

The amendment (No. 2808) was agreed to, as follows:

(Purpose: To add a whereas clause regarding President Obama's condemnation of Palestinian violence against innocent Israeli citizens)

Insert after the eleventh whereas clause of the preamble the following:

Whereas President Barack Obama condemned in the strongest terms Palestinian violence against innocent Israeli citizens and expressed his "strong belief that Israel has not just the right, but the obligation to protect itself";

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 302

Whereas Israel is a democratic ally and major strategic partner of the United States, as codified by the United States-Israel Strategic Partnership Act of 2014 (Public Law 113-296), and cooperation between Israel and the United States continues to increase in importance with a swiftly shifting security situation in the Middle East and North Africa;

Whereas Jerusalem is an undivided city, eternal capital of Israel, holiest city for the Jewish people, central to the worship of three monotheistic religions, and unique in the Middle East region as a city of religious tolerance where Israel guarantees access, security, and respect for the three monotheistic religions to worship in peace at holy sites;

Whereas, upon Israel securing control of Jerusalem in 1967, it has maintained a policy of keeping the Haram Al Sharif specifically open for Muslim prayer, welcoming over 3,500,000 regular worshippers annually;

Whereas the Government of Israel upholds the 1994 Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan, which states in Article Nine that each party "will provide freedom of access to places of religious and historical significance," as well as "act together to promote interfaith relations among the three monotheistic religions, with the aim of working toward religious understanding, moral commitment, freedom of religious worship, and tolerance and peace";

Whereas Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO), committed in his exchange of letters with Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that "the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance," and under the subsequent 1995 Oslo II Accord, the Palestinians pledged to "abstain from incitement, including hostile propaganda . . . [and to] take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction";

Whereas the President of the Palestinian Authority, Mahmoud Abbas, wrongly announced during the tenth anniversary of Yasser Arafat's death in November 2014 that Israel has no claim to Jerusalem, that the Temple Mount will not be allowed to be "contaminated" by Jews, and that Jewish prayer on the Temple Mount would lead to a "devastating religious war";

Whereas President Abbas falsely claimed during his address to the United Nations General Assembly in September 2015 that the Government of Israel has used "brutal force to impose its plans to undermine the Islamic and Christian sanctities in Jerusalem" and announced that the Palestinian Authority is no longer bound by the Oslo Accords;

Whereas Israel has in recent weeks been subjected to an alarming wave of terrorism directed against innocent civilians by Palestinians armed with knives, meat cleavers, guns, and cars;

Whereas there have been approximately 69 such attacks since the beginning of October 2015, leaving 11 Israelis dead and another 145 wounded;

Whereas United States citizens have lost their lives as a result of these terrorist attacks, including Richard Lakin and Eitam Henkin;

Whereas these random, gruesome attacks are intended to instill a sense of fear among the people of Israel leading their normal lives, and also destabilize security for both Palestinians and Israelis;

Whereas President Barack Obama condemned in the strongest terms Palestinian violence against innocent Israeli citizens and expressed his "strong belief that Israel has not just the right, but the obligation to protect itself";

Whereas Israel, Jordan, and the United States have reached an agreement regarding the installation of surveillance cameras on the Temple Mount in accordance with the respective responsibilities of the Israeli authorities and the Jordanian Waqf;

Whereas President Abbas has helped to fuel the current violence in recent weeks by falsely casting Israel as the brutal aggressor in multiple public speeches, refusing to condemn the lethal terror attacks, and failing to acknowledge Israel's right to self-defense;

Whereas President Abbas' statements are part of a pattern of incitement among Palestinian leaders that includes denial of the Jewish heritage of Jerusalem, paying monthly salaries to the families of imprisoned Palestinian terrorists, praising slain terrorists as martyrs, demonizing Jews in official Palestinian Authority media, and encouraging attacks on social media; and

Whereas Palestinian leaders have repeatedly threatened to suspend cooperation and further encouraged violence by blaming Israel for killing Palestinian perpetrators of these heinous crimes: Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns these brutal attacks in the harshest terms possible;

(2) welcomes Israel's commitment to the continued maintenance of the status quo on the Temple Mount;

(3) urges the international community to join in forcefully condemning these Palestinian terror attacks;

(4) clarifies that there is no justification for these types of attacks and that there is a direct correlation between the recent upsurge in violence and Arab incitement regarding the Temple Mount;

(5) stands with the people of Israel during these difficult days;

(6) supports Israel's right to self-defense and rejects any suggestion of the moral equivalence of Israeli security personnel protecting its citizens from senseless violence and terrorists intent to deliberately take innocent lives;

(7) supports the agreement reached to install surveillance cameras on the Temple Mount according to the arrangements to be determined between the parties;

(8) calls upon President Abbas to stop all incitement by Palestinian officials and by Palestinian media, to strongly and unequivocally demand an end to the violence, and to take all steps necessary to halt these attacks;

(9) expresses support and admiration for individuals and organizations working to encourage cooperation between Israelis and Palestinians;

(10) encourages President Abbas to continue strengthening and maintaining security cooperation with Israel;

(11) reiterates that Palestinian political goals will never be achieved through violence; and

(12) calls on all parties to return to the negotiating table immediately and without preconditions, as direct discussions remain the best avenue to ending the Israeli-Palestinian conflict.

#### ORDERS FOR MONDAY, NOVEMBER 16, 2015

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 92 until 3 p.m., Monday, November 16; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each until 5 p.m.; finally, that at 5 p.m., the Senate then proceed to executive session as under the previous order.

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

#### ORDER FOR ADJOURNMENT

Ms. MURKOWSKI. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator SESSIONS for 10 minutes.

