

works." That was the President in Miami a couple of years ago. He is right—that isn't how it works. Apparently that wasn't enough to stop him from pursuing the kind of partisan overreach he once described as "ignoring the law" and "unwise and unfair." It didn't keep him from doing that anyway. Maybe he didn't anticipate that a Federal district court would issue a preliminary injunction to prevent him from moving forward. Maybe he didn't expect that a Federal appeals court would uphold that ruling.

But now the Supreme Court will hear arguments in this case later this month on core constitutional principles like the separation of powers and the duty to take care that the laws are faithfully executed. That is why I led a group of 43 Republican Senators yesterday in filing an amicus brief in support of the challenge to this overreach—a challenge brought by a majority of America's Governors and attorneys general from across our country. As we highlighted in the brief, the administration's Executive action "stands in stark contravention to Federal law and to the constitutional principle of the separation of powers." It is also an "explicit effort to circumvent the legislative process."

So, look, whether Republicans or Democrats, this kind of partisan overreach should worry all of us no matter who is in the White House because not only is the President's blatant refusal to follow the law an extraordinary power grab, it is a direct challenge to Congress's constitutional authority and a direct attack on our constitutional order.

WAR ON TERROR

Mr. MCCONNELL. Mr. President, earlier this year I noted that the next Commander in Chief will assume office confronting a complex and varied array of threats. I observed that after 7 years of the Obama administration delaying action in the War on Terror, the next administration would need to return to the fight and restore our role in the world. Among many other things, that means we must return to capturing, interrogating, and targeting the enemy in a way that allows us to defeat terrorist networks because let's remember that during his first week in office, the President issued a series of Executive orders that collectively undermined the capability of our intelligence community and military to combat terrorism.

Yesterday the Defense Department confirmed that two of Al Qaeda's former explosives experts were transferred from the secure detention facility at Guantanamo Bay to Senegal. Both detainees had long records of supporting Al Qaeda. According to records that have been made public, one of those detainees, a former associate of Osama bin Laden, is likely to reengage in hostilities. The other detainee was previously assessed as likely to return

to the fight. This comes at a time when Al Qaeda in the Arabian Peninsula has exploited the war in Yemen to secure a safe haven and the al-Nusra Front within Syria is exploiting the civil war there to carry on Al Qaeda's mission. This is precisely the wrong time to send experienced, hardened fighters back into the conflict.

We must use the remaining months of the Obama administration as a year of transition to better posture our military to meet the threats we face, not make it more challenging for the next President, regardless of political party. Actually, there have been encouraging changes within the administration recently, such as programs presented in the budget request by the Secretary of Defense to address Chinese and Russian aggression, a public recognition by the Chairman of the Joint Chiefs of the threat posed by ISIL in Libya, more focus on the need to rebuild a nuclear triad, General Campbell's statement that a larger force must be left in Afghanistan, and the deployment of the expeditionary targeting force to Iraq. This is the wrong time for the administration to release terrorists who are likely to return to the fight.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

FAA REAUTHORIZATION BILL

Mr. REID. Mr. President, this side of the aisle also hopes that we can move through the FAA bill, which is important to get done. We just have to make sure we do it right. There are lots of things we need to do. I think that the bill coming from the committee, led by Senators THUNE and NELSON, is a good, basic outline for us to proceed on this matter.

IMMIGRATION AND INTERROGATION OF GITMO DETAINEES

Mr. REID. Mr. President, I wish to follow up on a couple of statements that were made by my friend the Republican leader. Senator MCCONNELL mentioned immigration. In the last Congress we worked very hard together in a bipartisan fashion to form a good, comprehensive immigration reform bill. We passed it, but due to the power of the tea partiers—or, as Speaker Boehner referred to them, "the crazies"—they didn't have a vote in the House. If they had voted on that legislation, it would have passed. Democrats would have voted for it, and there were enough Republicans who would have voted for it. That would have been a big vote out of there, but it didn't happen, so the President had to do something on immigration, and he laid the groundwork. He spoke at the State of the Union Address and basically

said: Since you are not passing any legislation, I will have to use my Executive power in order to get things done. He then proceeded to prioritize what he wanted to do. He issued the order that was so important to boys and girls, called a deferred action, which allowed DREAMers to stay in the country, and that was the right thing to do. He also prioritized deportations by going after criminals, not families, and enforcing the law. He has done a very good job.

I think it is also very important to note that the administrative actions the President has taken are nothing unique. We can go back to the days of Theodore Roosevelt, a good Republican President who did a lot of stuff administratively.

On his remarks about getting involved in the fight again—I am paraphrasing what he said—that we have to get back to the interrogation we did before, we know that torture was quickly eliminated. That effort was led by a lot of people, not the least of whom was someone who has been tortured, a Member of the U.S. Senate, JOHN MCCAIN. He has spoken out very admirably, and as only he can, about how bad torture is. And the facts indicate that torture doesn't get any new information anyway; there are other ways to get that information.

FILLING THE SUPREME COURT VACANCY

Mr. REID. Mr. President, the senior Senator from Iowa, who is chairman of the Judiciary Committee, came to the floor yesterday afternoon in an attempt to divert attention away from that committee and his failure to do his job. He is not doing his job as chairman of that committee. He hoped to do that by focusing on me for objecting to a bill that would expand the subpoena powers of certain government appointees called inspectors general, but his efforts failed. People weren't looking at me; they were looking at the work not done by the Judiciary Committee.

I objected to that bill because that legislation was really a legislative overreach, just as my friend the senior Senator from Iowa continues his overreach by turning the Senate Judiciary Committee into, for example, a Benghazi committee—a narrowly partisan committee masquerading as an independent party. It is the same theory that had Secretary Clinton spending 11 or 12 hours before the committee during the course of 1 day. That hearing was a flop because of her assertiveness, her direct answering of questions, and her physical and emotional strength, standing and sitting during that time.

My friend's tenure as Judiciary Committee chair has been reduced to one stunt after another. One of his stunts included demanding maternity leave records of one of Secretary Clinton's staffers. Another political stunt was blocking the confirmation of State Department Legal Adviser Brian Egan,