

We don't need you. You can leave. In fact, we are going to make you leave. We are going to force you out of this country.

America won't be a stronger country if we deport Mithi and others like her. We are not going to be a better country if we tear apart American families. We are not going to be safer when we should be deporting criminals, not those who aspire to be medical researchers.

Instead of trying to deport DREAMers and mothers and fathers, congressional Republicans should support a clean appropriations bill. Let's do that. Let's pass a bill to fund the Department of Homeland Security. Let's get that done so once again we don't have a Republican shutdown of any branch of our Federal Government. Let's get that part done. And then if we are going to engage in a real debate on immigration, let's do it. The majority is controlled by the Republicans in the House and the Senate and they can do that any time they want. Let's engage in that debate and let's do it in an honest fashion. Let's do it in a hopeful and positive view of what America's future will be when young people such as Mithi Del Rosario have their chance to become part of an America that embraces talent and skill and thanks young people for the sacrifice they made to make a better life for all of us who live in this Nation.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COTTON). The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes subject to the call of the Chair.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Thereupon, the Senate, at 10:27 a.m., recessed subject to the call of the Chair and reassembled at 10:29 a.m. when called to order by the Presiding Officer (Mr. COTTON).

Mr. PAUL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDER OF PROCEDURE

Mr. PAUL. Mr. President, I ask unanimous consent that when the Senate

resumes the motion to proceed to H.R. 240 following morning business today, that Senators be permitted to speak for up to 10 minutes each.

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

Mr. PAUL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, Senators are permitted to speak for up to 10 minutes.

The Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that I be allowed such time as I may consume as in morning business.

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

#### THE MIDDLE EAST AND UKRAINE

Mr. McCAIN. Mr. President, a lot of us are deeply concerned about the situation in the Middle East, in Ukraine, in China, to which we have paid very little attention to as they expand their territory.

I ask unanimous consent that I be allowed to engage in a colloquy with the Senator from South Carolina.

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

Mr. McCAIN. Mr. President, there is a huge credibility gap. The Washington Post probably said it better than I probably could, and it is entitled "A credibility gap," in the Washington Post, by Fred Hiatt, editorial page editor, February 22. He says: "If his negotiators strike an agreement next month, we already know that it will be far from ideal," talking about the Iranian nuclear deal.

He continues:

The partisanship needs no explanation, but the record of foreign-policy assurances is worth recalling:

This is very interesting and I think deserves the attention of all Americans.

In 2011, when he decided to pull all U.S. troops out of Iraq, Obama belittled worries that instability might result. Iraq and the United States would maintain "a strong and enduring partnership," Obama said. Iraq would be "stable, secure and self-reliant," and Iraqis would build a future "worthy of their history as a cradle of civilization."

Today [as we know] Iraq is in deep trouble, with a murderous "caliphate" occupying much of its territory and predatory Shiite militia roaming through much of the rest.

The same year, Obama touted his bombing campaign in Libya as a model of U.S. intervention and promised, "That's not to say that our work is complete. In addition to our NATO responsibilities, we will work with the international community to provide assistance to the people of Libya."

My friends, we all know what has happened in Libya and the reason is—despite what Senator GRAHAM and our then-former colleague Senator Lieberman said—we had to do some things in Libya to make sure there was stability in Libya. Obama then walked away.

Continuing from the article:

Obama also said then, "Some nations may be able to turn a blind eye to atrocities in other countries. The United States of America is different. And as president, I refused to wait for the images of slaughter and mass graves before taking action." That was before Syrian dictator Bashar al-Assad's barrel bombs, systematic and well-documented prison torture and other depredations of civil war killed 200,000 of his compatriots, and drove millions more from their homes.

In August 2011, Obama declared that Assad must "step aside." In a background briefing a senior White House official added, "We are certain Assad is on the way out." In August 2013 came Obama's statement that "the worst chemical attack of the 21st century . . . must be confronted . . . I have decided that the United States should take military action against Syrian regime [military] targets."

As a personal aside, the Senator from South Carolina came over to the White House, and the President of the United States assured us that he was going to take military action and we were going to degrade Bashar al-Assad and upgrade the Syrian Army, and, obviously, the article states that "no military action was taken, and Assad remains in power."

Defeating the Islamic State is one we have successfully pursued in Yemen and Somalia for years—successful in Yemen and Somalia that we have pursued for years. Just last month in the State of the Union Address, President Obama presented his Ukraine policy as a triumph of ". . . American strength and diplomacy. We are upholding the principle that bigger nations can't bully the small by opposing Russian aggression supporting Ukraine's democracy," he said.

We all know. We have watched Ukrainians slaughtered, slaughtered with the most modern equipment that Vladimir Putin has. That great national bloodletting is going on, and we are watching, thanks to the assistance of the Chancellor of Germany and the President of France—in the finest traditions of Neville Chamberlain—we are standing by and watching that country be dismembered.

What the Senator from South Carolina and I are trying to say is what General Keane said the other day:

. . . al Qaeda and its affiliates exceeds Iran and is beginning to dominate multiple countries. In fact, al-Qaeda has grown fourfold in the last five years.

Radical Islam is clearly on the rise, and I think our policy of disengaging from the Middle East has contributed to that rise.

So there is no policy in Iraq, there is no policy in Syria, there is no combating or assisting even the Ukrainians as they attempt to defend themselves against the wholesale slaughter of their countrymen by Vladimir Putin.

My friends, we have had ample testimony before the Armed Services Committee, people who served this country with distinction for many years—Republican and Democratic administrations. All of them have said they have never seen the world in more turmoil, and these things don't happen by accident. It is not like hurricanes or earthquakes, it is a matter of a failed, feckless foreign policy that began in 2009 and the chickens are coming home to roost.

May I mention—my friend from South Carolina—this is where we are with the Islamic State. We are hearing from the administration, I believe, that we are gaining. Look at the Islamic State, January 10, of Syria in red—this is the Islamic State and contested places—and look at August 31. Obviously, there are significant gains. One more chart, please.

Looking at this chart, these are the areas of all of that part of the world that are now controlled or under attack by ISIS, including, by the way, we now see ISIS gaining a foothold in Libya.

Mr. GRAHAM. I thank the Senator from Arizona.

What I would like the body to recognize is that our Presiding Officer, who just left, Senator COTTON, was an infantry officer in Iraq, and I can't imagine how he must feel. Our current Presiding Officer is a reservist in the Marine Corps who has served in harm's way in battlefield areas, and he was a commander in the Marine Corps. It is great to have people in the Senate who have worn the uniform and they understand what is at stake here.

Senator MCCAIN and I have tried to be consistent, if nothing else, about this situation. Here is the first question America has to answer: Is this someone else's war? I have heard very prominent commentators on cable television say: I am tired of fighting other people's wars.

Does ISIL represent a threat to our homeland? I think it does. And more importantly, they indicate they mean to hit us here. The head of ISIL, the Islamic State and the Levant is what I want to call it, served time in a military prison in Camp Bucca in Iraq, where I did some reserve duty, and when he was released from the camp and turned over to the Iraqis he told the colonel in charge of his release: I will see you in New York.

They are recruiting foreign fighters coming in by the thousands. They hold passports that would allow them to go to Europe and come back to our country, and their goal is not only to purify

their religion, to kill or convert every Christian they find, but also to attack us.

So to those who say this is not our fight, I think you are making a huge mistake, as we did before 9/11.

Regional forces have to be part of the mix. The goal to degrade and destroy ISIL is the right goal. The strategy will fail as currently being considered unless we visit this issue.

As Senator MCCAIN said, what you see on this map is not an accident. It is a predictable outcome of three things. The President's decision in 2011 not to leave a residual force behind in Iraq to secure our gains has come back to haunt us. The military command infrastructure of this country advised a minimum of 10,000 troops to be left behind as a residual force.

I visited Baghdad, along with Senators MCCAIN and Lieberman, to try to persuade the Iraqi political leadership to enter into an agreement to allow us to have a residual force. Prime Minister Maliki said: I am willing to do it if the other groups in Iraq are willing to do it. They were all willing to do it. He asked me: How many troops are you talking about? I turned to our ambassador and our commander at the time, and they tell him and me: We are still working on that.

