

budget that targets wasteful Washington spending, and a budget that starts to address the massive debt that has accumulated under the Obama administration.

President Obama has a choice: He can continue to put forward the failed policies his budget offers, or he can move away from these policies and work with Republicans to start cleaning up the debt and getting government off the backs of the American people. We hope he will choose to work with us.

But whatever he chooses, though, Republicans will continue this Congress as we have begun: by getting Washington working again for American families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I wish to join in the comments from my able and learned colleague from South Dakota to talk about what happened when the President yesterday released his budget for the next fiscal year.

I agree with my colleague from South Dakota that the President's spending is absolutely astonishing. The President wants to spend \$4 trillion in 2016. That is \$1 billion 4,000 times. Nobody has ever seen a budget that big before.

The New York Times ran an article right after the budget came out yesterday with the headline "Liberal aspirations, set out as a budget." The article said:

President Obama presented a budget on Monday that is more utopian vision than pragmatic blueprint.

The American people don't want a utopian vision. They want responsible leadership—responsible leadership that understands their needs and the challenges people face every day.

So far this year, all we have seen from the President is a list of ways he wants to spend taxpayers' hard-earned dollars. These ideas are so unrealistic, there has been no sign that the President actually wants to get anything done for the rest of his term. If the President wanted to get something done, what he would do is write a budget that spends a reasonable amount of money in a responsible way. If he wanted to get something done, he would offer responsible tax simplification.

Instead, the President of the United States asked for more taxes on hard-working American families. That is what he did when he said last month that he wanted to raise taxes on college savings plans. Millions of people use those plans to give their children a better future. When even Democrats in Congress told the President it was a terrible idea, the President finally had to relent and drop his plan.

Then came the State of the Union Address, and the President had more ideas for even additional new taxes. The Tax Policy Center analyzed those ideas, and they found that millions of middle-class families would pay even

higher taxes under the President's plans. When they looked at families squarely in the middle of the middle class, they found that only about one in four of them would even get a tax break and, instead, twice as many families in the middle of the middle class—twice as many families—would see their taxes go up, and they would pay almost \$300 more on average under President Obama's plan. How is that a good deal for hard-working taxpayers all across the country, for middle-class families?

Another study looked at some of the President's other plans for tax increases. It found those ideas would lead to a smaller economy and smaller incomes. How is that a good idea for the middle class?

Now we have the President's budget. Next year, he wants to increase spending by 7 percent over what Washington will spend this year. Did most Americans get a raise of 7 percent last year? Of course not. Under President Obama's economy, wages have been stagnant. Part-time workers are having their hours cut, their paychecks cut. Why? Because of the President's health care law. People are paying higher premiums, higher deductibles, higher copays for health insurance that meets all of President Obama's mandates but doesn't necessarily meet the needs for them and their families. President Obama still has not learned that every dollar Washington takes out of the pockets of hard-working taxpayers all across the country is a dollar they can't use for themselves, to spend, to save, to invest.

In his budget the President sent over yesterday, he wants to add another \$474 billion to Washington's debt next year alone—see what the debt is, and he wants to add it to the debt on top of that. He wants another \$8.5 trillion over the next decade. Every one of those numbers is right there in his budget, and every one of them is bad news for hard-working American taxpayers.

Americans aren't asking the President to add trillions of dollars to Washington's out-of-control spending and debt. They know they are the ones who are going to have to pay for this new spending. The President may not realize it, but the American taxpayer knows it.

The White House says it can add all of this new spending because the budget deficit this year, as they say, will only be \$468 billion. That is how out of touch this administration is. The President sees a deficit of \$468 billion—and that is adding it on top of the debt—and is declaring victory. He wants to celebrate by piling on more debt to spend on his priorities, not on the priorities of hard-working American families. That is not a victory.

Over the next 10 years, under President Obama's budget, the debt in Washington is going to climb to more than \$26 trillion. That is \$75,000 that each man, woman, and child in America

would owe to pay off the debt President Obama is suggesting in his budget.

We have all of that debt, and the President's budget does nothing to preserve and protect Social Security. There is nothing to preserve and protect Social Security so it will be there for the next generation. Is that really the legacy President Obama wants to leave for America's young people?

At least the President will send his budget to Congress by the deadline this year. This is President Obama's seventh budget, and five of those he turned over after the legal deadline. Maybe the President should have taken a little more time to double check his math because the President's figures don't add up for the American people.

President Obama's economic policies have led to far less growth than we would have had following the recession. According to the latest numbers released on Friday, our economy grew by just 2.4 percent last year. That is not really what it should be, not for our country. We have tried President Obama's ideas for the last 6 years, and they have failed. They have failed the American people. This budget is more of the same ideas—more middle-class taxes, more spending, more debt. And Democrats in Congress didn't even offer a budget the past few years.

