



House Votes to Fund DHS Through September — No Strings Attached

The House of Representatives voted on March 3 to fund the Department of Homeland Security through September 30, the end of the current fiscal year. The Department of Homeland Security Appropriations Act, 2015 (H.R. 240) was passed by a vote of 257-167 with undivided support from 182 Democrats. Only 75 Republicans voted for the bill, with 167 opposed.



H.R. 240 is a “clean” DHS funding bill, because it was stripped of amendments that removed funding for the Obama administration’s expansion of the Deferred Action for Childhood Arrivals (DACA) program, which would grant amnesty to millions of illegal immigrants.

That expansion was accomplished 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. However, implementation of the DACA expansion is temporarily on hold pending the administration’s appeal of an order of temporary injunction issued by U.S. District Judge Andrew S. Hanen on February 16 that is blocking the program.

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 expired on February 27. (The House voted to extend funding for another week, just hours before that deadline.) The original version of H.R. 240 was passed by the House on January 14 by a vote of 236-191. While it provided funding for overall DHS operations, as noted above, it contained amendments prohibiting funding for the DACA amnesty program.

The original version of H.R. 240 was received in the Senate on January 16, but with only 54 senators, Republicans lacked the 60 votes needed to end a Democratic filibuster preventing a vote on the measure and failed four times (on February 3, 4, 5, and 23) to achieve the necessary supermajority to end debate and bring H.R. 240 up for a vote.

On February 27, the same day the House approved the temporary, one-week DHS funding measure, the Senate approved an amended version of H.R. 240, 68-31 that did not defund the administration’s executive amnesty actions.

Following the final failed attempt to break the filibuster, Senate Majority Leader Mitch McConnell (R-Ky.) suggested splitting 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.

As we noted in a recent article, McConnell’s willingness to compromise by removing the tough House anti-amnesty provisions from the DHS funding bill merely gave the Democrats what they had asked for



Written by [Warren Mass](#) on March 4, 2015

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.”

The version of H.R. 240 just passed by the House is clean as a whistle. On February 27 the Senate approved an amended version of H.R. 240 that did not defund the administration’s executive amnesty actions. Since it differed from the House legislation, the House sent a message to the Senate asking for a conference to reconcile the two versions.

The conference committee worked out an amended version of H.R. 240 free of the House-passed limitations on funding the administration’s amnesty through executive actions.

The vote on March 3, deciding whether the House should accept the conference committee version of the bill as amendment by the Senate — a “clean” bill free of restrictions — was summarized in the *Congressional Record* as follows:

Department of Homeland Security Appropriations Act, 2015: House agreed to the [Mike] Simpson [R-Idaho] motion to take from the Speaker’s table H.R. 240 making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, recede from the disagreement of the Senate amendment and agree to concur therein, by a yea-and-nay vote of 257 yeas to 167 nays.

During the debate before passage of the “clean” version of H.R. 240, several members of the House made impassioned, but ultimately unsuccessful, pleas against the legislation. Among them was H. Morgan Griffith (R-Va.), who stated:

We would not be here if it weren’t for the modern filibuster and cloture rule which requires 60 votes to do anything. Last week, Harry Reid made it clear that he would not support going to conference. Jefferson was very clear when he set up the procedures for this place. Each House makes an independent decision, then you get together in conference and work out your differences; but, because of the unique position of the Senate’s processes, that cannot happen in these circumstances. We should not reward the Senate for their bad behavior. We should reject this motion and force a new discussion on this issue.

Representative Ronald DeSantis (R-Fla.) asserted that passage of a “clean” DHS funding bill would hurt the case brought by the states against the federal government to stop executive amnesty — a case ruled in their favor, but which the administration has appealed:

If I were representing the Department of Justice in front of the fifth circuit to try to get this injunction overturned, the first sentence in my brief would be that the United States Congress has voted knowing this program was in existence, to fully fund all operations. Courts, you should step out of this dispute. It is between the political branches, and they have settled it.

... The action today, if this bill were to pass, I believe it would actually harm the case in the courts, and I think it makes it more difficult for those States to make the case that what the President did was unconstitutional if the one branch whose powers were invaded decided that they were not going to bite back effectively.

Representative Matt Salmon (R-Ariz.) based his argument on the Constitution. He stated:

I think this is a very, very sad day when we have to make a Hobson’s choice of either funding our



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national security or standing for the Constitution. We actually took an oath just a few short weeks ago to defend this Constitution from all enemies, foreign and domestic. That is our role; that is our responsibility. If not now, then when? It is never going to be easy. It is never going to be easy. It has never been easy to stand up for freedom.

I have heard some people say: Well, you Republicans, you just need to learn how to govern. If it was just about governing, then I think that the American people can just close shop and let the President just run everything, but we actually have a Constitution that we have to adhere to.

Despots all over the world, they govern. They keep the trains running on time. But we stand for something different. We stand for a constitutional republic, where we have three coequal branches that all have an equal say. The Founding Fathers gave us a tool to deal with a time just like this. It is called the power of the purse. If we relegate that responsibility and dropkick it to the courts, as the gentleman from Florida (Mr. DeSantis) just said, then they have nothing else than to assume that we just basically folded to the pressure.

I believe this is a sad day for America. I believe America deserves better. If we are not going to fight now, when are we going to fight?

It is a strange fact of political life that a Republican-controlled House and a Republican-controlled Senate has just given Obama the exact legislation he asked for. It appears that the problem with Republicans is not that they are unable to govern. It is that most of them are unable to read, understand, and defend the Constitution.

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