

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

men, along with the commission, proposed recommendations for a big and bold plan to reduce our long-term debt. Rather than heed some of these recommendations and build off of this bipartisan momentum several years ago, the President ignored it completely and since has done nothing and offered no plan of his own to fix our dire fiscal plight other than to propose new taxes.

As I mentioned in previous remarks, the President got his tax increases on millionaires and billionaires, but no one should be fooled into thinking this solves our fiscal crisis. Recently, in an interview, former Chief of Staff Erskine Bowles rightfully criticized the administration and the Congress for not striking a significant budget deal and called that failure, "The most disappointing thing in my life." He went on to say:

They're bouncing from one crisis to another. . . . It's nuts. We have an enormous fiscal problem in this country. . . . We've got to put our big boy and big girl pants on and go to work.

He also added:

. . . the problems are real, the solutions painful, and there's no easy way out.

Finally, he said:

We got to do stuff that's real. I mean there's no sense in, you know, just working at the edges. . . . If we don't slow the rate of growth in healthcare programs, it's going to eat up the entire budget and virtually bankrupt the country.

The warning signs and the calls for action are coming from all sectors.

From the business sector, Gary Loveman, chairman of the Business Roundtable's Health and Retirement Committee, said the following:

Keeping the U.S. economy from careening over the fiscal cliff was the first step, but our elected leaders must not stop there. Although economic recovery has been stalled, renewed expansion is possible if conditions are set in a comprehensive budget agreement that includes entitlement reform and long-term changes to reduce deficits. In this way we will ensure the viability health and retirement safety net for future generations of Americans.

John Mauldin, president of Millenium Wave Advisors, an investment advisory firm, publisher of Mauldin Economics, and author of "End Game," a book many of us have heard about and read, said this:

The real issue is the deficit. The leaders of both parties recognize that the current path spelled out on our fiscal balance sheet is unsustainable. The deficit must be brought under control . . . or we will find ourselves all too soon in the situation now facing much of Europe and Japan. The options at that point become far more dire.

Business owners in my home State of Indiana also recognize these dangers. Reflecting the sentiment of virtually every businessperson I have talked to over the past 2 years, Rick Zehr, a business owner in Fort Wayne, IN, said:

We all need to manage our income and not borrow beyond what we can afford. I look at our country's deficit spending and it's so far beyond what the rest of us have to live like every day. As a business owner, it makes me nervous. Everyone is paying for deficit spending.

Economists are sounding the alarm as well. Kenneth Rogoff, a respected Harvard economist, said:

The idea that one should just ignore all these problems and apply crude Keynesian stimulus is a dangerous one. It matters a great deal how the government taxes and spends, not just how much. The U.S. debt level is a constraint. A growing number of empirical studies, including my own joint work with Carmen Reinhart, suggests that the U.S. has already reached a debt level that has been associated with slower growth in advanced countries.

Our own Treasury Department and some credit rating agencies have also weighed in. These warnings alone should be enough to urge Congress and the administration to act.

According to the U.S. Treasury Department's Financial Report of the U.S. Government for Fiscal Year 2012:

While these projections are subject to considerable uncertainty, the debt-to-GDP ratio would continue to rise unsustainably under current policy.

Can I state that again? Our own U.S. Treasury report said that while these projections are subject to considerable uncertainty, the debt-to-GDP ratio will continue to rise unsustainably under current policy.

Does that not suggest to us that current policy is not working when the U.S. Treasury puts out a report saying: What the administration and Congress are doing is unsustainable? Unless we grasp the reality of what is happening with our spending and our debt, we are headed for a crisis if we are not in one already.

When Standard & Poor's downgraded the U.S. Federal Government debt in August 2011, they said:

Our lowering of the rating was prompted by our view on the rising public debt and our perception of greater policymaking uncertainty.

There is that word again, "uncertainty." There is that implication again: failure to take action. The time to act is now. We can no longer sit back and hope this problem is going to go away. Too many people want to just think, well, if we just sort of stumble along the way we are stumbling along, it is all going to work itself out.

We can no longer, and should no longer, accept double-digit unemployment. Yes, I said double-digit. While the official number is hovering around 8 percent, we all know millions of Americans have given up looking for work, and millions of others have dropped out of the employment lines or settled for jobs below their qualifications. The real numbers are far higher, and the distress is far greater than what is admitted.