Republicans are ready to do the work of passing a responsible budget. We are going to pass a budget with common-sense spending that fits America's priorities, not Washington and President Obama's priorities. We will pass a budget that actually helps middle-class families thrive and our economy grow. We will pass a budget that takes control of Washington spending and starts to bring down President Obama's massive debt. Republicans in Congress understand that governing responsibly begins with budgeting responsibly. Instead of more new spending that middle-class, hard-working American families can't afford, we will balance the budget. We will cut waste and support programs that deliver real results.

That is what the President should have done. What he should have done is shown real leadership, not just more utopian vision. The President missed his chance to lead. Republicans will produce a budget that focuses on jobs, economic growth, and opportunity for all Americans.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Louisiana.

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. VITTER. Mr. President, I rise in strong support of moving to the Homeland Security appropriations bill. I hope we do that with a vote today. This is very important in terms of governing and in terms of passing an appropriations bill for a vital part of government.

It is also important to address and debate and vote head-on on President

Obama's illegal Executive amnesty, which he announced last December, which would basically give amnesty to about 5 million illegal aliens with no basis whatsoever in statutory law. In fact, statutory law is opposed to that sort of Executive action.

I find it ironic that the very same Members from the very same party and ideology that is constantly beating the drum and saying "For God's sake, we can't shut down the government; we can't have that sort of showdown" are apparently preparing to vote against even moving to this spending bill which is necessary to fund a vital part of the government. That makes no sense.

We need to move to this spending bill, debate it, and act on it. Not moving to the spending bill is a vote for a government shutdown in that area of the government, and I think that is irresponsible. We need to move to the spending bill which originated in the House. This is the House-passed spending bill for Homeland Security. We need to move to it.

Furthermore, as is evident from the last couple of weeks, we are going to have an open amendment process. There will be amendments offered and available to be debated and voted on that will have anything and everything with regard to this spending bill.

The House put several policy provisions in the spending bill, including those that I agree with, such as defunding this unconstitutional Executive amnesty from December. I agree with that, I support that, and I will certainly vote to support it. But the point is that there will be plenty of opportunity to vote on that and potentially remove that because we are going to have an open debate and amendment process—as we should—here on the Senate floor.

Let's move to this vital spending bill. Let's not threaten to shut down the government. Let's have the debate here on the floor, and let's vote. That is what we were elected to do. We were elected to represent our constituents, debate major issues of the day—and that certainly includes the President's Executive amnesty—and to vote.

If there is an effort to not allow us to even move to the bill to do that, I can only come to one conclusion: that folks voting that way for the most part support President Obama's illegal Executive amnesty, but they just don't want to have to say so, and they certainly don't want to have to vote that way. Well, sorry. You ran for the job, you asked for the job, and you got it. Let's do our job, which means putting the country's business on the floor of the Senate and acting one way or the other, debating, voting, proposing amendments, and moving on with this essential spending bill for this part of the government.

I will strongly support moving to the bill. That is the responsible thing to do. I will strongly support the provisions in the bill that the House en-

acted, including blocking the President's illegal Executive amnesty.

With regard to that, this is an important matter for two reasons. First of all, I believe this Executive amnesty is really bad policy that is going to grow the problem and not solve it. A fundamental rule in life is that when you reward something, you get more of it, not less of it, right? That is true of our Tax Code, and that is true in parenting. Well, we are rewarding illegal crossings. We are rewarding that flow of illegal immigrants. We are rewarding that through the President's Executive amnesty, and it is only going to produce more of it. That is my first objection to the policy. It is a very bad idea, and it is going to grow the problem, not decrease it.

My second objection is even more fundamental. I believe this action is clearly way beyond the President's Executive authority and way beyond his true powers under the Constitution. The Supreme Court has said many times that there is nothing that Congress has more clear and straightforward powers on than immigration policy, and it certainly includes anything like a major amnesty.

What the President did in December was not filling in the blanks of statutory laws or executing statutory law. What he did was completely contrary to all sorts of statutory law. Statutory law is clear. It is on the books. It has been passed through a valid process. It is clear that folks who enter the country illegally, break the law and are here illegally, are subject to removal and cannot work in the country legally.

In contrast to that clear statutory law, President Obama is first giving them authorization to stay here for at least 3 years, and that can be renewed. Secondly, he is handing them a document that he is making up out of thin air called a work permit which gives them authority to work even though that is clearly contrary to statutory law given the means by which they entered the country.

