



Written by [Warren Mass](#) on February 24, 2015

As Democrat Filibuster of DHS Bill Holds, McConnell Urges Plan B

For the fourth time on February 23, a filibuster by Senate Democrats to block a vote on a House-passed Department of Homeland Security funding bill, which denies funding for the Deferred Action for Childhood Arrivals (DACA) program, was held by a 47-46 vote. (Seven senators did not vote.) Under Senate rules, 60 votes are needed to invoke cloture, which ends debate (breaking a filibuster) and allows a vote on legislation.



The bill under consideration, the Department of Homeland Security Appropriations Act, 2015 (H.R. 240) was passed by the House on January 14 by a vote of 236-191 and was received in the Senate on January 16. Three previous efforts to invoke cloture on H.R. 240 (on February 3, 4, and 5) also fell short of the required 60 votes.

DACA — the program H.R. 240 seeks to defund — began with an executive action ordered by President Obama and was prompted by his frustration with the failure of Congress to pass the Development, Relief, and Education for Alien Minors (DREAM) Act first introduced in the Senate in 2001. The DREAM Act never passed both houses of Congress, but Obama was determined to implement it anyway. On June 15, 2012, he announced that his administration would stop deporting young illegal immigrants who met certain criteria previously proposed under the DREAM Act. And so, DACA was born.

DACA was formally initiated by a policy memorandum sent from Secretary of Homeland Security Janet Napolitano in 2012 to the heads of U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE), ordering them to practice “prosecutorial discretion” toward some individuals who were brought to this country illegally as children and have remained in the country illegally.

The House previously voted to defund DACA last August 31, but despite the defunding the Obama administration expanded the program by means of an executive action memorandum sent by Homeland Security Secretary Jeh Johnson on November 20 to the heads of USCIS, ICE, and U.S. Customs and Border Protection.

When Congress passed its “Cromnibus” spending bill last December, it removed funding for DHS from the rest of the budget and provided temporary funding for DHS under a continuing resolution that expires on February 27. Under H.R. 240, overall DHS operations would be funded, but, by amendment to the bill, no funds may be used to consider new, renewal, or previously denied DACA applications.

And so the ongoing stalemate has continued. Most Republicans want to fund DHS while withholding funds for DACA. Democrats do not want to pass the bill because of those limitations and have blocked a vote on the legislation.

Following the latest failed attempt to break the filibuster, Senate Majority Leader Mitch McConnell



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(shown, R-Ky.) suggested splitting the elements of the legislation in two, so that DHS funding and defunding Obama's executive actions could be voted on separately.

"The new bill I described offers another option we can turn to. It's another way to get the Senate unstuck from a Democrat filibuster and move the debate forward," McConnell said on the Senate floor.

Fox News reported that The Tea Party Patriots group has criticized the Senate's Republican leadership, maintaining that they are relenting because they fear Americans will blame them for a partial DHS shutdown should the funding run out.

"Senate Republicans are about to cave in to President Obama," Fox reported, quoting a statement from the Tea Party group. "It's time ... to ratchet up the pressure on wobbly Senators."

In announcing his "Plan B," McConnell suggested that a vote on the portion of the DHS budget that funds DACA would precede a vote on the overall DHS funding bill — a move that political observers say is designed to separate "moderate" Democrats (or independents who caucus with Democrats) who claim to oppose the Obama executive actions from the rest of the party. The plan would force those senators to cast a vote either in support of the executive actions extending DACA or against them, without the issue of funding the DHS impacting how their votes might be interpreted.

McConnell was quoted by *National Journal*:

Some Democrats give the impression they want Congress to address the overreach. But when they vote, they always seem to have an excuse for supporting actions they once criticized. So I'm going to begin proceedings on targeted legislation that would only address the most recent overreach from November. It isn't tied to DHS funding. It removes their excuse.

House Speaker John Boehner (R-Ohio) supports McConnell's effort to find Democrats in the Senate willing to vote against Obama's immigration action if it is offered in a separate bill. As Boehner's spokesman Michael Steel told *The Blaze*:

[McConnell's proposed] vote will highlight the irresponsible hypocrisy of any Senate Democrat who claims to oppose President Obama's executive overreach on immigration, but refuses to vote to stop it. If we are going to work together on the American people's priorities, Washington Democrats must be honest with the people they represent.

While McConnell's latest proposal is being sold as a way to get tough with Senate Democrats, it basically gives the Democrats what they have asked for all along. *The Hill* on January 29 quoted a White House official who issued a statement reading, "The president will join the Democrats in Congress in vehemently opposing that dangerous view and calling for a clean funding bill to ensure we are funding our national security priorities in the face of cybersecurity and security threats abroad."

A "clean" DHS funding bill is one that funds the department without carrying any amendments defunding Obama's executive actions limiting deportations.

A February 5 *Washington Post* article carried the headline: "Democrats invoke perils of terrorism in push for 'clean' DHS funding bill."

Breitbart News reported on February 19 that 119 Democrats in the House sent a letter to House Speaker Boehner asking him to pass a "clean" DHS funding bill free of amendments blocking the executive actions.

"It is clear that the House-passed DHS funding bill will not be approved by the Senate or be signed into



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law by President Obama,” the Democrats wrote in the letter.

Democrats have not been the only ones asking for another DHS funding bill, however. Senator Jeff Flake (R-Ariz.) recently said, “We’ve brought it up, what, three times now and the same result, so I just don’t know what else we’re supposed to do over here. All we can do is say we tried, and the House will have to pass something else.”

That “something else” would be a “clean bill” acceptable to Democrats.

Flake, of course, was a member of the Senate’s bipartisan “Gang of Eight” that drafted an immigration bill that passed the Senate in 2013 but was never brought up for a vote in the House because conservative representatives objected to its amnesty provisions.

Another prominent member of the “Gang of Eight,” Flake’s colleague from Arizona, John McCain, also advocated a “clean” DHS bill, telling *Meet the Press* on February 15: “We cannot — we cannot — cut funding for the Department of Homeland Security. We need to sit down and work this thing out, and there [are] ways we can address what the president did, [which] was unconstitutional, but it is not through cutting — shutting down — the Department of Homeland Security. It’s too serious.”

Congressional watchers witnessing the ongoing battle between Republicans and Democrats over the funding of DHS may be wondering if the disagreement concerning whether to pass the House version or a “clean” bill is genuine — or just so much professional wrestling.

Photo of Senate Majority Leader Mitch McConnell (R-Ky.): AP Images



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