Press reports simultaneously were suggesting the White House, led by the Vice President, by the way, was driving the residual force to below 3,000—a number incapable of making a difference.

So when the President of the United States says he was willing to leave a residual force behind, that is not accurate. In a debate with Governor Romney, Governor Romney suggested he would support a residual force of 10,000, as President Obama was contemplating, and President Obama interrupted him and said: No, I am not contemplating that.

He held our departure in Iraq as the fulfillment of a campaign promise. He said: We can leave with our heads held high. We have accomplished our task.

Here is what I said on April 3, 2011:

If we're not smart enough to work with the Iraqis to have 10,000 to 15,000 American troops in Iraq in 2012, Iraq could go to hell. I'm urging the Obama administration to work with the Maliki administration in Iraq to make sure we have enough troops—10,000 to 15,000—beginning in 2012 to secure the gains we have achieved. This is a defining moment in the future of Iraq, and in my view they are going down the wrong road in Iraq.

I am referring there to the Obama administration when I say "they are going down the wrong road."

No voice was louder than that of Senator MCCAIN. Senator MCCAIN advocated, above all others, the surge when Iraq was slipping away under the Bush administration. When Senator MCCAIN told President Bush his strategy was not working, President Bush, to his great credit, adjusted his strategy.

Senator MCCAIN, 3 years ago, was the leading voice in this country to argue for a no-fly zone in Syria so that

Assad, who was on the ropes, could be taken down, and to train a Free Syrian Army at a time when it really would have mattered. The President ignored the advice not only of Senator MCCAIN and myself but his entire national security team.

So the President got the answer he wanted in Iraq. He pulled the plug on troops. And what we hoped wouldn't happen did happen. When he said no to a no-fly zone and the training of a Free Syrian Army, the vacuum that had been created in Syria was filled by ISIL. ISIL is a direct result of Al Qaeda in Iraq, which was on its knees in 2010, being able to come back because we withdrew troops and we allowed a safe haven to be formed in Syria.

So, President Obama, this map is the result of bad policy choices on your part, and you are doubling down on bad policy choices.

The third thing that was a huge mistake is drawing a redline when Assad used chemical weapons against his own people and virtually doing nothing about it. I am glad the chemical weapons have been taken out of Syria—at least we think all of them have been taken out—but 220,000 Syrians have been killed with initial forces by Assad, and Assad is stronger than ever. He is nowhere near going or leaving.

Between Assad and ISIL, they represent the dominant military force inside Syria. Syria is truly hell on Earth, and all of this is going to come back to haunt us here at home.

So the reason we are here on the floor today is to learn from the past. I have made mistakes. Everybody has made mistakes. But the key is to adjust when you make mistakes. The strategy President Obama is employing to degrade and destroy ISIL will fail, and let me tell you why.

If you could liberate Mosul with the Iraqi security forces and the Kurds, we are going to need more than 3,000 U.S. forces to accomplish that task, because they do not have the capability that our military possesses to ensure victory.

Once you liberate Mosul, you have to hold and build Mosul. Anbar Province has yet to be liberated. We have to convince the Sunni tribal leaders in Anbar to disassociate with ISIL and join us, and they are not going to do that unless we are part of a team on the ground. They don't trust the Iraqi security forces that are mainly Shia. So unless we get more capacity on the ground to ensure success, we will fail in Iraq. But Syria is the weak link in the chain.

Mr. MCCAIN. Before my colleague leaves Iraq, is it not true that the only real fighting being done now is the Peshmerga Kurds but also the Shia militia, who are inflicting human rights violations on the Sunni, and the same people we fought against during the surge that my colleague talked about before, which is Iranian backed and Iranian trained?

Mr. GRAHAM. Right. The Iraqi security forces have crumbled. The most

dominant power on the ground is the Shia militia, backed by Iran and the Kurds in the north. And by the way, the aid we are providing to the Kurds never gets up to Erbil, and we need to fix that.

Iran has inordinate influence in Baghdad. So to get the Sunni tribes to pull off of ISIL, they have to believe that Baghdad is going to be a better venue for them in terms of their political grievances, but they also need to see Americans on the ground to make sure this thing will work. They are not going to pull off ISIL unless we are there. They do not trust the Iraqi security forces.

As to Syria, Syria is the biggest problem of all. That is where most of ISIL resides. That is where their leadership resides. That is where they have the largest number of fighters. There is no ground game in Syria. There is no Kurdish presence that has the capability to dislodge ISIL. The Free Syrian Army are being killed as fast as we can train them.

Here is the flaw. The goal is to train the Free Syrian Army's young men throughout the region and send them into Syria to destroy ISIL. The problem with that is the moment we send them into Syria to defeat ISIL, Assad will attack them because he knows one day they will turn on him.

So we have asked the question, under the authorization to use military force that is being sent over from the White House, could we stop an air attack by Assad's forces so they will not kill the people we train to fight ISIL, and they said no.

So we are training people to go into Syria to fight ISIL who will be slaughtered by Assad if we do not have the ability under this authorization to protect the people we train. Senator McCAIN said this over and over again. That is immoral and militarily unsound. There is no strategy indeed to deal with Syria that has any chance of success. And if we don't get Syria right, we can't hold the gains we make in Iraq.

So the President, after all these years, with 220,000 people being killed, having the largest terrorist army in the history of terrorism occupying a space the size of Indiana, with 30,000 to 50,000 fighters, depending on who you believe, still hasn't come to grips with a strategy that will protect this nation. He doesn't understand the mistakes he has been making for the last 3 or 4 years. He is not self-correcting. He is perpetuating what I think is a military fraud.

The longer it takes to destroy ISIL, the more exposed we are here. And at the end of the day, the Iranians are sizing us up and they see us as a paper tiger.

The last thing I would say about Ukraine is that Russia has invaded Ukraine. When they say they have no weapons inside Ukraine, when they say they have no troops, they are liars.

Russia has dismembered their neighbor, Ukraine. We in the Western world

have sat on the sidelines and watched this happen. They have trampled all over the Budapest memorandum, where we persuaded Ukrainians to give up their nuclear weapons in the late 1990s and we would guarantee their sovereignty. When they need us to provide defensive weapons, we are absolutely absent at their time of dire need. The Iranians are watching our response to Putin. How could they feel we are serious about stopping their nuclear program when we seem not to be serious about anything else?

The reason we will not be more aggressive in Syria is because President Obama doesn't want to deal with Assad, who is a puppet of Iran. He doesn't want to jeopardize the negotiations we have ongoing with the Iranians regarding their nuclear ambitions. His desire to get a deal with Iran is preventing us from degrading and destroying ISIL, and we will pay a heavy price for these mistakes.

How would my colleague sum up where we are?

Mr. McCAIN. Could I just mention to my colleague—and it has been made perhaps larger than it should have been, with all of the crises and the tragedies that are transpiring, but the President of the United States refuses to refer to this as radical Islam. Why that is is hard to understand because it is clearly radical Islam. It is a perversion of an honorable religion, but everything they are doing is based on their perverted interpretation of the Koran. They are Islamic. While we respect the religion and we respect the people, we don't respect radical Islam and we have to recognize it for what it is.

Let me read this, from February 24:

Scores of Syrian Christians Kidnapped by Islamic State—Islamic State militants swept into several of Assyrian Christian villages in northeastern Syria in recent days, taking scores of hostages, including both civilians and fighters, according to numerous interviews with residents. . . . The attacks have displaced hundreds of families and sharpened Middle Eastern Christians' fears of the Islamic State.

Which the President of the United States refuses to recognize as radical Islam. When you don't even recognize it or identify it for what it is, how in the world are you going to be able to combat it?

Finally, I would say to my friend one more time, if he would respond, that the Ukrainians wanted to defend themselves. One of the richest and proudest aspects of American history is that we have helped people who are struggling for freedom, whether it be in Afghanistan after Russia's invasion or others. And others have helped us, going all the way back to our Revolution when the French and Polish and others came in and helped us. How can we rationalize our failure to give them weapons to defend themselves by saying: Well, they can't beat the Russians anyway.