This is not a new problem. It has been long recognized even by the President. In February 2009, 4 years ago, President Obama held a fiscal responsibility summit, and here is what he said:

And that's why today I'm pledging to cut the deficit we inherited in half by the end of my first term in office. This will not be easy. It will require us to make difficult decisions

and face challenges we've long neglected. But I refuse to leave our children with a debt that they cannot repay—and that means taking responsibility right now, in this administration, for getting our spending under control.

Here we are, 4 years from those remarks where the President's own budget and bipartisan deficit commission was dismissed, 4 years from the time when he pledged to the American people that he would cut the deficit in half, 4 years from the time when he said responsibility needs to be taken now.

Mr. President, I ask unanimous consent for 3 more minutes.

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

Mr. COATS. It has been 4 years since the President made those statements, and here we are where we have added trillions of dollars of new debt—the greatest increase in the history of America, and we have ignored and pushed spending down the road without a real budget proposal or a long-term deficit plan. Experts and economists from both sides of the aisle agree that spending reductions must be a part of the equation to address our dangerous debt. The President has called for a balanced approach but is showing no signs of leadership on restructuring mandatory runaway spending.

Even the Washington Post editorial board, which is not necessarily conservative, acknowledged this in a piece just recently on November 27, and I quote:

Elections do have consequences, and Mr. Obama ran on a clear platform of increasing taxes on the wealthy. But he was clear on something else, too: Deficit reduction must be "balanced," including spending cuts as well as tax increases. Since 60 percent of the federal budget goes to entitlement programs such as Medicare, Medicaid and Social Security, there's no way to achieve balance without slowing the rate of growth in those programs.

In conclusion, let me say this: There is a widespread consensus about the seriousness of this problem and the fact that we must take significant measures to rein in our deficit spending and do it now. We need a bold plan that will reduce spending, reform and simplify our tax system, and, most of all, restructure Medicare, Medicaid, and Social Security to preserve those benefits for future generations. In subsequent remarks, I intend to address how Congress can get with it and become part of the solution instead of part of the problem. We need to create a long-term deficit reduction plan that begins by fulfilling our constitutional obligation to pass a budget, which this body has not done in more than 1,300 days. Let's be honest with ourselves—this will only happen if we, the Senate, summon the political courage and the will to engage in direct, good-faith, bipartisan efforts to deal with our Nation's No. 1 challenge.

Perhaps Alice Rivlin, budget director under President Bill Clinton, summed it up best:

There's no mystery about what we ought to do, we just need to get on with it.

Mr. President, Senate colleagues—Republicans and Democrats—let's get on with it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

(The remarks of Mr. HATCH, Ms. KLOBUCHAR, Mr. RUBIO, and Mr. COONS pertaining to the introduction of S. 169 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Iowa.

GUN CONTROL

Mr. GRASSLEY. Madam President, the Judiciary Committee will be holding hearings soon—and many times—on responding to mass killings such as the recent school shooting in Newtown, CT. Admittedly, that was a terrible tragedy. We are all sympathetic to the families of the victims of that horrendous crime.

President Obama has asked Congress to pass legislation in response to that event. I look forward to the hearings the Judiciary Committee will hold on this very important subject because we need to know more about the problem and potential legislative action.

There will be plenty of occasions to discuss specific gun, mental health, and other legislative responses to Newtown. Today, I would like to address the President's rhetoric when he announced his proposals.

I was surprised at a number of the President's statements. For instance, he is directing the Centers for Disease Control to conduct research into the causes of gun violence. But gun violence is not a disease, and lawful gun ownership is not a disease. It is a constitutionally protected individual right—the famous second amendment right, not only part of the Constitution for 225 years but reinforced by two recent Supreme Court decisions.

The President said we suffer from an "epidemic of violence." Although there is too much violence in America, violent crime rates are at their lowest level in 50 years—not at epidemic levels, at least epidemic when compared to the last 50 years. There is a reason for that.

