to accomplish that goal and do it as quickly as we can.

The simple truth is that the VA needs more doctors, the VA needs more nurses, it needs more mental health providers, and in certain parts of this country more space for a growing patient population. That is the reality.

Does the Veterans' Administration need better management? You bet it does. Does it need to be more efficient, more accountable? Absolutely. But at the end of the day, if you do not have the doctors and the nurses and the medical staff you need, there will continue to be waiting lines unacceptably long and veterans will not get the care they need.

I received, as did the chairman of the House Veterans' Affairs Committee, a letter on June 17 which was signed by virtually every major veterans organization. That is the American Legion, the DAV, the VFW, the Paralyzed Veterans of America, the Vietnam Veterans of America, the Iraq and Afghanistan Veterans, and many other organizations. They made a number of very important points in their letter talking about the kind of legislation we need to pass. I want to quote from one section of their letter, which they entitled "Protect and Preserve the VA Health Care System."

Any legislative, regulatory or administrative changes designed to respond to the VA health access crisis, whether temporary or permanent, must protect, preserve and

strengthen the VA health care system so that it remains capable of providing a full continuum of high-quality, timely health care to all enrolled veterans . . .

Then the letter continues:

Unless the legislation simultaneously sets VA on a path to intelligently strengthen health care delivery, expand access and capacity, reallocate resources and ensure that overall VA funding matches its mission, the current problems confronting VA and veterans will inevitably recur.

In other words, what they are saying is that unless we strengthen the VA, give them the staffing and the space they need, this problem of waiting periods of time will continue. In order to address the long waiting periods, the Senate legislation says to veterans around the country that if you cannot get into a VA facility in a timely manner, you will be able to get the care you need outside of the VA. That means access to private doctors, community health centers, or Department of Defense or Indian Health Service facilities.

Furthermore, what the bill says is to veterans who live 40 miles or more from a VA facility, that if they choose, they also have the option of seeking care outside of the VA.

Just as the letter from the veterans service organizations articulated, it is critical to address the current waiting period crisis. But we also have to make sure that that crisis does not continue to occur. We do that by providing the VA the tools it needs to ensure sufficient capacity for veterans seeking care at VA medical facilities. Clearly, no medical program can work unless we have the necessary medical staff.

Today, the VA has thousands of vacancies for health care providers. These vacancies, along with an untold shortage of health care providers to meet the demands of veterans who want to get VA care, has a direct impact on the ability to get veterans in the door for appointments. To fill these positions, the Senate bill provides for the hiring of VA doctors and nurses, and it does so in an expedited fashion by ensuring VA's hiring efforts are not hamstrung by Federal bureaucracy.

During the discussion of VA health care, let us not forget that today alone some 230,000 veterans will walk in the doors of VA facilities for health care—230,000 veterans today, 6.5 million veterans in a year. While it is absolutely true that not every veteran is satisfied by the care he or she is getting, the overwhelming majority—well over 90 percent of them—believe they receive high quality care. Over and over, I hear from Vermont veterans and veterans across the country who say that once they get into the system the care is good.

That is just not my view, it is the view of virtually all of the major veterans organizations and a number of independent studies that have compared VA health care with that in the private sector. We owe it to these veterans, to our veterans, to fix the current problems and bolster the system

to ensure that quality care is available in the VA for years and decades to come.

I have heard a lot of criticism of the VA. Much of that criticism is valid. But when we talk about VA health care, we must put it in the context of health care in the United States of America. Does anyone seriously believe the VA is the only health care institution in America that has problems? It is absolutely the case that not everybody outside of the VA gets timely, quality, affordable health care. That is just not the reality.

Today some 40 million Americans have no health insurance. According to a Harvard study of a few years ago, 45,000 Americans die each year because they do not get to the doctor when they should. That is outside of the VA.

