

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

ILLEGAL IMMIGRATION

Mr. COATS. Mr. President, a few weeks ago, U.S. Immigration and Customs Enforcement, otherwise known as ICE, initiated an unexplainable order to take action to reduce the population of detained illegal aliens, and they said it was for budgetary reasons. I quote a spokesman for ICE, who said the decision was made because "fiscal uncertainty remains over the continuing resolution and possible sequestration . . ."

Well, we have had fiscal uncertainty for 4 years now, and the decision to release these detainees was made before the sequestration even took place. The procedures put in place under the continuing resolution and the resources for covering the costs of detaining these illegal immigrants until they could be brought to trial and sent back home were put in place by the funding we provided for the agency in September, running through the end of this month, or until March 27. So a lot of questions need to be answered about ICE's decision because there was a furor over why we are releasing illegal immigrants back on the streets of America. Why are we putting these people back out on the streets when the law didn't require it? The resources were there to keep them, and yet many were released before the sequestration even took place—before the across-the-board cuts even took place—and I want to get some answers. So I wrote Secretary Napolitano a letter asking her to provide answers to a series of questions, which I will state in a moment, and have the answer to me in my office by Friday, March 8.

Well, I returned today to find the answer was not there. I could give the Secretary the benefit of the doubt and say it is in the mail. We know it doesn't always guarantee next-day delivery. Nevertheless, I think the American people need to know. Particularly those impacted, those communities impacted by these illegal immigrants—not knowing who they are, not knowing why they were released, not knowing whether we can bring them back to stand before a judge and plead their case or be processed for return.

The law enforcement officials in these communities are up in arms because they don't know who these people are. They don't know whether they are criminals; they don't know whether they are ever going to be able to bring them back into the ICE system and be detained and readied for processing. So that is why I asked the Secretary to respond to my letter.

Subsequent to that, officials at ICE have denied recent press reports regarding plans to release even more detained illegal immigrants. Last Tuesday, an internal ICE document obtained by the House Judiciary Com-

mittee revealed a plan of ICE to continue reducing detention center populations each week while the sequestration is in place. That document shows one scenario where the number of illegal immigrants in custody could be reduced by more than 1,000 a week between February 15 and March 31. The initial report said it was a couple hundred—I think 300 was the number given—only to find out it is more than 1,000, and now we find out it may be more than 1,000 each week for about a 6- or 7-week period of time.

What we are trying to do is get the facts and get an explanation of what has happened, why it took place in the manner it did, and what is the administration's plan for going forward with this. I am doing this because as ranking member of the Appropriations Subcommittee on Homeland Security, I am getting all kinds of questions from people—not just my colleagues but others across the country—basically asking what is going on here. I wish to be able to respond to those questions with answers, or have the Department respond.

As the head of the Department, Secretary Napolitano needs to provide information on who made this decision, why this decision was made, why was it made before sequestration even took effect, why was the number of released individuals said to be around 300 when it was well over 1,000? Releasing the detained individuals has the potential to put these communities at risk and sends a message to those who come here and break the law as illegal immigrants that our government is not serious. I am sure word is spreading through Mexico and other ports of entry to illegal immigrants: Don't worry, you may get picked up; you may get put in a detention center; they will provide a bed, food, and so on, but they are releasing 1,000 a week. I can just see the traffickers now pitching this to tens of hundreds or thousands of people, taking their money, getting them across the border, reaching the fence, or tunneling under the fence or climbing over the fence, or any of a number of other ways they are bringing illegals into this country.

I spent 3 days down on the border. While we are making some strides, we have a long way to go to stop this illegal immigration. So we need clarification and we need an explanation of what has happened.

Let me state some of the questions I have raised to the Secretary:

Why did the Federal Government release detained illegal immigrants 1 week before the sequester took effect and blame it on budget cuts when those cuts had not even yet been put into place?

Why didn't ICE take the proper steps necessary to manage its resources efficiently across the various programs? As I said earlier, the Congress itself provided them with adequate resources to maintain a level of 34,000 illegal detainees per year and not go below that. They do not need to go below that

number because they had the resources to pay for it. They are required by Congress to do that.

What triggered ICE to instruct field offices to reduce the detainee population a week before the sequestration hit?

How many illegal immigrants were released during that time?

Exactly how many of these individuals were released solely due to budget reasons?

How many of the released individuals, if any, were designated as criminal? The law enforcement people obviously need to know that.

Have instructions been given to field offices to reduce the intake and arrests of illegal aliens into detention?

These are just some of the many questions I asked Secretary Napolitano because I think Congress and the American people deserve answers.

As the head of the Department, Secretary Napolitano has the ultimate responsibility to oversee the decisions in the management of agency resources. She said this decision was made at a level below her. We hear a lot of that from administration officials: It is not my fault, it is somebody else's fault. That is why they rise to the position of Secretary, because they are the ones who ultimately oversee the program and need to take responsibility, or at least need to answer a question posed by a Member of the Senate as to why they did what they did and how we are going to fix this.

Failing to respond to the Congress and to our requests and the failure to provide the American people with more information behind this decision is simply not something we should accept. I will keep pressing for these answers.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MILITARY MEDAL PRECEDENCE

Mr. MANCHIN. Mr. President, I rise today to bring attention to a recent decision by the Department of Defense to authorize a new military decoration—the Distinguished Warfare Medal—as a way to recognize the contributions of silent warriors, such as drone pilots and cyber warriors.

I have absolutely no objection to the creation of the Distinguished Warfare Medal. Every day our silent warriors use modern warfare technology in ways that have had an extraordinary impact on today's battlefield—saving the lives of countless American service men and women and enhancing the national security of our country.

