

workers for discussing salary information. And it would help secure adequate compensation for victims of gender-based pay discrimination. It is simply not fair that any woman working the same hours in the same job should make less money than her male co-worker.

Unfortunately, this commonsense legislation was blocked by a Republican filibuster last Congress. But Senator MIKULSKI, who has done so much to advance the pay equity issue, reintroduced the measure last week, for which I am grateful.

As we mark the fourth anniversary of the signing of the Lilly Ledbetter Act, I applaud Senator MIKULSKI and the women of the Democratic caucus for their dedication to American women and families—and to the principle of equality.

Would the Chair announce the business of the day.

Oh, I am sorry, I did not see the Republican leader here, so my apology, Mr. President.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SCHATZ). The Republican leader is recognized.

GROWTH AND OPPORTUNITY

Mr. MCCONNELL. Mr. President, over the past several days, I have spoken of the need for the two parties to come together to address the Federal debt. We need to act quickly if we are going to avert a European-style debt crisis and avoid the harsh austerity that would bring.

But this is about more than just avoiding a calamity, as serious as that prospect has become. What this debate offers is a once-in-a-generation opportunity to update government for the 21st century, to modernize programs that work, and to reform ones that do not. Many Federal bureaucracies have not been reformed in any real way since the age of black-and-white television. Even if we did not have a debt crisis, we should want to reform them. This debate is an opportunity to do so.

By making government leaner and more efficient, we can sweep away outdated and heavyhanded regulations that have impeded private sector growth and the job creation we so desperately need. And by reducing the debt, we can eliminate an additional drag on our economy.

So this is not a conversation about austerity; it is a conversation about growth and opportunity. That does not mean we are all going to agree on the path forward. Americans certainly expect a serious policy debate. They expect both parties to offer competing plans to preserve and protect long-term entitlement programs, and they expect both sides to propose different plans to get our fiscal house in order and our country back to economic health.

Republicans have done their part. The budgets passed by House Republicans over the past couple of years contain fresh ideas that would help solve our fiscal crisis. Policymakers from both Chambers and from statehouses across the country have put forward a number of their own ideas and proposals as well. But from the Democrats? So far, not much. Four years on, President Obama and congressional Democrats still have yet to offer a serious plan to address the economic challenges we face. They have been content to wage political war instead.

It is my hope, however, that the debate over the debt ceiling will finally move our friends on the other side beyond their preoccupation with the horse race. Already, Senate Democrats have committed to developing a budget this year, after years of ducking their responsibility to do so. Hopefully, this will be a serious exercise and not simply an excuse for them to try to raise taxes, which, as we all know, is just another way to avoid solving core problems. Last week I came to the floor with a chart which showed that even if the President got every single tax increase he asked for, every one of them, we would still not even come close to solving the problem—not even close.

So let's not waste time with more pointless arguments about tax increases. We had that debated already. It is done. It is over. Instead, I call on Democrats to approach the spending debate with the seriousness it demands and to do it through regular order. We have to break this penchant among Democrats for putting off all important work until the final hour. We need to get back to regular order, and that takes time, and that is why we need to get started right now. Let the tough work of developing a budget and putting together long-term policies to control government spending begin today—not 1 minute or 1 hour before we come up against a deadline but today.

Americans deserve better than what they have been getting from Washington the past few years. Democrats were reelected, and I congratulate them. It is time now to get serious about actually governing.

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

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

Mr. SESSIONS. I thank the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I understand I might be recognized for up to 15 minutes.

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

Mr. SESSIONS. I ask I be notified after 12 minutes.

The PRESIDING OFFICER. The Chair will do so.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, as we consider the serious issue of immigration reform, it is important for us to understand where we are as a country with regard to the laws we have and how they are being enforced. I will share some thoughts about that today because the American people and Members of Congress need to fully understand what is happening. It is well documented that the Obama administration has either unilaterally weakened or outright waived the enforcement of existing immigration law at the border, in the interior, at the worksite and at the welfare office. That is just a fact.