Why don't we listen to their pleas for help? Why don't we listen to their cries? Why don't we listen to the fact

they have lost 5,000; that right now the most sophisticated weaponry the Russians provided these "separatists" is being used to slaughter them?

To me it is the most unbelievable view, that somehow we don't want to provoke Vladimir Putin, who has taken Crimea—they have written that off—shot down an airplane, at least with Russian equipment; moved and dislocated eastern Ukraine; and has caused an economic crisis. And we don't want to provoke Vladimir Putin? It is staggering.

Mr. GRAHAM. In conclusion, in 1998 we were a signatory to Budapest memorandum that asked the Ukrainian people to give up over 2,000 nuclear weapons housed on their soil in return for a guarantee of their sovereignty.

Mr. McCAIN. That included the State of Crimea as part of the territorial integrity of Ukraine.

Mr. GRAHAM. Exactly. The Russians were a signatory to that Budapest memorandum.

Clearly, the Russians have stepped all over it, and we are not doing anything. So in the future, would you give up your nuclear weapons relying on a promise by the United States?

This is important because we want to deter Iran from trying to get a nuclear weapon. I think this emboldens them to get a nuclear weapon.

As to radical Islam, it is hard to defeat an enemy if you don't understand what motivates them.

The Nazis did not want just the German-speaking regions surrounding Germany. It wasn't about the Sudetenland. It wasn't about the Rheinland. It wasn't about the issues Hitler claimed at the time. He wrote a book telling us what he wanted to do. People should have read the book. It was about creating a master race to govern other races. The Aryan race would be the dominant race on the planet—with some people not worthy of living, such as the Jews, and others would be slaves.

When we listen to what ISIL is saying and what motivates them, they want a master religion for the world, not a master race. If you are a Christian, you can pay a tax and convert or die. If you are a Muslim outside of their view of the faith, you just die. If you are an agnostic, you die. If you are a libertarian, you die. If you are an American—Republican or Democrat; they could care less—you die.

They are taught by their interpretation of the Koran literally to kill all that stands in their way of the caliphate. We can close Gitmo tomorrow. We could throw the Palestinians under the bus or give the Palestinians everything they want and throw Israel under the bus. It wouldn't matter.

We didn't bring this war on ourselves. These people are motivated by religious doctrine not widely accepted in the faith. But that doctrine requires them to kill everything in their path and to turn the world into a religion where they dominate, and there is no alternative to their religion.

That may sound crazy to you. It sounds a little crazy to me. Hitler is crazy to me. I can't explain why somebody wants to kill all the Jews. I can't explain why somebody believes that one race should rule the world and everybody else be under their boot. I can't explain what makes these people tick. I can only tell you what they do and why they do it. There is no appeasement with radical Islam, any more than there would be an appeasement with Hitler. We tried that in the 1930s, and 50 million people got killed.

So here is our choice: Face the enemy as it is, degrade and destroy in a way that will work; or accept the fact that they are coming here, not to conquer America—that is not going to happen—but to hit us hard and break our will so they can have that part of the world for which they have been longing for over 1,000 years.

Here is what I would say to America. Every time we have chosen to sit on the sidelines and watch other people suffer and did nothing about it, it wound up hurting us too. If you think we can live in a world where Christians over there are being raped, tortured, and crucified, and it won't affect Christians here, you are kidding yourself. If you think you can allow a force this evil to go unchecked because it is over there and it won't affect us here, you are making the mistake of a lifetime.

My biggest fear is that radical Islam—which is exactly what it is—will get a weapon of mass destruction one day and do a lot of harm to us here. Every day that goes by over there, that they get stronger, the more exposed we are here.

Finally, on 9/11, 3,000 Americans died only because they didn't have the ability to kill more. If they could have killed 3 million of us, they would have. Every day we let this problem grow unchecked they are closer to having the technology to kill millions of people here and elsewhere. So the sooner we deal with this, the safer we will be.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the article titled "Credibility Gap" from the Washington Post and also the International New York Times article "Scores of Syrian Christians Kidnapped by Islamic State" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the International New York Times, Feb. 24, 2015]

SCORES OF SYRIAN CHRISTIANS KIDNAPPED BY ISLAMIC STATE

(By Anne Barnard)

ISTANBUL.—Islamic State militants swept into several Assyrian Christian villages in northeastern Syria in recent days, taking scores of hostages, including both civilians and fighters, according to numerous interviews with residents and representatives of the many factions fighting in the area.

The attacks have displaced hundreds of families and sharpened Middle Eastern Christians' fears of the Islamic State, which considers non-Muslims, along with many Muslims who disagree with its tenets, infidels.

The extremist group displaced entire Christian communities from northern Iraq when it swept through Mosul and the surrounding area last year.

The new attacks came as some Christians in northeastern Syria, seeking to avoid the fate of northern Iraq's Christians and other minority sects like the Yazidis that were singled out by the Islamic State, had taken a more assertive role, fighting alongside Kurdish and other militias.

The latest fighting took place in a string of villages along the Khabur River, a tributary of the Euphrates. The central village, Tel Tamer, is a strategic crossroads, with a bridge over the river that connects northeastern Syria with the country's northern hub, Aleppo; residents reported that Islamic State militants bombed the bridge on Tuesday.

The area has long been controlled by Kurdish militias but has lately come under attack from the Islamic State, also known as ISIS or ISIL.

In recent weeks, villages have changed hands several times as the Kurdish groups, some Arab Muslim factions and a Christian group called the Syriac Military Council have joined forces against the Islamic State.

In the chaos Tuesday, the exact number of hostages seized remained unclear, with estimates ranging from several dozen to more than 100. Nuri Kino, an Assyrian-Swedish activist with family ties to northeastern Syria, said that Islamic State fighters were holding about 60 women and children in the village of Tel Shamiran, and that they had taken 90 men up into a mountainous area they control, perhaps seeking to exchange them for Islamic State prisoners.

Mr. Kino, who founded A Demand for Action, a group that advocates for religious minorities in Iraq and Syria, said he had gleaned the information by talking to residents over Skype from Los Angeles.

Dawoud Dawoud, the deputy president of the Assyrian Democratic Party in the area, reached in Hasaka, said that the villages had long been largely left alone, but that in early February, Islamic State fighters had demanded that crosses be removed from churches.

The jihadists raided the village of Tel Hermez, driving away a local group, the Guardians of Khabur, that had protected churches there, said Omar Abd al-Aziz, a local antigovernment activist who uses a *nom de guerre* for his safety. Called to help, Kurdish militias entered the town with fighters from the Syriac Military Council, who filmed themselves retaking the area and leading away bound men they said were Islamic State members.

Now, the Islamic State appears to be retaliating with even greater numbers and heavy weapons.

"It's the new Kobani," said Mr. Kino, referring to the Kurdish enclave bordering Turkey whose encirclement by the Islamic State prompted American-led airstrikes that helped drive the group back. He called for United States intervention to prevent massacres and displacements.

The threats to minority enclaves, as in Kobani and the attacks on Yazidis in Iraq's Sinjar mountains last summer, have galvanized international action when other fighting did not.

Another activist in the area, who gave only his first name, Siraj, because of concern for his safety, accused the Kurds of leaving the Assyrians vulnerable in order to provoke a Kobani-like international reaction.

But Nawaf al-Khalil, a spokesman for the Kurdish Democratic Union, a political party, tried to find a bright side, saying the events were "a good sign of stronger ties between the Kurds, the Arabs and the Christians" against the Islamic State.

[From the Washington Post, Feb. 22, 2015]

A CREDIBILITY GAP

(By Fred Hiatt)

If his negotiators strike an agreement next month, we already know that it will be far from ideal: Rather than eradicating Iran's nuclear-weapons potential, as once was hoped, a pact would seek to control Iran's activities for some limited number of years.

Such a deal might be defensible on the grounds that it is better than any alternative, given that most experts believe a military "solution" would be at best temporary and possibly counterproductive.

But making that kind of lesser-evil defense would be challenging in any circumstances. Three conditions will make it particularly hard for Obama to persuade Congress and the nation to accept his assurances in this case: the suspicious, poisonous partisanship of the moment here, with Israeli politics mixed in; worries that he wants a deal too much; and the record of his past assurances.

