

got it right back in September of 2013. He said:

Congress has said “here is the law” when it comes to those who are undocumented . . . What we can do is to carve out the DREAM Act—

And that is what he did with his 2012 Executive order.

saying young people who have basically grown up here are Americans that we should welcome . . . But if we start broadening that—

Which is exactly what he did in his 2014 Executive order.

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.

That is why the court stayed the implementation of the 2014 Executive order.

I thank the Presiding Officer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

#### NET NEUTRALITY

Ms. CANTWELL. Mr. President, I rise today to speak about a historic decision by the Federal Communications Commission. It was a 3-to-2 decision in a landmark case that will go down as a way to protect an open Internet economy. Consumers all across America should applaud this decision—and I know they will in the Pacific Northwest—because we will be protecting an aspect of our economy that has created thousands of jobs and millions of dollars.

This decision, known as Net neutrality, simply says that cable companies and telecom companies cannot artificially charge more on the Internet, thereby slowing down traffic or making a two-tier system in which some applications would be given access to faster service and others not, based on what they paid for.

This is an important decision because it champions an open Internet economy that has built so many new aspects of the way we communicate, the way we educate, and the way we continue to transact business around the globe. In 2010 the Internet economy accounted for 4.7 percent, or approximately \$68 billion, of America’s gross domestic product. Next year that Internet economy is expected to pass \$100 billion and comprise 5.4 percent of our country’s estimated \$18 trillion GDP. So in 6 years the Internet’s value has climbed over 30 percent.

What this decision says is: Let’s protect the Internet. Let’s not artificially tax it, let’s not artificially slow it down, and let’s not artificially create two tiers of an Internet system and stymie innovation. So many of us now know and enjoy the benefits the Internet provides when we buy a Starbucks coffee and use an app to pay for it or use an app to get on an airplane—and so many other ways that we communicate in an information age. Slowing all that down by just one second causes big problems and curtails an economy of growth.

We all know we have questions about the way cable companies and phone

companies charge us for data. Let’s make sure the Federal Communications Commission does its job by overseeing those companies that might want to charge more for those services than they need to charge. Let’s keep an open Internet. Let’s have Net neutrality be the law of the land.

I applaud the FCC for this historic decision today.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

#### CELEBRATING BLACK HISTORY MONTH

Mr. BOOKER. Mr. President, I rise today in partnership with Senator THAD COCHRAN from Mississippi having just submitted a resolution recognizing and celebrating Black History Month here in the United States of America.

I wish to take a few moments before that to address an issue that very poignantly has been anguishing my heart for my entire life. From the time I was growing up in the small town of Harrington Park, NJ, through my career in school and college, this has been grieving my heart. It has been grieving my heart since I started working in a predominantly minority city—a city I love—Newark, NJ.

I bring this up in the context of a previous speech I gave about our broken criminal justice system that makes us singular, among all of humanity on planet Earth, for the amount of our population that we incarcerate. We have 5 percent of the globe’s population but about 25 percent of all of the globe’s imprisoned people. This explosion is not consistent with our history. In fact, it is inconsistent with our history. It is incongruent with our values. To be very specific, the explosion of our prison population is because of the war on drugs.

The bottom line is that there were fewer people incarcerated in 1980 for any reason than there are today in prison and jails for drug offenses alone. Let me say that again, we have more people incarcerated today, either in prisons or in jails, just for drug crimes than all of the people incarcerated in the year 1980. In fact, due to this drug war our Federal prison population has exploded about 800 percent.

In the context of what I am about to talk about in this resolution recognizing African-American history, I wish to particularly point to today this grievous reality that our war on drugs has disproportionately affected African Americans, Latinos, minorities, and the poor in general.

It is painful for me to have seen in my lifetime, in the town I grew up in or at Stanford or Yale, many of my friends using drugs such as marijuana, many of them buying drugs such as marijuana, and many of them selling drugs such as marijuana. But the reality is the justice system they experienced for breaking the law was very

different than the justice system I saw in Newark, NJ. The reality is we don’t have a system of equal justice under law, but a system that disproportionately affects minorities in a way that is stunning and an affront to our nation’s values. Arrest rates for drug use have a disparate impact on people of color. There is no questioning that. This is unacceptable. When it comes to people who break the law in America, there is actually no difference between blacks and whites who have committed drug crimes—none whatsoever, but African Americans, for example, when it comes to marijuana, are arrested at 3.7 times the rate that whites are in this country. While their usages were similar in Newark or Stanford, law enforcement has arrested and incarcerated far more minorities living in urban communities than whites living in suburban communities.

Between 2007 and 2009, drug sentences for African American men were longer than those for white men. Drug sentences for black men were 13.1 percent longer for the same crime than those for white men. So not only are more African Americans and Latinos and people of color being targeted and arrested at higher rates than whites for the same crimes, but they are also getting and serving longer sentences.

Human Rights Watch put it simply. They found that even though the majority of illegal drug users and dealers nationwide are white, three-quarters of all people imprisoned for drug offenses are minorities. This should call out to the conscience of everyone in our country.

We believe fundamentally, at the core of our American values, in this ideal of equal justice under the law. The punishing thing about this is that not only are arrest rates higher, not only are they receiving longer sentences, but when we get such a disproportionate amount of people being arrested and incarcerated, the collateral consequences which they see at the end of the system become even more punishing on those communities. We now have cities in America that for certain age demographics, almost 50 percent of African American men have been arrested, and over 40 percent of Latino men have been arrested. And what that means is that once someone has a felony conviction for the non-violent use of drugs, one’s ability to go to college, to get a Pell grant, to get a job, and even to get many business licenses, is undermined.