Last year, I joined with my colleagues at a press conference with the top representatives of the Nation's rank-and-file immigration law enforcement officers—the presidents of the ICE—Immigration, Customs and Enforcement—and Border Patrol unions. Those men, who are elected to serve as the voice of their fellow officers, gave a chilling report at that press conference—right over in the Senate building, with several other Senators—they gave a chilling report about the administration's systematic effort to dismantle the enforcement of our Nation's immigration laws. It is not just an effort, it is an effective plan and action to do so.

At the center of this misconduct is John Morton, the Director of ICE. The evidence I am about to share with you leads me to the unfortunate conclusion that Mr. Morton can no longer effectively serve at this post and, perhaps more importantly, there can be no comprehensive immigration reform as long as he is the person charged with enforcing it. What purpose is served to pass new laws if the ones we have are ignored by the officials charged with enforcing them?

This timeline shows how Mr. Morton and the administration have undermined enforcement. Most Americans do not fully understand the real effect of these immigration policies. In reality, right now, if a State law enforcement officer apprehends someone for

speeding and discovers, for example, that he is illegally in the country, the result is that nothing happens. They do not even bother to call the Federal law enforcement officers to report they have apprehended someone who is in violation of our immigration law. And the reason they do not call is because nobody will come and get them.

This is something I have discovered over a number of years. When I was attorney general of Alabama, and for 12 years, the top Federal prosecutor in the Southern District of Alabama, the U.S. attorney, and I discovered how the system works—and it is not working. What happens is they release them. At townhall meetings I would ask the people who showed up, citizens: What happens if your local police officer apprehends someone who is illegally in the country? They say they call the Federal people or they arrest them and take them to jail. The answer is, no, they do not; they release them. That is what they do because the system is utterly broken and not working.

Let me run through a series of events that have occurred in the last several years that further undermine the ability of America to enforce its laws. Let me just say, parenthetically, the only way to have a real effective law enforcement system is to welcome support and affirm the willingness of local law enforcement to participate and assist. There are, for example, some 600,000 State and local law officers out there every day enforcing our laws, protecting their communities. There are far fewer, maybe 15,000 or 30,000 Federal officers, dealing with immigration. The real eyes and ears in law enforcement in America are those State and local people. States have been sued by this administration for even attempting to assist. This administration is denying and refusing to renew the cooperative agreements that are necessary for Federal and State and local authorities to work together to effectively enforce the laws of our country, and this is what is causing our problem.

Let me run through some of these areas and problems that have occurred recently. I may not be able to finish, and I will make the rest of my remarks available in the RECORD. In a 2010 interview with the Chicago Tribune, Director Morton announced ICE may not even process or accept illegal aliens transferred to the agency's custody by Arizona officials. They were not happy with Arizona, presumably, so they would not even accept people local law enforcement turned over.

On May 27, 2010, an ICE e-mail revealed that low-risk, short-term detainees would be able to have visitors stay for an unlimited amount of time during a 12-hour window, would be given access to unmonitored phone lines, e-mails, and free internet calling. They would also be entertained with movie nights, bingo, arts and crafts, dance and cooking classes, tutoring and computer training.

On June 25, 2010, the National ICE Council, the union that represents more than 7,000 detention and removal agents within ICE, cast a unanimous vote of no confidence in Director Morton. According to the officers, their vote reflects "the growing dissatisfaction among ICE employees and union leaders that Director Morton . . . has abandoned the agency's core mission of enforcing United States immigration laws and enforcing public safety and have, instead, directed [his] attention to campaigning for programs and policies leading to amnesty. . . ."

That is not a good thing for the chief immigration law enforcement officer of the country, for his people, the rank and file, putting their necks on the line every day, issuing such a report—and it is true. Unfortunately, it is. In August of 2010, ICE began circulating a draft policy that would significantly limit the circumstances under which ICE agents would take custody of illegal aliens. The memo provides that immigration officers shall issue detainers or official notification to law enforcement agencies that ICE intends to assume custody of the alien only after a law enforcement agency has independently arrested the alien for a criminal violation.