We need to put that issue and topic directly on the Senate floor and debate and act on that as well. As I suggested, the only way we do any of that is to first take a responsible vote and put the House spending bill on the Senate floor. To vote otherwise is to block a necessary spending bill, to basically threaten shutting down part of the government, and to avoid our responsibility in terms of debating and voting on the major issues of the day—to deal directly with that.

I urge all of my colleagues, Republicans and Democrats, to put this necessary bill on the floor, and then we will have an open and full debate, we will have an open amendment process, we will have all of the votes that go to this topic, and then we will act. That is what we should do, and that is what we were elected to do.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, elections in our representative form of government are supposed to have consequences, and if they don't have consequences, there is not much point of having elections.

One of the issues in the most recent election for Congress was a promise of some people running for office to overcome the President's constitutional actions, particularly what he did on immigration but on a lot of other things as well. The bill we have before us is a demonstration on the part of people who were victorious in that last election to deliver on the promises of that election.

So obviously I am here at this time to speak on the Department of Homeland Security appropriations that the Senate is considering today and, as the Senator from Louisiana just said, to urge my colleagues to support the efforts to move ahead.

In doing so, I wish to discuss what we are doing. This bill is about stopping the unilateral actions the President has taken with respect to the country's immigration laws, doing it without congressional approval or scrutiny. It is our responsibility to check the President and ensure that he does not go beyond the limits of his powers as defined in that basic document, the Constitution. This is about restoring the rule of law. This is about restoring the Constitution by denying that funds be utilized to carry out the President's improper, unconstitutional actions.

Our government is based on the rule of law. No one is above the law, not even those who were chosen to be leaders among the people. This core principle has kept us free and preserved our rights and liberties for over 200 years.

However, the rule of law in our country has slowly eroded away. While the current administration is not the only culprit of that corrosion of the rule of law, this administration has expedited its erosion more than others. That is the basis for the President saying: If Congress won't, I have a pen and a phone, and I will.

Let me explain this erosion. Under article II of the Constitution, the President "shall take care that the laws be faithfully executed." This is not a permissive clause, letting the President pick and choose which laws he will enforce. The article uses the mandatory "shall," which requires him to enforce all laws. However, the President has not done that. He has taken the attitude that he is above the law and is not required to obey it.

Just in the last couple of years we have seen President Obama's complete disregard for laws passed by Congress. Rather than enforcing the Affordable Care Act, he rewrote the deadlines prescribed by law. He has not enforced the Controlled Substance Act in some States and, even worse, has allowed them to openly defy Federal law.

He released five Taliban prisoners from Guantanamo without first providing 30 days' notice to Congress as required under the National Defense Authorization Act.

He unlawfully made four appointments to executive positions without authority under the appointments clause of the Constitution. In that regard, he was even overruled by two members he appointed to the Supreme Court in that 9-to-0 decision that says when the Constitution says only Congress can decide when a House is in session, the President can't say on some basis that they aren't in session and proceed to make recess appointments. In other words, what the judges said is that what the Constitution says is what it says. So he took unconstitutional action in making those appointments.

Lastly, he took the drastic step of changing immigration laws on the books without the authority or approval from Congress.

When the President acts in contravention to the law, he erodes the rule of law. He sets an example for future Presidents who will expand on his precedent and actions on other laws and policies they don't agree with. By doing this the President sends the message that the laws as written by the legislative branch aren't important, thereby removing and reducing faith in the rule of law.

The Founders understood the serious dangers of investing all powers of our government in a single body. They understood that because the Revolution was all about colonists being sick and tired of one man—George III—making decisions. So under the doctrine of separation of powers, they wrote into the Constitution dividing the power among three branches of government so one person could not be George III. They gave all legislative powers to the Congress, all Executive powers to the President, and all judicial powers to the judicial branch. No body of government may exercise the powers of other bodies of the government.

Separation of power then is fundamental to the Constitution of the United States, and the Constitution of the United States enshrines the spirit of the Declaration of Independence, that we are endowed by our Creator, not by government, with certain inalienable rights.

Just last week during the nomination hearings of Loretta Lynch as Attorney General, we had an outstanding professor from George Washington Law School testify by the name of Jonathan Turley, and he said this: "The Separation of Powers is the very core of our constitutional system and was designed not as a protection of the powers of the branches but a protection of liberty."

We are endowed by our Creator with certain inalienable rights, among them life, liberty, and the pursuit of happiness. The Founding Fathers knew that if the same body had all the powers,

that body, no matter how large or small, would be tyrannical, as was George III.

However, President Obama has overreached the limits of his constitutional authority. He has blurred the lines of separation of powers.