Right now we see this punishing impact destroying many communities. Instead of empowering people to succeed, we are getting people trapped in our criminal justice system. Instead of the solid rock of success, people are being sucked into the quicksand of a broken criminal justice system. For example, the blacks and Latinos in the United States are 29 percent of the population but make up almost 60 percent of the prison population. In New Jersey, blacks and Latinos are 32 percent of

the total State population, but blacks and Latinos make up 81 percent of our prison population.

An often overlooked group in this discussion on the disproportionate impact on minorities is Native Americans. For instance, in North Dakota, Native Americans make up 5 percent of the total State population but 29 percent of the prison population. These numbers, again, go against the truth of who we are as a country.

So at this moment, when we are celebrating our history, when blacks and whites and Christians, Jews, and Muslims come together to advance our Nation—indeed, I stand here today because of the collective conviction of this country to live up to its values and ideals that all of us are created equal under God and that all of us should have an equal opportunity to succeed and be seen equally by our government.

It is at this moment that I say we can and must do better. In fact, many States, including red States, led by Republicans, are showing that there is a different way. For example, States such as Texas, Georgia, and North Carolina are leading on this issue. Texas is known for its law and order, but it has made tremendous strides in adopting policies that have decreased its prison population and positively affected minorities in the State. In fact, the Governor of Georgia continually talks about the fact that he has been able to lower his black male incarceration rate by about 20 percent over the past 5 years.

So as I prepare to join with the great Senator from Mississippi, I just want to say from the bottom of my heart that it is time to reform our legal system to make it truly a justice system. We want it so that everyone under the law faces equal treatment and so that we empower our entire community in America to be successful, not tie them up unnecessarily when even though they have paid the price for their crime. Punishment should not haunt someone for the rest of their existence.

I remember these words spoken by the great Langston Hughes, one of our great American poets, an African-American man who once said: There is a dream in this land with its back against the wall; to save this dream for one, we must save it for all.

This is the dream of America. We can do better. Indeed, many communities are committing themselves to creating a justice system which we can be proud of. We know in the Senate—Members on both sides of the political aisle; whether it is Senator LEE or Senator DURBIN or whether it is Senator CORNYN or Senator WHITEHOUSE—that together we can evidence these values.

With that, I recognize and yield for a moment to a friend and an ally, the Senator from Mississippi, THAD COCHRAN.

Mr. COCHRAN. Mr. President, I am very pleased to join my friend in introducing legislation celebrating Black

History Month. This opportunity provides us with an excuse, if we need one, to remember the challenges and the failures of the past, and the embarrassments and the criminalities, and so many challenging and horrible things that have characterized the treatment of citizens in the United States with injustice, with discrimination, with segregation, and all of the horrors we can remember as we contemplate this subject.

Today, the Senator from Mississippi is joining the Senator from New Jersey and others in giving us another opportunity to not only remember past injustice and celebrate victories over it but also to commemorate contributions being made today throughout our country to ensure equality and justice and opportunity for all Americans.

The rich history we have as a nation should include a promise for the future carved by African Americans as central contributors. They were here during the darkest times. They are still here, and they are continuing to make huge and important contributions to our Nation.

So I am pleased to join my friend, the distinguished Senator from New Jersey, to support the adoption of our resolution.

The PRESIDING OFFICER (Mr. CASIDY). The Senator from New Jersey.

Mr. BOOKER. Mr. President, I cannot tell you how grateful I am for those good words from my colleague. Truly, they resonate with my heart and my spirit. The gravity of this historic moment is not lost on me. It is a tribute to his character that he cosponsored this with me, as he understands, as he said so clearly, that American history is a beautiful mosaic, with contributions from every corner of the globe being made in this great country that we call the United States of America.

It is with that spirit and that recollection of our past, with a commitment to forge an even brighter future, that I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 88, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 88) Celebrating Black History Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOOKER. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 88) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. BOOKER. Mr. President, I am grateful for that. Again, I thank my colleague for his partnership.

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

## ORDER OF PROCEDURE

Mr. BOOKER. Mr. President, I ask unanimous consent that the Republicans control the next hour and that the Democrats control the following hour.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the majority will control the next hour, and the Democrats will control the following hour.

Mr. COCHRAN. 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. SESSIONS. 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. SESSIONS. Mr. President, on July 14 of last year, I wrote a letter to lawmakers on both sides of the aisle warning that the President was planning to issue an Executive amnesty for 5 million illegal aliens—people unlawfully in America. Congress was at the time considering a supplemental funding measure for the Department of Homeland Security.

I wrote:

Congress must not acquiesce to spending more taxpayer dollars until the President unequivocally rescinds his threat of more illegal executive action... If Congress simply passes a supplemental spending bill without these preconditions, it is not a question of if the President will suspend more immigration laws, but only how many he will suspend.

Executive amnesty became a major issue in the election last November. Many Members of the Senate and House who had supported these immigration policies of the President didn't come back. They were sent home, and many returning on both sides of the aisle said during their campaigns that they opposed these policies.

Still, on November 20, after a historic midterm election defeat, President Obama defied the will of the American people and Congress and issued his Executive amnesty for 5 million persons. This amnesty included not just the right to stay in America but an explicit photo ID, work authorization, work permits, Social Security numbers and Social Security benefits, Medicare benefits, cash tax credits, and the right to basically take any job in America—at a time of high unemployment and falling wages, as economists have told us is happening.