A detainer is a big deal. A detainer, if anyone understands how law enforcement works, is a critical component of modern law enforcement. If a State has a charge against an individual, or if the Federal Government has a claim against an individual being held by a different law enforcement agency, they place a detainer on that person and when the arresting jurisdiction completes its work with the person, they are not released on the streets; they are detained until they are turned over to the other legitimate law enforcement agency that has pending charges. If we do not have that, dangerous criminals are released, and it is really an improvement in law enforcement over the last 50 years.

This is a diminishment of that, significantly. In effect, no longer will ICE pick up an illegal alien for illegally entering the country or having false identification, or false immigration documents, if they are being held by State and local people for some local crime.

On October 8, 2010—according to ICE deportation statistics, from October 2009 through September 2010, the agency deported 390,000 aliens. But most, half of those at least, were people who were convicted of serious criminal offenses, independent of the immigration violations.

On December 6, 2010, interviews and internal communications cited in the Washington Post indicated that number, 390,000, was a padded number. First, the article charged that ICE included almost 20,000 removals in fiscal year 2010 that were for the previous year and should not have been counted. It also described how ICE extended a Mexican repatriation program beyond its normal operating dates, which, in

effect, added 6,500 removals to the numbers that were not properly added.

On March 2, 2011, in a departmental memorandum, Director Morton outlined new enforcement priorities that encouraged ICE agents not to enforce the law against most illegal aliens but only to take action against those who meet his priorities. Director Morton issued a second memorandum on June 17, 2011, further directing ICE agents to refrain from enforcing U.S. immigration laws against certain segments of the illegal population, criteria similar to that under the DREAM Act, despite having no legal or congressional authority to do so and despite the fact that the DREAM Act was three times defeated in Congress.

What they did was they altered the enforcement policies of the Federal immigration officers to effect the DREAM Act that had been explicitly offered and rejected in Congress on three different occasions.

On June 17, 2011, Director Morton issued a third memorandum, instructing ICE personnel to consider refraining from enforcing the law against individuals engaged in a protected activity—

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. SESSIONS. I thank the Chair—related to civil or other rights, for example union organizing, complaining about employment discrimination or housing conditions, and who may be in some nonfrivolous dispute with an employer, landlord or contractor. ICE agents were directed not to take action against someone who doesn't pay their rent and has a dispute with their landlord, apparently. They get special exemption.

On June 23, 2011, leaders of the national ICE union express outrage over the June 17 administrative amnesty memoranda authored by Director Morton. The law officers say that since the administration was "unable to pass its immigration agenda through legislation, [it] is now implementing it through agency policy." It also accuses top ICE officials of working "hand-in-hand" with the open-borders lobby, while excluding its own officers from the policy development process. In plain words, they are saying the political appointees of ICE are advancing the agenda of those here illegally and maneuvering against their own law officers trying to do their duty.

On June 27, 2011, internal memoranda confirm that once the Houston Chronicle on August 24, 2010—exposed DHS' directive to review and dismiss valid deportation cases then in process, ICE officials attempted to publicly distance themselves from such lenient policies and deny that they ever existed.

On October 12, 2011, in testimony before the House Judiciary Committee, Director Morton admits that White House Director of Intergovernmental Affairs and former National Council of La Raza employee now—White House Domestic Policy Director—Cecilia

Muñoz, assisted in preparation of the administrative amnesty memoranda.

On October 18, 2011, ICE refuses to take any action after the Santa Clara County, California, Board of Supervisors votes 3-1 to stop using county funds to honor ICE detainees, except in limited circumstances.

On October 19, 2011, ICE refuses to act after District of Columbia Mayor Vincent C. Gray issues an executive order to prevent D.C. police from enforcing U.S. immigration law. Among other things, the order prohibits all public safety agencies from inquiring about an individual's immigration status or from contacting ICE if there is no nexus to a criminal investigation.

On November 22, 2011, ICE refuses to act after Mayor Michael Bloomberg signs a measure ordering all city jails to ignore certain ICE detainees issued to deport illegal aliens from those jails. As a result, New York City jails now release many illegal aliens back into the community instead of handing them over to ICE for removal.