The partisanship needs no explanation, but the record of foreign-policy assurances is worth recalling:

In 2011, when he decided to pull all U.S. troops out of Iraq, Obama belittled worries that instability might result. Iraq and the United States would maintain "a strong and enduring partnership," Obama said. Iraq would be "stable, secure and self-reliant," and Iraqis would build a future "worthy of their history as a cradle of civilization."

Today Iraq is in deep trouble, with a murderous "caliphate" occupying much of its territory and predatory Shiite militia roaming through much of the rest.

That same year, Obama touted his bombing campaign in Libya as a model of U.S. intervention and promised, "That's not to say that our work is complete. In addition to our NATO responsibilities, we will work with the international community to provide assistance to the people of Libya."

The United States and its NATO allies promptly abandoned Libya, which today is in the grip of civil war, with rival governments in the east and west and Islamist terrorists in between.

Obama also said then, "Some nations may be able to turn a blind eye to atrocities in other countries. The United States of America is different. And as president, I refused to wait for the images of slaughter and mass graves before taking action."

That was before Syrian dictator Bashar al-Assad's barrel bombs, systematic and well-documented prison torture and other depredations of civil war killed 200,000 of his compatriots, and drove millions more from his homes.

In August 2011, Obama declared that Assad must "step aside." In a background briefing a senior White House official added, "We are certain Assad is on the way out." In August 2013 came Obama's statement that "the worst chemical attack of the 21st century . . . must be confronted. . . . I have decided that the United States should take military action against Syrian regime targets."

No military action was taken, and Assad remains in power.

In September, the president said his strategy for defeating the Islamic State "is one that we have successfully pursued in Yemen and Somalia for years." Shortly thereafter, an Iran-backed rebellion deposed Yemen's pro-U.S. government, forcing the United States to abandon its embassy and much of its anti-terror operation.

Just last month, in the State of the Union address, Obama presented his Ukraine policy

as a triumph of “American strength and diplomacy.

“We’re upholding the principle that bigger nations can’t bully the small by opposing Russian aggression and supporting Ukraine’s democracy,” he said.

Since then Russian forces have extended their incursion into Ukraine, now controlling nearly one-fifth of its territory. Russia’s economy is hurting, but Ukraine’s is in far worse shape.

This litany of unfulfilled assurances is less a case of Nixonian deception than a product of wishful thinking and stubborn adherence to policies after they have failed. But inevitably it will affect how people hear Obama’s promises on Iran, as will his overall foreign policy record.

That record includes successes, such as the killing of Osama bin Laden, warming ties with India and a potentially groundbreaking agreement with China on climate change. By most measures, though, the world has not become safer during Obama’s tenure. Islamist extremists are stronger than ever; democracy is in retreat around the globe; relations with Russia and North Korea have worsened; allies are questioning U.S. steadfastness.

Openings as well as problems can appear unexpectedly in foreign affairs, but the coming two years offer only two obvious opportunities for Obama to burnish this legacy: trade deals with Europe and with Pacific nations, and a nuclear agreement with Iran. That limited field fuels worries that administration negotiators will accept the kind of deal that results from wanting it too badly.

Whatever its contours, Obama would be making a big mistake to try to implement such a momentous pact, as administration officials have suggested he might, without congressional buy-in. But it’s not surprising that he would be tempted to try.

Mr. MCCAIN. Mr. President, I appreciate the patience of my friend and colleague from the State of Texas.

It is with a heavy heart that we see the events transpiring according to this chart.

It is with a heavy heart that we see our friends in Ukraine, who only want to be like us, being slaughtered, and we are refusing to assist them. I have assured them that I will never give up—ever—until we see a free, prosperous, democratic Ukraine which is part of the community of nations, which we would admire, and in which we include them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, when given the opportunity four times over the last few weeks to fully fund the Department of Homeland Security, while at the same time rolling back the President’s unconstitutional Executive action on immigration, four times our Senate Democratic friends have filibustered this funding. At the same time, they have been pointing to this side of the aisle and saying: If there is a shutdown of the Department of Homeland Security, you are at fault. It is hypocrisy, to say the least.

But of all the Democrats who voted to filibuster the funding of the Department of Homeland Security—which, again, expires at midnight on this Friday night—there are 11 of our Senate Democratic colleagues who come from States which are parties to a lawsuit in Brownsville, TX, where the Federal

judge issued a temporary injunction just last week saying that what the President did in his Executive action was illegal—illegal.

So how our colleagues on the other side of the aisle can filibuster the Department of Homeland Security funding because they say it includes a disapproval of the President’s action at the same time the States they represent are parties to a lawsuit complaining about the illegality of the President’s actions—how they can reconcile that is beyond me. Perhaps they can come to the floor and talk about that. But I think they should be asked that question, and I would be very interested in their answer.

Of course, as we all know, now the Obama administration—after the Federal judge agreed with what the President said 22 different times, that he didn’t have the authority to do what he did—and, obviously, he changed his mind. But after the Federal judge agreed with what he said the first 22 times, that he didn’t have the authority, now they have asked for a stay of that temporary injunction.

If the reports in the press are correct, Judge Hanen in Brownsville, in the Southern District of Texas, has given the States, the plaintiffs in the lawsuit, until March 2 to respond to this request for emergency stay.

One by one, the folks who criticized what the President was doing in one fashion or another came to the floor and have voted in effect to affirm what he did. As I said yesterday, in justifying these votes we heard a common refrain from several of our Democratic colleagues, including some of those 11 whose States have joined the lawsuit against the President’s Executive action. They have said to us: We don’t necessarily agree with the President’s action, but you shouldn’t attach that to an appropriations bill to fund the Department of Homeland Security.

Similarly, from Senate Democratic leadership came the demands for a “clean bill”—a clean funding bill for the Department of Homeland Security—without these provisions addressing the Executive action attached.

Just 2 days ago here on the floor, the Democratic leader himself called for the Senate to vote on such a bill. A press release issued from Senator REID’s office was unequivocal: “REID Remarks Calling On Senate GOP To Avoid A Shutdown By Passing A Clean DHS Funding Bill.”

Monday wasn’t the first time we heard this from Democratic leadership. We heard it over and over and over, as the Democrats, in lockstep, filibustered the Department of Homeland Security funding bill.

So imagine my surprise when Senator MCCONNELL, the Senate majority leader, offered to consider two bills, one that would address the President’s Executive action from last November—the Collins bill—and a separate one that would fully fund the Department of Homeland Security.

You would, I guess, if logic prevailed in this place, expect that the Demo-

cratic leader would embrace that wholeheartedly, instantaneously, saying: That is exactly what we have been demanding, and now we have been offered it. We will take it.

Well, that didn’t happen. This place can be very confusing sometimes, and you would be wrong if you thought the Democratic leader embraced what he had been demanding for the last few weeks. So after spending weeks demanding a clean funding bill for the Department of Homeland Security, including as recently as Monday, 24 hours have passed and the Democratic leader has still refused to agree to hold a vote on a so-called clean Department of Homeland Security funding bill.

Let me just repeat that so I am absolutely clear. The Democratic leader has so far refused to agree to vote on a clean funding bill for the Department, even after he called on Senate Republicans to pass exactly that as recently as Monday.

So I don’t know how to sugar coat it. Call it a flip-flop, call it disingenuous. I don’t know what to call it. But when you are offered exactly what you have been demanding and you don’t accept it, it tells me you are not particularly serious about wanting to solve the problem. It is this kind of doubletalk which I think causes the Senate to be held in low regard by the American people, where they think that what you say doesn’t necessarily translate into action. It is becoming abundantly clear that our friends across the aisle do not seem to have gotten the message from the last election on November 4.

I mentioned this yesterday, and I will repeat it, with reference to some of the gamesmanship that appears to be going on here, at the time when the clock is ticking and the Department of Homeland Security funding runs out at midnight on Friday. Recently, the senior Senator from New York told the Huffington Post that “it’s really fun to be in the Senate Minority,” as if creating obstacles, slowing things down, and impeding progress toward a goal that we all hold in common—funding the Department of Homeland Security—is somehow having fun. But filibustering critical funding for the men and women that protect us every day and protect the homeland is not what I call fun.