The executive branch action taken with respect to our immigration laws is only the most recent, if not the most pervasive, of legislative actions he has taken under the proposition that I have a phone and a pen and I can do almost anything Congress isn't doing that I want them to do. In effect, the President has thwarted the immigration laws Congress has written in order to implement the policy he wants. Contrary to the laws on the books, the President's action would give people who have crossed the border illegally the right to remain in the United States and many taxpayer benefits that are only available to lawfully documented immigrants, as well as the right to work.

The President's action expanded a program he created without congressional approval, the Deferred Action for Childhood Arrivals—or DACA as it is called—and created a new program, the deferred action of parents of U.S. citizens and lawful permanent residents—or DAPA—as it is called.

But under the Constitution only Congress has the authority to create these types of programs that grant a lawful status to people who have come here undocumented. Let me repeat: Congress has the responsibility of writing laws, not the President. I remind my colleagues that Congress considered a law that resembled the DACA Program, but it never passed that law. So what has the President done? In effect, he has enacted a law Congress rejected.

The President justifies his actions by saying "Congress has failed." However, that doesn't give him license to act on his own. I wish to again quote Professor Turley:

Our government requires consent and compromise to function. It goes without saying that when we are politically divided as a nation, less tends to get done. However, such division is no license to "go it alone" as the President has suggested.

The genius of our government is that it allows for the collection of ideas and opinions. It allows these different ideas and opinions to work together to find common ground. Once common ground is reached, then laws are enacted. The President doesn't represent that many different views in the country, but obviously Congressmen from all over this geographical area represent those views. Congressmen are elected by the people directly, and if there is a disagreement in Congress on how immigration should be handled, that means there is disagreement in the country on how immigration should be handled. The President cannot imagine that everyone agrees his plan is the best plan. It is the job of Congress to find compromises and solutions that most people can agree with and particularly in

the U.S. Senate where it takes 60 votes to pass legislation. This is where consensus is built when there are only 54 Republicans and 46 Democrats. If we are going to get anything done, there has to be a consensus.

The other justification the President is fond of using for his actions is the executive branch's ability to exercise prosecutorial discretion, but while the President does have the authority to decide when to prosecute or where to allocate resources, that authority is not unlimited.

The President's actions with respect to immigration go far beyond prosecutorial discretion. Lawful prosecutorial discretion is exercised on a case-by-case basis. Lawful prosecutorial discretion isn't excluding entire categories of individuals in a blanket fashion and telling them that going forward the law will be applied to them.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GRASSLEY. I ask unanimous consent to proceed for 4 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. In addition, lawful prosecutorial discretion doesn't reward illegal behavior by conferring substantive benefits to those who have violated the law. Yet under the President's unilateral action, individuals who have entered without inspection or overstayed their visas unlawfully now will get work permits, Social Security numbers, driver's licenses, employment and education opportunities, and many other benefits only afforded to those who abide by the law.

Further, the President argues that because the Department doesn't have sufficient resources, he has exercised his prosecutorial discretion by prioritizing the removal of the most dangerous aliens for better security of our country. Yet the reality of his statement is that in fiscal year 2013, 36,007 criminal aliens were released. What is more, a report just issued by the Department of Homeland Security reveals that 1,000 of those criminal aliens have gone on to commit further crimes.

So the President isn't even doing what he says he is doing. Instead of removing criminals from our country as required by law, he is just releasing them back into the community so they can continue to commit further crimes and jeopardize public safety.

No matter how the President paints the picture, his Executive action on immigration is an abuse of constitutional duty to faithfully execute the law and an overreach of his executive branch authority under the separation of powers doctrine.

Under the Constitution, the Congress has several tools it can use to check the President and rein him in when he operates outside of the Constitution. Among the tools Congress has is the power of the purse. Congress appropriates funds and has the authority to

dictate where and how those funds may or may not be used. If the President exceeds the limits of his Executive authority to create an illegal program such as DACA or DAPA, Congress has the power to defund such a program.

The Department of Homeland Security appropriations bill is a check on the executive branch. It is a result of the last election, and elections are supposed to have consequences. This bill is our way of showing to the American people we are carrying out a campaign promise to make sure the President doesn't act in an unconstitutional way and abuse his authority.

So I ask my colleagues to take this under serious consideration when deciding whether to vote in favor or against proceeding to this bill.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### CLAY HUNT SUICIDE PREVENTION FOR AMERICAN VETERANS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 203, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 203) to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided in the usual form.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SESSIONS. Mr. President, I thank Senator GRASSLEY for his remarks. As chairman of the Judiciary Committee and a longtime vigorous leader in the U.S. Senate, I know he was here and saw the problems of the 1986 amnesty. It had bad ramifications in a lot of ways. I believe if we listened to the experience of Senator GRASSLEY and his understanding of what is at stake, we would all be in a lot better shape than we are today.