On December 15, 2011, without an opportunity to defend itself, and little regard for the maintenance of public safety or the rule of law, DHS rescinds Maricopa County, Arizona's 287(g) agreement—a cooperative agreement whereby local law enforcement receive training in identifying and apprehending illegal aliens. Director Morton tells the Maricopa County Attorney that ICE will no longer respond to calls from the Maricopa County Sheriff's Office involving traffic stops, civil infractions or "other minor offenses." However, it is unclear how ICE can refuse to respond to inquiries from the deputies and not directly violate federal law, which requires the federal government to respond to inquiries by law enforcement agencies to verify immigration status.

On December 29, 2011, ICE creates a 24-hour hotline for illegal alien detainees to be staffed by the Law Enforcement Support Center—the same organization that ICE says is too understaffed to keep up with immigration status check requests from state and local law enforcement. ICE then revises its detainer form to include a new provision that says ICE should "consider this request for a detainer operative only upon the subject's conviction." This shift in policy to a discretionary "post-conviction" model ignores the fact that being in the country illegally is a violation of federal law while simultaneously welcoming criminal aliens back onto the streets.

On January 19, 2012, ICE attorneys in Denver and Baltimore recommend that the agency voluntarily close 1,667 removal cases, resulting in the release of illegal aliens already in proceedings without consequence for violating U.S. immigration laws.

On February 7, 2012, ICE announces the creation of the ICE Public Advocate, who is to serve as a point of contact for aliens in removal proceedings, community and advocacy groups, and

others who have concerns, questions, recommendations, or other issues they would like to raise about the administration's executive enforcement and amnesty efforts.

On April 25, 2012, ICE officials announce it has offered to voluntarily close over 16,500 illegal alien deportation cases pending background checks in connection with the administration's review of 300,000 pending immigration cases. The administration also announces that the number of illegal aliens whose cases it has already dismissed is up to 2,700 from just over 1,500 the previous month.

On April 27, 2012, ICE shifts its policy on Secure Communities, where local officers report arrests of persons who are here illegally, to stop the enforcement of immigration law against illegal aliens apprehended for "minor traffic offenses." When Secure Communities identifies illegal aliens pursuant to a traffic offense, ICE will no longer ask the local jails to detain the illegal aliens so that ICE may begin deportation proceedings; rather, ICE will only consider detaining an alien if the alien is ultimately convicted of the offense. Moreover, despite claims of limited resources, ICE also announced it plans to take action against jurisdictions with arrest rates the agency deems too high.

On June 5, 2012, ICE releases its latest statistics in its case-by-case review of pending deportation cases and states the Agency's attorneys have reviewed over 288,000 cases. Of those reviewed, ICE says it plans to voluntarily dismiss 20,648; it states over 4,300 of these cases have already been processed and the remaining will be closed pending background checks.

As I noted earlier, last year, I joined several of my colleagues in a press conference with the President of the ICE Officers Association, Chris Crane. What he said corroborated our worst fears—it was a chilling report about the administration's systematic effort to dismantle our nation's immigration laws. Here is just some of what he had to say:

As one example, prosecutorial discretion for [those qualifying for DREAM Act amnesty] is solely based on the individuals' claims. Our orders are, if an alien says they went to high school, then let them go. If they say they have a GED, then let them go. Officers have been told that there is no burden for the alien to prove anything. Even with the greatly relaxed new policies, the alien isn't even required to prove that they meet any of the new criteria.

There is no requirement, or burden to prove anything, on the part of the alien. We believe that significant numbers of people, who [do not meet DREAM Act criteria], are taking advantage of this practice to avoid arrest.

The administration's new policies do not provide officers with new options or increased flexibility, but instead order officers not to enforce laws and not to take enforcement actions against specific groups, with officers under threat of losing their jobs if they do so.