At the end of the day, the Senate will make sure that those who protect our borders, our ports, and our skies get paid. That is what the American people voted for last November. They were sick and tired. If I heard it once, I heard it 100 times: We are sick and tired of the dysfunction in Washington, DC, and that is why we are voting for a change.

That is why we have nine new colleagues in the Senate—to break that logjam of dysfunction.

So I would implore the Democratic leader to heed his own call for a clean Department of Homeland Security funding bill and to quit playing games. Quit playing games with the lives of

the people who work at the Department of Homeland Security. Quit playing games with the American people, whose security is on the line if for some reason the ability of the Department to perform its important functions is disrupted because of the lack of funding. Quit playing games with the funding that pays the salaries of the men and women who protect our ports, who protect our airports, and who protect our border from transnational drug cartels.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARKEY. 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. MARKEY. Mr. President, everyone agrees that our immigration system is broken. The immigration system we have now hurts our economy, and it hurts our national security. The Senate passed a bipartisan immigration bill; the House of Representatives chose not to act. Again, the Senate passed a comprehensive immigration bill. That is why I supported the Executive action by President Obama to address our immediate immigration crisis. We cannot wait for the House of Representatives' Republicans to act, and that is because immigration is one of our country's greatest strengths. Immigrants are a vital part of the fabric of Massachusetts and of our country. They start businesses, they create jobs, and they contribute to our communities.

The President's Executive order recognizes the value of immigrants to our country. President Obama's Executive order will bring millions of law-abiding immigrants out of the shadows and help to keep those families together. The order allows law enforcement to focus its resources where they belong: reinforcing security at our borders and prosecuting and deporting dangerous criminals who pose threats to public safety. This Executive action cannot and should not be viewed as the final word on the matter of immigration reform. It is the beginning of an effort to permanently fix our broken immigration system.

What unites us in Massachusetts and all across America is the unshakable belief that no matter where you come from, no matter what your circumstances, you can achieve the American dream. The immigration system we have now doesn't reflect those values.

Unfortunately, instead of working to fix the problems with our immigration system, the majority of the Senate has been manufacturing a government shutdown of the Department of Homeland Security, even as our Nation faces real threats to our safety and to our national security if we don't fully fund

the Department of Homeland Security. The majority seems more interested in undermining President Obama's border policy than funding actual border protection in our country.

Let's look at what could happen if Homeland Security funding lapses.

No. 1, FEMA efforts. FEMA is a part of the Department of Homeland Security. FEMA efforts in Massachusetts to develop a preliminary damage assessment for disaster relief funding may be interrupted.

The people in my home State of Massachusetts are suffering from the second snowiest winter in our history. We have endured more than 8 feet of snow. Those snow piles are climbing even higher. Seawalls that protect our shores are crumbling. Roofs are collapsing. Homes are being destroyed. Small businesses are shuttered while owners struggle to make ends meet. Cities and towns across the Commonwealth have overspent their budgets by tens of millions of dollars responding to one snowstorm after another.

But instead of the relief that should come with the assurance that FEMA assistance is on the way, the people of Massachusetts have to worry that this Republican-manufactured government shutdown threat is jeopardizing this critical assistance. The last thing the people of Massachusetts should have to worry about is whether their disaster assistance will be delayed by the politics of immigration reform. This is absolutely outrageous. Massachusetts needs the disaster relief today.

No. 2, an estimated 30,000 Homeland Security employees would have to be furloughed, including those who process Federal grants for local police, fire, and other first responders. Firefighters might not get the best oxygen masks. Bomb squads might not get the right equipment they need. These are hard-working people who help protect our Nation and help our first responders do their jobs.

No. 3, a Department of Homeland Security shutdown would compromise our national security by stopping command and control activities at Department of Homeland Security headquarters, disrupting important programs such as detecting weapons of mass destruction. Homeland Security employees remaining on the job will not get paid, and those who are furloughed will be left to wonder whether they will ever be paid for the work they missed. This uncertainty hurts morale and puts families in financial jeopardy.

It is time for Republicans to end this brinkmanship and help pass a clean Homeland Security budget free of unrelated policy riders. Then we should get to work on comprehensive immigration reform. The immigration system we have now doesn't reflect our time-honored values as a melting pot of diversity and innovation. It hurts our economy and national security. In short, our immigration system is broken.

But for millions of immigrants who are living in the shadows, who are

working every day to support their families, who have been brought up here from a young age, who are serving our country in the military or pursuing the dream of higher education—these people deserve a path that allows them to earn citizenship. That is why we need to work together on comprehensive immigration reform. It will give more families and individuals a real shot at the American dream. It will encourage immigrants who are educated here to innovate here.

This is an important debate, and we should have it, and we should not have it at the expense of the safety and the security of our Nation.

I call on my Republican colleagues to bring forward a clean Department of Homeland Security funding bill, free of unrelated policy riders dealing with immigration. Let's give the people of our country the confidence that the Department of Homeland Security is going to protect against al-Shabaab launching a successful attack against the Mall of America, that a terrorist group cannot now be put together, thinking, perhaps erroneously, that the Department of Homeland Security has taken its eye off the ball while worrying about the funding levels that are necessary in order to secure our country.

I lived through this in Boston. Mohamed Atta and the other nine who hijacked the two planes on September 11, 2001, thought they could find an opening—and they did—in our airline security. In 2013 the Tsarnaev brothers thought they could find a hole in our security, and they attacked again in Boston.

We should not have any question raised about the Department of Homeland Security being on the job protecting our citizens and providing the security our country needs. That is where we are right now, and the Republicans are holding up the funding of this vital agency under the misguided notion that they are going to be able to write the entire comprehensive immigration bill inside a Department of Homeland Security budget. It is not going to happen. Everyone in this country knows it is not going to happen. The Republicans are playing a dangerous game with the security of our country.

I ask all who make the decisions in the Republican Party to please tell their most radical Members that the Department of Homeland Security must be funded. It must be funded this week. We must not only pay those who work for us, but we should thank them every day for the security they provide to our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I would say to the Senator from Massachusetts, Amen. Amen. We can't play around with our national security by holding somebody's legislative ideal as

a means of holding up the national security and holding the national security of this country hostage.

ELECTRONIC DEVICES AND PRIVACY RIGHTS

Mr. President, I came to talk about another issue. In the first part of the week, the Washington Post had an article that followed a series of articles in other newspapers, such as the Wall Street Journal and the New York Times, about a device that was given certification by the Federal Communications Commission called a stingray.

This device, when used properly by law enforcement—specifically, the FBI—not only can locate and absorb the content of communications over cell phones but can also locate the specific location of that cell phone. It does so by making the cell phone think that it, the device, is the cell phone tower. So instead of the cell phone radio waves going to the normal cell phone tower, they would come to this device called a stingray. If used properly, it can be used to go after the bad guys—terrorists and criminals. Of course, that is one of the reasons this device was created and certified by the Federal Communications Commission.

Part of the protections, as used by the FBI and local law enforcement, to get content is to treat it as if they were going to break into somebody's home to get evidence. Our constitutional protections regarding the right of privacy require that the law enforcement agency go to a judge—an impartial part of the judicial branch—in order to get a court order to show probable cause that a crime has been committed and therefore the constitutional right of privacy is trumped, and with this court order, law enforcement can go in and get the evidence.

Well, as technology continues to evolve and explode, of course, questions about our constitutional right of privacy get a lot more difficult, and so now law enforcement wants to pinpoint the location of a cellphone so they can go in and grab that person. Again, it would seem that the constitutional right of privacy needs to have the protection of a judge's order, and it is this Senator's belief that the FBI, when employing this type of device, would, in fact, use those constitutional protections.

Different news articles have raised questions about how this device is handled once it is turned over to local law enforcement and whether they are being adequately trained on judicial protections, and indeed, are they employing those protections. The news articles, as evidenced by the Washington Post this past Monday, would indicate that those judicial protections are not being employed.