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

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Presiding Officer, and I thank Senator MURKOWSKI for her courtesy.

#### FIFTH CIRCUIT COURT DECISION

Mr. SESSIONS. Mr. President, we had a very important court of appeals ruling last night. The Fifth Circuit Court of Appeals reviewed the injunction that had been issued by Judge Hanen in Texas, that blocked the President's determination to carry out his DAPA Executive amnesty plan. The court found it improper and unlawful, and ordered it to be stopped.

It recalls for us the fact that when the President announced he was going to do this no matter what—before the election—great public outcry arose. Then he said—for political reasons, obviously—well, I am not going to do it before the election, but I will do it after the election. That is when I will issue this Executive amnesty and give lawful presence and Federal benefits and Social Security cards and work authorization to millions of people—4.3 million here in the country illegally. It is a dramatic thing. So the country was in an uproar about it. It was a big

factor in the Republicans winning a huge majority in the House and a surging majority in the Senate.

So what was this all about? Well, Judge Hanen found that this was wrong. The President didn't have authority to take people Congress has said are here illegally and give them food stamps, health care, Medicaid, and work authorization. It went against the law. He couldn't do that. And he found that this was such an egregious action that it needed to be stopped now through an injunction before the trial even completed. So it was that injunction, that blocking of the President's amnesty, that went up on appeal to the Fifth Circuit, and they upheld Judge Hanen's decision.

First, 26 States—over half the States—participated in this litigation against the President's order, and they were found to have legal standing.

Then the court found this critical legal fact: They found that the States that were objecting to the President's order were likely to succeed in the final court ruling and on appeal. They found that it would likely succeed. And they noted this, referring to the Secretary of Homeland Security:

At its core, this case is about the Secretary's decision to change the immigration classification of millions of illegal aliens on a class-wide basis.

The Court went on to say:

DAPA would make 4.3 million otherwise removable aliens eligible for lawful presence, employment authorization, and associated benefits, and we must be guided to a degree by common sense as to the manner in which Congress is likely to delegate a policy decision of such economic and political magnitude to an administrative agency.

They basically were saying that they see no evidence that such a huge event would be delegated to the administrative bureaucrats at the Department of Homeland Security. Congress, in fact, I believe—and the court went on to say—explicitly laid out how we deal with this.

The Fifth Circuit rejected President Obama's claim that he could issue employment documents—the right to work in America—to persons illegally here in any way he sees fit. That is what the administration argued.

The court condemned that interpretation, saying:

The interpretation of those provisions that the Secretary advances would allow him to grant lawful presence and work authorization to any illegal alien in the United States—an untenable position in light of the Immigration and Nationality Act's intricate system of immigration classifications and employment eligibility. Even with "special deference" to the Secretary, the INA flatly does not permit the reclassification of millions of illegal aliens as lawfully present and thereby make them newly eligible for a host of federal and state benefits, including work authorization.

That is an absolute refutation of the President's position, as well it should be, because anybody who is familiar with that debate last year knew that it was bogus. The American people knew that argument was bogus, and the court affirmed it just last night with clarity and consistency.

They said: Well, historically, the Secretaries have done some of these things.

The court doubted that.

Quote:

Historical practice that is so far afield from the challenged program sheds no light on the Secretary's authority to implement DAPA. Indeed, as the district court recognized, the President explicitly stated that "it was the failure of Congress to enact such a program that prompted him . . . to 'change the law.'"

He asked for this. He asked for legislation to do this, and the House of Representatives said no. And he did it anyway. And the court of appeals slapped that down as being above the powers of the President of the United States, as indeed it is.

The court found that this DAPA Program is foreclosed by Congress's careful plan. Quote: "The program is 'manifestly contrary to statute' and therefore was properly enjoined."

The President of the United States has a duty to the law, a duty to enforce the law whether he likes it or not, and he has a duty to carry out the law. That is his oath. He is the Chief Executive. He is the person responsible for ensuring that the laws of the United States are carried out, and he breached his duty and took steps to absolutely eviscerate law passed by Congress. And

being unhappy that Congress refused to change it as he wished it to be changed, he just did it anyway. And that is wrong. The court has slapped him down, as they should.

I hope the American people understand that somewhere in this system there is a commitment to law and to propriety and to the right of Congress. Congress is going to have to continue to work on this. It should boldly assert its prerogative to pass laws and its prerogative not to fund Executive amnesties, or any other program we don't think is worthy of being funded.

Mr. President, I thank the Chair and yield the floor.

ADJOURNMENT UNTIL MONDAY,  
NOVEMBER 16, 2015, AT 3 P.M.

The PRESIDING OFFICER. The Senate stands adjourned until 3 p.m. on Monday, November 16, under the provisions of H. Con. Res. 92.

Thereupon, the Senate, at 7:05 p.m., adjourned until Monday, November 16, 2015, at 3 p.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate November 10, 2015:

##### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JENNIFER ANN AMOS AND ENDING WITH HOLLY ROTHE WIELKOSZEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 8, 2015.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH KRESHNIK ALIKAJ AND ENDING WITH BRETT DAVID ZISKIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 2015.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JASON DOUGLAS KALBFLEISCH AND ENDING WITH STUART MACKENZIE HATCHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2015.

#### WITHDRAWAL

Executive Message transmitted by the President to the Senate on November 10, 2015 withdrawing from further Senate consideration the following nomination:

AIR FORCE NOMINATION OF BRIG. GEN. RANDALL R. BALL, TO BE MAJOR GENERAL, WHICH WAS SENT TO THE SENATE ON FEBRUARY 4, 2015.