We were the only safety net between the community and these [criminal alien] predators, until now. Now, those folks, more and

more, are walking out the back doors of these jails. We're walking away from them out in the field, we're encountering them in houses, and we're not allowed to talk to them. We're not allowed to do basic investigative work. And because of that, we're walking away from a lot of bad guys. This is not about individuals who are here to work, or whatever the case may be, there is a much larger problem and everybody is getting wrapped up in the same situation. When you take an officer's ability in the field to distinguish between those types of things, you place the public at risk.

The situation is so dire that these brave men and women saw no choice but to file suit against their leadership, including Director Morton. Last Friday, a federal judge ruled that ICE agents and officers have the right to challenge the administrative amnesty policies instituted by Director Morton and President Obama, which command the agents to violate federal law and refrain from detaining most all illegal aliens, or face disciplinary action or worse—losing their jobs.

According to the complaint, even violent offenders are eligible for automatic release under these non-enforcement policies. For example, ICE agent Samuel Martin, along with another ICE agent, picked up an illegal alien from the El Paso County, Texas jail on July 17, 2012. While the agents were trying to place the individual in the vehicle, he attempted to escape and physically assaulted the agents. Although the agents regained custody of the alien and transported him to the El Paso Criminal Alien Program office for processing, the agents' supervisors ordered them to release the alien without charges and specifically to not issue a Notice to Appear, as required by federal law. The agents protested the release of the alien but were told "it was a management decision, based on the President's new immigration policies." Anyone with the slightest experience in law enforcement can see that these actions are devastating to law enforcement personnel.

Let's take a minute and put ourselves in the position of these agents. Let's say you stop a 34-year old man for speeding. He speaks little English, has no identification, and has no proof that he meets any of the criteria of the President's DREAM Act amnesty. But he knows enough to say he has been in the country since he was a child. You have no way of confirming this or whether he has a criminal record in this or any other country, but you have to let him go. This is what is happening every day. What a devastating indictment of this administration's willful and reckless dismantling of enforcement.

On August 3, 2012, I wrote to Director Morton regarding reports that ICE suspended an agent in the Philadelphia field office for arresting a 35-year old Mexican citizen unlawfully present in the U.S. with ten misdemeanor traffic

violations, no driver's license, and apparent ties to a fugitive. The alien arrived in the U.S. at the age of 25, meaning that he should not qualify for "deferred action," even under the administration's unlawfully imposed DREAM Act directive. Yet, according to reports, the acting field director, a supervisor, advised the criminal alien that he would be let go because he was not a "presidential priority."

On August 15, 2012, Director Morton responded to my letter, stating that the agent was in trouble for failing to obey "chain of command."

On September 11, 2012, I responded that the issue was not "chain of command" but rather the agent's sworn duties under the law and the administration's "priorities" that contradict that sworn obligation. The supervisors' actions in this matter, and Director Morton's support for them, disastrously undermine the effectiveness of our immigration law enforcement officers in the field and their ability to enforce our nation's laws. I stated that his apparent failure to support his officers in these incidents and his evident lack of concern for the administration's decision to nullify the very laws they were sworn to enforce, raised serious questions about his ability to lead the agency.

Director Morton never responded to that letter.

There is much more that I could say about this, and I have many more examples of actions taken by Mr. Morton that have been demoralizing to our agents. It is just not good as a Federal law officer, and it is not healthy.

As I noted earlier, this is what ICE agents are telling us they have essentially been told: If an individual claims DREAM Act status—even though it never passed into law—they are directed to let them go on the spot. It is an evisceration of the law of the United States. Mr. Morton has no authority to do so, and he should not be doing that. A huge percentage of the people who are arrested are in their thirties or below. How are you going to tell? They make the assertion, they make the claim, and—according to the testimony and statements of these officers—they are told to accept that statement, accept that claim, and not detain or deport the person they have apprehended.

The ICE union vote of no confidence and the detailed charges against ICE's leadership are corroborated by those inside the administration who are afraid to speak out because they fear retaliation by the Obama administration. That is a sad state of affairs.