So this Senator, as one of the co-leaders of the commerce committee, along with the chairman of the committee, JOHN THUNE, has written to the FCC and asked them what information they have about the rationale behind the restrictions placed on the certifi-

cation of the stingray—the device that was certified by the FCC—and whether those similar restrictions have been put in place for other devices. As technology continues to improve, we are going to see a lot more of these types of devices.

We need to know whether the FCC has inquired about the oversight that may be in place in order to ensure that the use of the devices complies with the manufacturer's representations to the FCC at the time of the certification. We are asking for a status report of the task force that was previously formed so we can look at these questions surrounding the use of the stingray.

This is not the last time we are going to be asking these questions—not necessarily about this device, the stingray. There is a multiplicity of devices that are coming out on the market, and the question is: What about our privacy? Of course we are reminded about this issue every day because every day we read about another data breach in the newspaper.

I have filed legislation with regard to data breaches to ensure that at least the company has the obligation to notify the poor customers that their data is suddenly out there in the Internet ether because of that data breach. A lot of these questions are going to continue to be asked.

What about the device called the Pineapple? I had no idea this device existed. Here is what it does: If I go into a Starbucks and use their wireless Internet, someone could be sitting outside of that Starbucks in their car, or at one of the outside tables, with this device called a Pineapple, and instead of my wireless device using Starbucks' Internet system, it is on that Pineapple device and all of my communications are going directly to that person, and that person is able to steal all of my private information. That is a major theft. This is scary. Yet that device has been around for several years.

We have major privacy questions. The Presiding Officer, who is a member of the commerce committee, knows that we are going to be grappling with these issues, along with other committees, such as judiciary, on the right to privacy.

In the meantime, we have raised these issues with the FCC on this most recent detailed expose about this device called the stingray. If it is employed for our national security and our personal safety, which is the job of the government, then it is a good thing; however, if it is employed for other reasons, such as invading our constitutional right of privacy, that is another thing.

It is time for us to stand up for the individual citizens in this country and their right to privacy.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. ERNST). Without objection, it is so ordered.

The Senator from Missouri.

PRESIDENT'S EXECUTIVE ORDER

Mr. BLUNT. Madam President, last week I was glad to see that a Federal judge in Texas issued a preliminary injunction against the President's Executive order on immigration. This ruling, if upheld—and I believe it will be—reaffirms that President Obama was right when he said at least 22 times that he didn't have the authority to take the action he now has taken on immigration.

In December of last year I joined in an amicus brief with Senator CRUZ and Senator CORNYN and, I believe, the attorneys general from 26 States—not the State of Missouri but 26 States. I was glad that my joining allowed Missouri to be represented in support of this lawsuit brought by the State of Texas against President Obama's illegal decision to allow amnesty to be established. The brief states the Obama administration exceeded its constitutional authority and disrupted the delicate balance of power between the Congress, whose job it is to pass the law, and the President, whose job it is to carry out the law.

Executive means just that. The job of the Executive is to execute the law. It is not to pass the law. There is no constitutional provision anyone has been able to show me or that I have ever been able to find that says if the Congress doesn't do something, the President can decide it needs to be done and the President just does it on his own. There is certainly no law that suggests the President can just willfully ignore the law.

The brief we joined asserts that the Obama administration exceeded the bounds of its so-called prosecutorial discretion. The idea that they can have some discretion about how vigorously they enforce certain laws is, both in this case and in the court ruling, held up to the standard it really should be allowed to meet. The idea that the President can say that there is too much law here to enforce and we can't afford to enforce the law—but then by not enforcing the law, it creates substantially more economic burden on the States and the Federal Government than enforcing the law would have created—by any standard makes no sense. This is not a determination that at some level there are just too many violations of some law that is not very significant that you could have some prosecutorial discretion. This is the law that impacts whether people can come into the country or not and whether they can stay in the country not being legally here.

The bill that Leader MCCONNELL introduced this week will put every Senator on record on this topic. I look forward to a chance to vote on that bill

and to see my colleagues vote on this bill. Who will stand with the President's clear power grab on immigration, and who will stand by the rule of law? At least half a dozen Democrats and perhaps more have said they disagree with what the President did with this November action. A vote on Senator MCCONNELL's bill will give them a chance to show whether they really disagree or not. It is specific to the November action. It is specific to the action the Federal judge in Texas said puts undue burdens on the State and exceeded the President's authority.

As I have said a number of times, I would like to see our friends on the other side of the aisle be willing to debate this issue. I have also admitted a number of times that if I were them and if the President of the United States had said 22 times he couldn't do something, I would have some reluctance—I suppose as they clearly do—to come to the floor and defend why now those 22 statements don't matter.

If the Democrats would simply allow the Senate to begin debating the bill, Members on both side of the aisle could offer amendments, and we could actually be doing the job we are expected to do as legislators. Unfortunately, they decided to repeatedly say: No, we don't want to debate this bill. No, we are not going to go forward. No, we are not going to let the normal process work. No, we are not going to deal with the bill sent over by the co-equal branch of the Congress, the House of Representatives. Hopefully, we will see what happens as this debate moves forward and the President's activities are held not only now to a standard of law but also to his own standard.

Madam President, I ask unanimous consent to have printed in the RECORD a list of the 22 times the President has said he didn't have the authority to do what he has now done.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

22 TIMES PRESIDENT OBAMA SAID HE COULDN'T IGNORE OR CREATE HIS OWN IMMIGRATION LAW

1. The biggest problems that we're facing right now have to do with [the president] trying to bring more and more power into the executive branch and not go through Congress at all. And that's what I intend to reverse when I'm President of the United States of America." (3/31/08)

2. "We've got a government designed by the Founders so that there'd be checks and balances. You don't want a president who's too powerful or a Congress that's too powerful or a court that's too powerful. Everybody's got their own role. Congress's job is to pass legislation. The president can veto it or he can sign it. . . . I believe in the Constitution and I will obey the Constitution of the United States. We're not going to use signing statements as a way of doing an end-run around Congress." (5/19/08)

3. "Comprehensive reform, that's how we're going to solve this problem. . . . Anybody who tells you it's going to be easy or that I can wave a magic wand and make it happen hasn't been paying attention to how this town works." (5/5/10)

4. "[T]here are those in the immigrants' rights community who have argued passion-

ately that we should simply provide those who are [here] illegally with legal status, or at least ignore the laws on the books and put an end to deportation until we have better laws. . . . I believe such an indiscriminate approach would be both unwise and unfair. It would suggest to those thinking about coming here illegally that there will be no repercussions for such a decision. And this could lead to a surge in more illegal immigration. And it would also ignore the millions of people around the world who are waiting in line to come here legally. Ultimately, our nation, like all nations, has the right and obligation to control its borders and set laws for residency and citizenship. And no matter how decent they are, no matter their reasons, the 11 million who broke these laws should be held accountable." (7/1/10)

5. "I do have an obligation to make sure that I am following some of the rules. I can't simply ignore laws that are out there. I've got to work to make sure that they are changed."

6. "I am president, I can't do these things just by myself. We have a system of government that requires the Congress to work with the Executive Branch to make it happen. I'm committed to making it happen, but I've got to have some partners to do it. . . . The main thing we have to do to stop deportations is to change the laws. . . . [T]he most important thing that we can do is to change the law because the way the system works—again, I just want to repeat, I'm president, I'm not king. If Congress has laws on the books that says that people who are here who are not documented have to be deported, then I can exercise some flexibility in terms of where we deploy our resources, to focus on people who are really causing problems as opposed to families who are just trying to work and support themselves. But there's a limit to the discretion that I can show because I am obliged to execute the law. That's what the Executive Branch means. I can't just make the laws up by myself. So the most important thing that we can do is focus on changing the underlying laws." (10/25/10)

7. "America is a nation of laws, which means I, as the President, am obligated to enforce the law. I don't have a choice about that. That's part of my job. But I can advocate for changes in the law so that we have a country that is both respectful of the law but also continues to be a great nation of immigrants. . . . With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed. . . . [W]e've got three branches of government. Congress passes the law. The executive branch's job is to enforce and implement those laws. And then the judiciary has to interpret the laws. There are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system that for me to simply through executive order ignore those congressional mandates would not conform with my appropriate role as President." (3/28/11)