However, I adamantly oppose the decision by the Defense Department to

elevate the Distinguished Warfare Medal above the Bronze Star and the Purple Heart, which are awarded for acts of valor and heroism on the battlefield, and above the Soldier's Medal, which is given for acts of gallantry beyond the battlefield.

I believe medals earned in combat or in other life-threatening conditions should maintain their precedence above noncombat awards. Placing the Distinguished Warfare Medal above the Bronze Star and the Purple Heart diminishes the significance of such awards earned by risking one's life in direct combat or through acts of heroism.

I am not alone in my opposition to the precedence the Defense Department plans to give the Distinguished Warfare Medal. A bipartisan group of 21 other Senators, our colleagues, has joined me in a letter to Defense Secretary Hagel urging him to reconsider the Department's decision.

The Veterans of Foreign Wars in my State and in the Presiding Officer's State have also asked Secretary Hagel to reconsider. And while the Secretary has told the VFW that he is satisfied with the criteria and placement of the Distinguished Warfare Medal, I believe we can still make the case that combat awards and medals for gallantry should remain the military's highest honors.

In his response to the VFW defending the new medal, Secretary Hagel asserts:

There are numerous existing medals that may be awarded for non-valorous achievements which are higher in precedence than the Bronze Star.

That is true. There are medals, such as the Legion of Merit, not directly linked to a single act of valor. But these medals recognize distinguished service often spanning several generations of service. These awards are given for vastly different periods and different types of service.

Comparing awards for lifetime achievement to the Distinguished Warfare Medal, which even Secretary Hagel's letter states is awarded for "a single"—I repeat, "a single"—"extraordinary act," is not an appropriate justification for its precedence above the Bronze Star and Purple Heart.

Veterans groups are understandably upset. The new Distinguished Warfare Medal appears to be a wartime medal based on a single event that trumps acts of valor on the field of battle.

In this dispute I think it is instructive to consider why the Bronze Star and the Purple Heart were created.

The Bronze Star was conceived by COL Russell "Red" Reeder in 1943. At the time he and other military officers believed there was a need for a ground combat medal equivalent to the Air Medal, which was awarded for meritorious achievement to our pilots and flight crews. In fact, originally the award that became the Bronze Star was proposed as the "Ground Medal."

The award was created to boost the morale of American ground forces dur-

ing World War II. As GEN George C. Marshall explained to President Roosevelt in a letter:

The fact that the ground troops, infantry in particular, lead miserable lives of extreme discomfort and are the ones . . . (most) close in personal combat with the enemy, makes the maintenance of their morale of great importance. The award of the Air Medal has had an adverse reaction on the ground troops, particularly the Infantry Riflemen who are suffering the heaviest losses, air or ground, in the Army, and enduring [some of our] greatest hardships.

The Purple Heart, of course, is one of our country's oldest military decorations, originally instituted by George Washington, then the commander in chief of the Continental Army, in 1782, to reward troops for what he called "unusual gallantry" and "extraordinary fidelity and essential service."

The Purple Heart was revived as a military decoration in 1932 on the 200th anniversary of George Washington's birthday. In 1985, by an act of Congress, it was given its current precedence just below the Bronze Star and directly above the Meritorious Service Medal—a clear recognition of the special valor of those who receive it. I recognize that military awards should be updated as the tactics of warfare change. Drones and cyber warfare play a role in the defense of this great country, and there is no question that each member of our military plays a crucial role in protecting our Nation and every American. But I have listened to West Virginia veterans and agree with them: Our brave servicemembers who face life-and-death situations deserve the most distinguished medals the U.S. military awards.

Again, I support the Distinguished Warfare Medal. I want to make no mistake about that. But I do not believe it should be given higher precedence than awards for those who have faced the enemy on the battlefield. Awards earned for heroism, patriotism, and a willingness to make the ultimate sacrifice for the freedoms we all enjoy every day should not be ranked below a medal earned in relative safety.

I agree wholeheartedly with veterans who have expressed their concerns about the precedence the Defense Department intends to give the Distinguished Warfare Medal. I share their belief that combat awards are sacred, reflecting the special bravery of Americans who are willing to sacrifice all for their country as well as their brothers and sisters in arms. And I join them in urging the Defense Department to preserve the legacy of these sacred awards by leaving their precedence undisturbed.

I thank Secretary Hagel for his courageous military service to our country. Through his combat experience in Vietnam, he knows all too well the clash and the heat of battle. He shares a special bond with generations of Americans from Concord to Kabul who have risked their lives in the defense of this great country, many of whom have paid the ultimate sacrifice for our free-

dom. I hope, for that reason, he reconsiders the precedence of the Distinguished Warfare Medal and agrees that combat awards should remain our military's highest honors.

Mr. President, thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF RICHARD GARY TARANTO TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT

NOMINATION OF ANDREW PATRICK GORDON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEVADA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.

The legislative clerk read the nominations of Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit, and Andrew Patrick Gordon, of Nevada, to be United States District Judge for the District of Nevada.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes for debate equally divided and controlled in the usual form.

Mr. LEAHY. Mr. President, I ask unanimous consent that the time be divided in such a way that the vote occur at 5:30.

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

Mr. LEAHY. Last week, Senate Republicans were given an opportunity to end their partisan and wrongheaded filibuster of Caitlin Halligan to the D.C. Circuit. Instead, they voted against the Federal judiciary, the administration of justice, and the needs of the American people. The Republican filibuster has lasted for over 2 years, in which Senate Republicans have refused to vote up or down on this highly qualified woman to fill a needed judgeship on the D.C. Circuit. No one can honestly question whether she has the legal ability, judgment, character, ethics, and temperament to serve on the court. The smearing of her distinguished record of service is deeply disappointing.