But it is more than that. Let me read you a few headlines from the last couple of weeks. I make this point not to argue the whole health care debate again but to say that anyone who thinks it is only the VA that has health care problems does not understand what is happening with health care in America.

Here is a quote from a few weeks ago.

A report released Monday by a respected think tank—

That is the Commonwealth Fund.

—ranks the United States dead last in the quality of its health care system when compared with ten other Western industrialized nations.

Then the report further tells us that the United States has maintained this dubious distinction while spending far more per capita on health care than any other country. We are spending far more on health care than any other country.

Let me read you another headline published September 20, 2013 by FierceHealthCare. "Hospital Medical Errors Now the Third Leading Cause of Death in US."

Medical errors leading to patient death are much higher than previously thought and may be as high as 400,000 deaths a year, according to a new study in the Journal of Patient Safety.

I mention all of this to make clear that the VA, of course, has its problems. Our job is to strengthen the VA, to provide better accountability, to make sure that incompetent and dishonest people are not working in the VA. But we also have to make sure the VA has the doctors, the nurses, and the other health care providers it needs in order to provide the quality of care our veterans deserve.

The last point I want to make. I hope very much the House will agree with the Senate that we are in an emergency.

It is absolutely imperative that we move as quickly as possible to get the funding we need so that all veterans enrolled in the VA health care system get quality care in a timely manner.

I hope very much that we don't once again have a major debate about whether we are going to cut food

stamps or education or roads and bridges in order to fund the Veterans' Administration. When this Congress voted to go to war in Iraq and Afghanistan, it said that it was an emergency. Some of us disagreed with that, and I don't want to debate the Iraq war again, but when Congress said it is an emergency that we go to war, well, if it is an emergency that we go to war, it is more of an emergency that we take care of the men and women who fought in those wars. If you don't believe that is the case, don't send Americans off to war. Taking care of veterans is a cost of war.

I hope very much that we don't go back to the same old, same old of having a debate where some people say: Well, if you want to fund VA health care, you are going to have to cut education or cut Medicaid or cut Medicare or cut some other program. That is not the issue. This is an emergency. Our veterans have put their lives on the line. Now is the time for us to defend them, and we have to get this legislation moving.

With that, I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Texas.

ISRAELI KIDNAPPING

Mr. CRUZ. Madam President, I rise today to talk about three young boys—three young boys who are now in the hands of terrorists. This should be on the front page of every paper in the United States because this is an issue that is as vital to us as it is to the nation of Israel.

On Thursday night, June 12, three Jewish teenagers—Naftali Fraenkel, Gilad Shaar and Eyal Yifrah—were kidnapped. You can see all three of these boys in the photos beside me.

Today, Thursday June 26, marks the 14th day of their abduction. Just imagine if these were your children or any child you know. Just imagine if it were your child who was kidnapped for 14 days and you don't know where they are or even whether they are still alive.

These boys—all smart, hard-working, diligent students—were taken on their way home from school. They were waiting at the bus stop. They were only 5 minutes away from their school—one of the finest yeshivas in Israel. These boys weren't doing anything wrong. They are innocent schoolchildren.

Yet today it has been reported that Israel's Shin Bet identified two key suspects in the abduction. These two individuals are members of Hamas—a vicious terrorist organization that seeks Israel's destruction and has launched thousands of rockets into Israel, killing innocent civilians. These rockets have also killed dozens of Americans in Israel. Now they have kidnapped three school boys. Sadly, this is business as usual for Hamas. This is the same terrorist organization with which the Palestinian Authority recently joined in a so-called "unity" government.

Israel has been tirelessly looking for these two men since the kidnapping. They come from families who have broader ties to Hamas. In a telling statement to the Times of Israel, the mother of one of the two alleged terrorists claims she did not know of her son's actions, but she said she would be "proud of him and hoped he would continue to evade capture." A mother, proud of her son for kidnapping three school boys.