8. "I can't solve this problem by myself. . . . [W]e're going to have to have bipartisan support in order to make it happen. . . . I can't do it by myself. We're going to have to change the laws in Congress, but I'm confident we can make it happen." (4/20/11)

9. "I know some here wish that I could just bypass Congress and change the law myself. But that's not how democracy works. See, democracy is hard. But it's right. Changing our laws means doing the hard work of changing minds and changing votes, one by one." (4/29/11)

10. "Sometimes when I talk to immigration advocates, they wish I could just bypass Congress and change the law myself. But

that's not how a democracy works. What we really need to do is to keep up the fight to pass genuine, comprehensive reform. That is the ultimate solution to this problem. That's what I'm committed to doing." (5/10/11)

11. "I swore an oath to uphold the laws on the books. . . . Now, I know some people want me to bypass Congress and change the laws on my own. Believe me, the idea of doing things on my own is very tempting. I promise you. Not just on immigration reform. But that's not how our system works. That's not how our democracy functions. That's not how our Constitution is written." (7/25/11)

12. "So what we've tried to do is within the constraints of the laws on the books, we've tried to be as fair, humane, just as we can, recognizing, though, that the laws themselves need to be changed. . . . The most important thing for your viewers and listeners and readers to understand is that in order to change our laws, we've got to get it through the House of Representatives, which is currently controlled by Republicans, and we've got to get 60 votes in the Senate. . . . Administratively, we can't ignore the law. . . . I just have to continue to say this notion that somehow I can just change the laws unilaterally is just not true. We are doing everything we can administratively. But the fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetrating the notion that somehow, by myself, I can go and do these things. It's just not true. . . . We live in a democracy. You have to pass bills through the legislature, and then I can sign it. And if all the attention is focused away from the legislative process, then that is going to lead to a constant dead-end. We have to recognize how the system works, and then apply pressure to those places where votes can be gotten and, ultimately, we can get this thing solved." (9/28/11)

In June 2012, President Obama unilaterally granted deferred action for childhood arrivals (DACA), allowing "eligible individuals who do not present a risk to national security or public safety . . . to request temporary relief from deportation proceedings and apply for work authorization." He then argued that he had already done everything he could legally do on his own:

13. "Now, what I've always said is, as the head of the executive branch, there's a limit to what I can do. Part of the reason that deportations went up was Congress put a whole lot of money into it, and when you have a lot of resources and a lot more agents involved, then there are going to be higher numbers. What we've said is, let's make sure that you're not misdirecting those resources. But we're still going to, ultimately, have to change the laws in order to avoid some of the heartbreaking stories that you see coming up occasionally. And that's why this continues to be a top priority of mine. . . . And we will continue to make sure that how we enforce is done as fairly and justly as possible. But until we have a law in place that provides a pathway for legalization and/or citizenship for the folks in question, we're going to continue to be bound by the law. . . . And so part of the challenge as President is constantly saying, 'what authorities do I have?'" (9/20/12)

14. "We are a nation of immigrants. . . . But we're also a nation of laws. So what I've said is, we need to fix a broken immigration system. And I've done everything that I can on my own[.]" (10/16/12)

15. ". . . I am the head of the executive branch of government. I'm required to follow the law. And that's what we've done. But

what I've also said is, let's make sure that we're applying the law in a way that takes into account people's humanity. That's the reason that we moved forward on deferred action. Within the confines of the law we said, we have some discretion in terms of how we apply this law." (1/30/13)

16. "I'm not a king. You know, my job as the head of the executive branch ultimately is to carry out the law. And, you know, when it comes to enforcement of our immigration laws, we've got some discretion. We can prioritize what we do. But we can't simply ignore the law. When it comes to the dreamers, we were able to identify that group and say, 'These folks are generally not a risk. They're not involved in crime. . . . And so let's prioritize our enforcement resources.' But to sort through all the possible cases of everybody who might have a sympathetic story to tell is very difficult to do. This is why we need comprehensive immigration reform. To make sure that once and for all, in a way that is, you know, ratified by Congress, we can say that there is a pathway to citizenship for people who are staying out of trouble, who are trying to do the right thing, who've put down roots here. . . . My job is to carry out the law. And so Congress gives us a whole bunch of resources. They give us an order that we've got to go out there and enforce the laws that are on the books. . . . If this was an issue that I could do unilaterally I would have done it a long time ago. . . . The way our system works is Congress has to pass legislation. I then get an opportunity to sign it and implement it." (1/30/13)

17. "This is something I've struggled with throughout my presidency. The problem is that I'm the president of the United States, I'm not the emperor of the United States. My job is to execute laws that are passed. And Congress right now has not changed what I consider to be a broken immigration system. And what that means is that we have certain obligations to enforce the laws that are in place even if we think that in many cases the results may be tragic. . . . [W]e've kind of stretched our administrative flexibility as much as we can[.]" (2/14/13)

18. "I think that it is very important for us to recognize that the way to solve this problem has to be legislative. I can do some things and have done some things that make a difference in the lives of people by determining how our enforcement should focus. . . . And we've been able to provide help through deferred action for young people. . . . But this is a problem that needs to be fixed legislatively." (7/16/13)

19. "My job in the executive branch is supposed to be to carry out the laws that are passed. Congress has said 'here is the law' when it comes to those who are undocumented, and they've allocated a whole bunch of money for enforcement. And, what I have been able to do is to make a legal argument that I think is absolutely right, which is that given the resources that we have, we can't do everything that Congress has asked us to do. What we can do is then carve out the DREAM Act folks, saying young people who have basically grown up here are Americans that we should welcome. . . . But if we start broadening that, then essentially I would be ignoring the law in a way that I think would be very difficult to defend legally. So that's not an option. . . . What I've said is there is a there's a path to get this done, and that's through Congress." (9/17/13)

20. "[I]f, in fact, I could solve all these problems without passing laws in Congress, then I would do so. But we're also a nation of laws. That's part of our tradition. And so the easy way out is to try to yell and pretend like I can do something by violating our laws. And what I'm proposing is the harder path, which is to use our democratic proc-

esses to achieve the same goal that you want to achieve. . . . It is not simply a matter of us just saying we're going to violate the law. That's not our tradition. The great thing about this country is we have this wonderful process of democracy, and sometimes it is messy, and sometimes it is hard, but ultimately, justice and truth win out." (11/25/13)

21. "I am the Champion-in-Chief of comprehensive immigration reform. But what I've said in the past remains true, which is until Congress passes a new law, then I am constrained in terms of what I am able to do. What I've done is to use my prosecutorial discretion, because you can't enforce the laws across the board for 11 or 12 million people, there aren't the resources there. What we've said is focus on folks who are engaged in criminal activity, focus on people who are engaged in gang activity. Do not focus on young people, who we're calling DREAMers. . . . That already stretched my administrative capacity very far. But I was confident that that was the right thing to do. But at a certain point the reason that these deportations are taking place is, Congress said, 'you have to enforce these laws.' They fund the hiring of officials at the department that's charged with enforcing. And I cannot ignore those laws any more than I could ignore, you know, any of the other laws that are on the books. That's why it's so important for us to get comprehensive immigration reform done this year." (3/6/14)

22. "I think that I never have a green light [to push the limits of executive power]. I'm bound by the Constitution; I'm bound by separation of powers. There are some things we can't do. Congress has the power of the purse, for example. . . . Congress has to pass a budget and authorize spending. So I don't have a green light. . . . My preference in all these instances is to work with Congress, because not only can Congress do more, but it's going to be longer-lasting." (8/6/14)

Mr. BLUNT. Let me mention a few of those, but I will submit all 22 for the RECORD. As early as March of 2008, the President said: I take the Constitution very seriously. The biggest problems that we are facing right now are things that don't go through Congress at all.

In November of 2010 the President said: I am the President, not a king. I can't do these things just by myself. I have to have partners to do it.

In January of 2013, the President, again, still believes he is not a king, because he says: I am not a king. He says that at two different events on that day. He says: We can't simply ignore the law.

The truth is, in November of 2014 the President does decide we can simply ignore the law. The 22 times the President said we couldn't ignore the law I agree with him. For those who believe I don't find enough opportunities to agree with the President, here are 22 times I agree with the President's view that he cannot do these kinds of things on his own and by himself.