Police practices and investigative techniques have improved, and we in the Congress have helped with grants to assist local law enforcement, higher incarceration rates for violent criminals, and an end to parole in the Federal system. Notably, crime rates are at their lowest level in 50 years at the very same time more guns are in circulation than ever before. But what has not declined is mass killings, such as we had in Newtown, CT. Of course, this should be our focus.

But what the President said that most surprised me concerned the Constitution and the Declaration of Independence.

Let us consider principles first. The Declaration of Independence listed grievances against British Government action that violated individual natural rights of the colonists at that time.

Even the declaration did not raise grievances against individuals or grant powers to government. The Constitution exists to create a limited federal government. As Madison wrote in Federalist 51:

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

In other words, the Government of the United States under the Constitution is a limited government, and the Constitution is to protect the people from the government, not for the government to give people rights and powers that the government then in turn could take away. On the other hand, the Constitution does give broad powers to the Federal Government, but it separates them among branches and between the State and National Governments.

The Framers believed these structures would adequately control the government so as to protect individual liberty, but the American people disagreed. They believed the Constitution gave the Federal Government so much power that it could be tyrannical and violate individual rights. So as a condition of ratification, they demanded, and received, assurances that a bill of rights would be added to the Constitution. Each of those rights, including the second amendment dealing with guns, was adopted to yet further limit government power and to protect individual rights.

In other words, the people who wrote the Constitution in 1787, in the spirit that they believed at the time, the Constitution, just the way it was originally written, was adequate to protect individual rights. But we were not going to get the Constitution adopted without the promise of a bill of rights. So the Bill of Rights went yet further, but the Bill of Rights is not a limiting factor as evidenced by the ninth amendment, which said none of the previous eight amendments in any way disparages the rights of citizens, all of those natural rights that are too big that we cannot even enumerate.

Then, of course, the tenth amendment went on to say all powers not specifically given to the Federal Government are reserved to the States and the people thereof. Nothing in the Bill of Rights applied to the actions of private individuals or granted power to the Federal Government. So how far were the President's remarks from the intent of the Constitution's Framers?

President Obama's remarks turned the Constitution on its head because he said:

The right to worship freely and safely, that right was denied to Sikhs in Oak Creek, Wisconsin.

The right to assemble peacefully, that right was denied shoppers in Clackamas, Oregon, and moviegoers in Aurora, Colorado.

That most fundamental set of rights to life and liberty and the pursuit of happiness—[are] fundamental rights that were denied to college students at Virginia Tech and high school students at Columbine, and elementary school students in Newtown.

This is incorrect because except for its prohibition on slavery, the Constitution limits only the actions of government, not individuals. When a criminal commits murder, no constitutional right is violated. So, for instance, the right to peacefully assemble is all about protecting individual rights to organize, to protest, or seek to change government action. It is violated, for instance, when government officials hose down civil rights protesters on the sidewalk. That right is trivialized and mischaracterized as protecting shopping and watching movies. Those constitutional rights are not a source of government power to enact legislation, as I think the President has suggested. Quite the opposite. They are designed solely to preserve individual autonomy as against the government.

Protecting individual rights rather than expanding governmental power may be particularly appropriate in addressing mass killings. One of the reasons so many people died in some of the tragedies the President cited was the failure of the Federal Government, the State government, or the local government, but government generally to protect its citizens.

Police not on the scene cannot arrive at a mass shooting such as Newtown in time to stop it. At Columbine the police employed techniques that are no longer used because they did not stop killings that occurred after their arrival. At Virginia Tech, government officials made decisions after the shooting started that some even have argued may well have led to unnecessary deaths.

The President cited constitutional protection of individual rights as a basis for expanding Federal power against private individuals. No wonder millions of Americans fear that Congress may enact legislation that could lead to a tyrannical Federal Government.

I cannot accept the President's claim that "there will be politicians and special interest lobbyists publicly warning of a tyrannical, all-out assault on liberty[,] not because that's true, but because they want to gin up fear."

The President reads the Constitution differently than it has ever been understood: as a source of power against individual rights rather than a check on government power that guarantees those individual rights. This necessarily and understandably leads many citizens to fear that their individual rights will be violated, and that extends well beyond the second amendment.

It should be a matter of deep concern to all of us when the President wants to use the power of government to curtail individual rights. For 225 years the