Hamas leader Khaled Mashal spoke about the kidnappings on Monday, saying, "I bless those who did it because it is a moral obligation to free prisoners from Israeli jails." This is a leader of Hamas now parked effectively in the unity government of the Palestinian Authority blessing those who have kidnapped three school boys because this is the kind of activity that Hamas terrorists support, the kidnapping of innocent schoolchildren.

Since the kidnapping, there have been no pictures or videos made available of the kidnapped boys. Their families are in the dark without any knowledge of where their boys are or what conditions they are being held in.

Rachel Fraenkel, the mother of Naftali Fraenkel, spoke before the United Nations Human Rights Council on June 24. Rachel said:

My son texted me—said he's on his way home—and then he's gone. Every mother's nightmare is waiting and waiting endlessly for her child to come home.

She then pleaded for more action to be taken to find the boys, concluding:

We just want them back in our homes, in their beds. We just want to hug them . . .

All of us should stand with Rachel as she stands with her son who has been kidnapped.

I also want to tell the world about these three boys.

Rachel's son Naftali is 16 years old. His grandparents have lived in Brooklyn, and Brooklyn has been a second home to him. He is the oldest of seven children. He likes playing the guitar, basketball, and Ping-Pong. Indeed, there is even a video of him on YouTube playing Ping-Pong. I have to say he is pretty good. He is a talented and gifted student who is on track to take the biology matriculation exams. His teachers say Naftali is brilliant, one of the best they have ever had, and his mother said his personality is a delightful combination of both serious and fun.

Gilad Shaar, who was with Naftali that day—also coming home from school—was likewise abducted. Like Naftali, Gilad is 16 years old. "Gil" means happiness and "ad" means forever. His name literally means "happiness forever," and he is a source of joy to those who meet him.

His aunt Leehy Shaar, whom I had the privilege of meeting and visiting earlier this week, said, "He has a smile that brings light to the world"—quite fitting for a boy named "happiness forever." She said, "We want him home where he belongs, with his family, who so dearly loves him."

Gilad has five sisters, and he is described by them as a caring and loving brother. He is the family's only son, and he has family in Los Angeles and in New York. Gilad is witty. He loves to read, watch movies, and recently he finished a scuba diving course, but he is also a talented cook. He enjoys baking his sisters cakes and pastries.

We don't know where Gilad is right now.

Then there is Eyal Yifrah, the third boy kidnapped that day. He is 19 years old and is the oldest of six children. He is a role model for their family, and he is loved by friends who say they would like to have him as a brother. He loves sports. He should be cheering the World Cup games today—like so many other teenagers—with his friends. A gregarious fellow, he likes to cook, travel, play guitar, and sing. Indeed, you can find videos of him on YouTube singing a song that he himself wrote. Eyal should be home singing again.

There can be no more illusions that Hamas has any role in any future government formed by the Palestinian Authority. They must not receive any further recognition or legitimization. Hamas is a violent terrorist organization ready and eager to brutalize the most innocent. Hamas is a terrorist organization that kidnapped three innocent school boys.

Hamas, give those boys back.

Hamas, give those boys back now.

The full weight of the world should bear down on Hamas to give them back safely and immediately. If they do not, we should use all available means to stand unequivocally with Israel for however long it takes to find these boys and to bring them home. These are teenagers who were targeted for who they are, who have done no wrong, who have done nothing that comes near to deserving what happened to them that day while waiting at the bus stop to go home from school.

It is easy for us to become desensitized to violence, desensitized to terrorism. It is easy for us to forget that these are three teenage boys whose families desperately want their boys back. I ask that all of us lift them up in prayer. I pray for their safe return. I pray they will soon be home with the families who so dearly love them and miss them, and I pray that God will cover them with a shield of heavenly protection. I pray that America will stand strong, will shine a light and do everything possible to apprehend the terrorists and bring these boys home.

Thank you, and God bless you.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business, and I appreciate the wonderful courtesy of my friend Senator CARL LEVIN.

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