On February 14, 2013—2 years ago—the President said: The problem is that I am the President of the United States.

I could actually quit right there and maybe that would say all I need to say, but of course he said:

The problem is that you know I'm the president of the United States. I'm not the emperor of the United States. . . . we have certain obligations to enforce the laws that are in place.

It goes on. I get to that point, and I don't know quite how to explain—as I am sure the President doesn't know how to explain—what he has said and what he has now done.

On September 2013: "My job in the executive branch is supposed to be to carry out the laws that are passed," still in full agreement with what the President said his job is.

As late as August of this last year, the President said: There are some things we can't do. Congress has the power of the purse, for example. Congress has to pass a budget and authorize spending. So I don't have a green light.

He goes on to suggest to do whatever the President might like to do. That is basically what this debate is about right now. It is not about whether the Department of Homeland Security would continue to function. In fact, what I wish to see is the President engaged as the principal officer responsible for the administration of the government.

I think something like that is what President Kennedy said after the Bay of Pigs, when he said: I am responsible here because I am the principal officer responsible for the administration of the government.

The President created this problem. He created this funding problem for States, he created this funding problem for the Federal Government, and he created this problem of exceeding his authority as President of the United States. But the President, once again, is missing from the discussion of how to solve the problem.

That could very well be, as is often the case, the person who would know how to solve the problem is the person who created it. But we are not hearing anything from that person because clearly people at the White House believe it is to their temporary political advantage to act as though the people in the Congress don't want the government to function, rather than to act as though people in the Congress believe the President was right the 22 times he said he couldn't do what he has now done.

I have heard several of my colleagues in the last few days—in fact, even one or two this morning on early news shows—say: We need a way for Congress to settle these kinds of disputes outside of the appropriations process.

One way to do that would be to pass a law I filed in the last Congress that the House of Representatives passed in a bipartisan way—the Senate was not allowed to vote on it and I would like to see us vote on it in this Congress—which is the ENFORCE the Law Act, which simply does allow the Congress, if a majority of the Members of the House or Senate believes the President is not enforcing the law as written, to go to a judge and seek an early determination, rather than wait for some aggrieved citizen who disagrees with a rule or regulation to have to hire their own lawyer after the rule is in effect,

and in the 2 years or so it might take to get that case to the Supreme Court, other individuals impacted by the rule or regulation are trying to comply with it, only to find out later, as the Court ruled a handful of times during the recent years of this Presidency that, no, the President doesn't have the authority to do that.

They said: No, you don't have the authority to appoint people to the National Labor Relations Board when the Senate is in session just because you have decided somehow the Senate is not in session. You don't get to decide whether the Senate is in session, Mr. President, if they have met all the requirements to be in session. You particularly don't get to decide whether the Senate is in session if that same session of the Senate approves some things that you thought needed to be done and that was good enough for you.

Then they said: Mr. President, by the way, when you appoint these people illegally, whatever rules and regulations they put forward aren't legal either.

So the couple of years of businesses trying to comply with the National Labor Relations Act rules and regulations, all of that is to the wayside. Those rules are all gone, but that doesn't restore the time, effort, money, and needless compliance that happens when the President exceeds his authority or when the President's agencies, such as the Environmental Protection Agency, decide they could do something they would like to do without ever arguing before the Congress that we would like the authority to do this.

So passing the ENFORCE the Law Act would be a way to seek an earlier or quicker remedy. It does appear to me that the Federal judges are likely to decide pretty quickly—Federal judges, the court of appeals level and then the circuit level—that, no, Mr. President; you have gone beyond where you were in fact. You were right the first 22 times, not the November 2014 time that you decided if you don't like the law, you don't have to enforce the law.

I think we should move forward with that ability that the Congress currently doesn't have, but also I think we should continue to express our desire for this process to work the way it is supposed to work.

The House of Representatives, which is supposed to initiate spending bills, has done that. It is the job of the Senate to debate those spending bills. It is the job of Senators to offer amendments if they don't like them, and so far our friends on the other side have insisted they don't want to do that part of this job. Maybe we all should understand why they don't want to defend what the President has done because of all the times he said he couldn't do it.

#### RECESS

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2 p.m. today.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. HOEVEN).

#### DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I want to commend both of our leaders, Leader MCCONNELL and Leader REID, for coming to the floor and agreeing to a path forward to fully fund Homeland Security, and I want to speak for a moment about how critical this is and how really—if we cannot get the House of Representatives to agree, if they are not willing to move forward and support this path—we have actually not one shutdown but the possibility of two different kinds of shutdowns that will happen within 3 days.

I am talking about the fact there are 3 days left before the funding for the Department of Homeland Security expires—on February 27, at the end of the day on Friday. We are in a situation where those who protect us from terror threats all around us will be in a situation where they either aren't at work or are working without pay. We will be working with pay but they won't be working with pay, which of course is an outrageous situation for us to put them in.

Every week we know there is a new terrorist threat. That is literally true now, and it is shocking, as we turn on the television and we read the papers and listen to the radio. The most recent threat we know is from al-Shabaab, a Somali terrorist group with ties to Al Qaeda. A video appeared this last week where we know they called for an attack at the Mall of America near Minneapolis, as well as at other shopping centers in the United States and Canada and Great Britain.

We also know that an attack on that mall would endanger as many as 100,000 people—men, women, and children. That is how many people come to that mall, that big mall, every single day. Al-Shabaab terrorists have attacked a mall before so we know this is not an idle threat. In 2013, they attacked the Westgate Mall in Nairobi, Kenya, where 63 innocent people were killed.

On February 14, a shooter at a synagogue in Copenhagen killed three people. In late January, an American was 1 of 10 people killed in a terrorist attack in Libya. Earlier in January, in Paris, an attack by a terrorist claimed 16 lives. I could go on and on. In October alone, gunmen attacked the Canadian Parliament in Ottawa, killing a Canadian soldier.

Michigan has the busiest northern border crossing in the country between Detroit and Windsor. Every day over \$1 billion in goods and people are crossing that border—every single day. We actually have three crossings—two of the

busiest in the country—and we count on border and Customs security. We count on our Homeland Security people to be on the job doing their job every single day.

We also count on the people at the airports—all of us. Most of us are on planes one or two times a week. We all understand the critical importance of the airport. And for those of us who are surrounded by water, the Coast Guard is absolutely critical.

I could go on and on with all of the ways in which the men and women of Homeland Security, border security, Customs, the Coast Guard, as well as police and firefighters, our first responders, are keeping us safe every single day.

If the House does not agree to what we are doing here, in 3 days we will see the Department of Homeland Security shut down—an entire infrastructure put together after 9/11, which we all worked together on in a bipartisan way because we saw and we felt what had happened in terms of the threats to our country and the loss of lives.

It is critical this not be just a game. This can't be just a trick, where we are somehow voting straight up on Homeland Security funding without other riders on immigration or other things where there are differences with the President. If it is straight-up funding, then we vote, and then it goes to the House and it gets completely changed again, that is not going to work. We are going to stand with the men and women who stand with us, put their lives on the line, and work hard every single day to keep us safe. It is critical the House decide to join us if in fact the Senate acts today to fully fund Homeland Security, which I hope we will.

There is another thing I am deeply concerned about, and that is the fact we have heard a lot of people talk about we will just do a continuing resolution from last year. That is effectively a shutdown of the first responders, because when we look at the list—immigration, Customs enforcement, detention, antitrafficking, smuggling—of those things that are funded under a continuing resolution, which is a fancy word for last year's funding, those things don't continue.

The new grants that keep firefighters in Michigan and across the country going—in Detroit alone we have 150 firefighters—were supposed to start in October. Because we haven't fully funded Homeland Security, they have been waiting. We have people who will be laid off—police officers, firefighters in Michigan and across the country under a CR—under a continuing resolution. It is effectively a first responders shutdown.

So that is the second shutdown I am concerned about. We could see Customs and Border Protection unable to award new contracts for new video surveillance. How many times do we talk about the need to protect the borders? But if we don't fully fund Homeland