The American people want a lawful system of immigration. They want one that is fair to applicants who want to come to America. They are not for eliminating immigration to America. They want a system that allows people to apply, wait their turn, and if they are qualified, be admitted; if they don't qualify, not be admitted. They want

that enforced. They don't believe we should have open borders and open visa programs that allow people by the millions to come unlawfully into this country. The President obviously has a different view. As a result, we are in a situation in which the Constitution is at stake in a lot of ways.

We will vote after lunch on moving forward to the Department of Homeland Security bill. The Department of Homeland Security bill, passed by the House of Representatives, fully funds the Department of Homeland Security. The basic funding mechanisms and agreements and allocations of money in that legislation were approved on a bipartisan basis. The House of Representatives simply said: Mr. President, the money in the Department of Homeland Security funding mechanism will be spent for lawful purposes. That money will be spent to secure the homeland in an effective way. That money, however, will not be spent by anyone to take actions outside the lawful limitations and lawful powers of the Department of Homeland Security. But that is what the President wanted to do, and that is what he wants to do through his Executive action.

They are now leasing a new building across the river in Crystal City. They are hiring 1,000 new Federal employees. Those Federal employees will be processing the applications for up to 5 million people and they will be providing those people with photo IDs. These are people in the country unlawfully. They are not lawfully allowed to work in America. Businesses aren't allowed to hire people who are here unlawfully.

It is plain and simple. They are not eligible to qualify for Social Security or Medicare. So the President has declared he is going to set up this office. They will process these individuals, and they will provide up to 5 million photo IDs, 5 million Social Security numbers, and the right to work in America. They will be allowed to participate in Social Security and Medicare.

He says: I am entitled to do that. Well, he is not entitled to do that. As scholar after scholar and as common sense tells us, the President doesn't have that power. That is what this is about.

The House barred any spending on this unlawful activity—an activity the President asked Congress to allow him to do and which Congress rejected. This proposal was presented to Congress, and Congress refused to pass it. But he is doing it anyway. It is an arrogant overreach, a direct challenge to the historic role of Congress in our American system.

Our Democratic colleagues say they don't want controversial immigration riders on this bill—controversial immigration riders. In other words, they don't want the Congress to do what it is required to do—fund the programs it believes need to be funded and not fund programs it doesn't believe should be funded.

As a matter of policy, Congress has not adopted and does not support what the President wants to do. In fact, it has prohibited it. It has no duty whatsoever to allow the President to spend moneys of the United States of America to advocate a program they don't approve of, or certainly one that is unlawful. That is what this is all about. Our colleagues are voting to block the bill that would fund Homeland Security at the level the President has asked for. So there is no policy change here. Every lawful activity of Homeland Security is funded.

There was a headline in the New York Times today. I am going to push back a little on my colleagues because they have been spinning this idea that somehow the Republican House, in sending this legislation over that funded Homeland Security, is disrupting the fair flow and causing controversies within our funding mechanisms of Congress. The headline from an experienced reporter's article in today's New York Times is: "Democrats Look to Protect Obama's Immigration Directives."

That is exactly what this is about, colleagues. At least seven of our Democratic colleagues have explicitly said they don't agree with the policy of the President with regard to Executive amnesty and providing work permits and Social Security to people unlawfully here. But they are now united. We are told all of them are going to stand together to protect President Obama's immigration directives.

When they were running for office during the campaign last fall, people were saying they didn't agree with him. Now, when the issue hits the floor and we have an opportunity to do the normal and rational thing and not fund an unlawful policy, they are all sticking together like a palace guard around the White House to protect Obama's immigration directives. This is a sad thing and a disappointing thing to me. The article goes on to say:

Democrats are hoping they can force the new Republican majority to drop the immigration provisions and send the \$40 billion spending bill to the President.

Congress is spending \$40 billion on homeland security. All of that money is directed to legitimate lawful policies of Homeland Security and not allowing any of it to be spent on unlawful, unapproved policies in Homeland Security—an absolute power that Congress has, a duty that it has. Congress is violating its fundamental duty if it allows the President to carry out power he is not authorized. It is absolutely violating its duty if it supports and funds actions by the President to violate the law. It has a duty to say no to the President who overreaches.

The article goes on to say:

But Democrats have decided to shut down debate on the measure altogether, fearful that it could lead to the bill's approval and could prompt negotiations with the House that would put them at a disadvantage.

Fearful that the process could lead to the bill's approval during negotiations