In the coming days, these facts and more will come to light. The administration has to realize there can be no comprehensive immigration reform as long as it is the policy of the Director of ICE, John Morton, to refuse to enforce existing law. We can't have an agreement. That is why, given everything that we have learned, Director Morton cannot continue in office.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

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

Mr. SESSIONS. We cannot make progress on immigration reform as long as the man in charge of enforcing our laws continues to undermine those very laws and the efforts and work of his own agents, and refuses to act to protect them even when they have been assaulted by people. Aliens who have been released have assaulted agents. As I noted, ICE agents have filed a lawsuit against Director Morton for undermining their ability to do their sworn duty, and the court has just recently upheld the validity of that lawsuit to go forward, and it is now going forward. These officers are suing Mr. Morton.

So the Federal Government is abdicating its responsibility. It is violating the laws of the United States. It is punishing officers who try to do their duty. They are creating a larger illegal population in this country. They are encouraging more people to come to the country by not enforcing our laws, and at a time of high unemployment, the result is we are lowering wages and creating more unemployment.

They are suing States who try to cooperate. They are explicitly eviscerating the 287(g) program—a program I worked hard on a decade ago and was expanded—to train State law enforcement officers who can help the Federal agents to do their jobs.

Now the President is making a speech today in Las Vegas, taking 9 hours to get out there, I understand, to make a speech. He is saying again, I guess: Trust me. We need to change the law, and then I will enforce it. Then we will have our people follow the rules that you passed.

Well, this failure to deal in good faith and to actually follow the laws that Congress has passed is one of the biggest obstacles we face. We just have to say it. It is one of the biggest obstacles we face in being able to craft some sort of reform of our immigration laws and make it worthy of a great nation. We are a nation of immigrants. We believe in immigration. But we believe in the law. We believe that people should wait their turn and people should be able to be accepted here—over 1 million a year—in an orderly process, not a disorderly process, and that we shouldn't be rewarding those who violate the law and making it even harder for those who comply with the law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

THE DEBT CRISIS

Mr. COATS. Mr. President, I have been coming to the Senate floor just about every day that we have been in session so far this year, and I am going to continue to do so to talk about what I believe is our most pressing crisis that this body faces and that our coun-

try faces; that is, the uncontrolled runaway Federal spending and accumulated debt and how it is dragging our economy down and how it threatens to provoke a major economic disaster if it is not addressed.

In previous remarks I have made on this floor, I tried to make the point that if we fail to get Federal spending under control in the short term, our economy will continue to remain in the doldrums because of this cloud of economic uncertainty that hangs over investors, businesspeople, and consumers. But I don't want my colleagues to just take my word for it. A host of experts, commentators, businesspeople, and investors around the country—and, frankly, around the world—people from both sides of the political spectrum have been and will continue to make this same point.

The message is this: Unless Washington stops punting this problem and begins to demonstrate the will to cut spending in serious ways to reduce our long-term debt, the economy will continue to limp along; investors will continue to remain on the sidelines; business owners will continue not to hire new employees; and, we will hasten the day when investors lose confidence in the United States as a worthy credit risk.

I know the market has responded in a favorable way recently. I hope that continues. But the fundamentals underlying our current economy don't justify that continuing far into the future.

So today I would like to quote from what others are saying, not just what a Senator from Indiana believes and has been saying on this floor. I want to talk about what they are saying about our debt and spending crisis.

First, I believe we can all—or most of us can—agree with this fact: that the first and the most essential function of the U.S. Government is to defend and protect its citizens from threats to their national security. As our national debt continues to rise unrestrained, we are putting our children's future and our country's future in a very vulnerable state.

Perhaps the most dire and frightening warning has come from one of our Nation's highest ranking officials, former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who said:

The continually increasing debt is the biggest threat we have to our national security.

Not al-Qaida, not suicide bombers, not Islamic fundamentalists. According to the former Chairman of the Joint Chiefs, someone who has made a career leading our country through tumultuous battles of war, the largest threat to our national security is our very own red ink.

Erskine Bowles, former White House Chief of Staff to President Bill Clinton, also recognizes the imperative need to address our spending and debt crisis. As we all know, Bowles was tapped by President Obama to lead a bipartisan deficit commission with former Republican Senator Alan Simpson. The two