

2012 beginning account balances must also be verified. In response to my oversight, the inspector general has initiated what he called a postaudit review of DFAS's fiscal year 2012 financial statements. This is, in fact, a good move. But to ensure that it is done right this time, I asked the U.S. GAO to watchdog the inspector general's work. I want independent verification because last time there was none. This process will be completed next year.

Third, the inspector general should address and resolve any allegations of misconduct involving DFAS officials and make appropriate recommendations for corrective action.

Fourth, I am referring unresolved concerns regarding the conduct of IG officials to the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency for further review as provided under the IG Reform Act of 2008.

What happened here is almost beyond comprehension.

All of it happened under the IG's watchful eye. All of it probably happened with top-level knowledge. Most of it probably happened with top-level approval. Some of it was probably allowed to happen through tacit approval or silent acquiescence. All of it was bad for the integrity and independence of the audit process and the accuracy of financial information in the government's largest agency.

As I said a moment ago, the Department has a new IG, Jon Rymer. I hope he is a genuine junkyard dog who likes aggressive, hard-hitting audits. I hope Mr. Rymer will take a long, hard look at what happened and work with Secretary Hagel and others to find a good way to right the wrongs and get audits back on track. I know he can do it, and I stand ready to help him in any way I can. I want Mr. Rymer to know my door is open to him.

THE FARM BILL

Mr. President, I wish to talk about the farm bill, specifically about reforming payment limits for farm programs, something this Senate agreed to in a bipartisan way.

Beyond saving money, these reforms help ensure farm payments go to those for whom they were originally intended, small- and medium-size farms. In addition, the reforms include closing off loopholes so nonfarmers cannot game the system.

Supporters of the farm bill need to take a hard look at what challenges were presented last year to getting a bill done. We need to forge ahead knowing some tough decisions need to be made.

There are more reforms we need to make in programs such as food stamps, and they are reforms that can cut down on waste, fraud, and abuse in the program but also safeguard assistance to the people who actually need it.

While I support closing loopholes in the food stamp program, I believe the farm bill should also close loopholes for farm programs that are so absurd they are just so obvious.

As we move forward on finalizing a new farm bill, I wish to state clearly that sections 1603 and 1604 relating to the farm payments—which are in both the House farm bill and the Senate farm bill—should stay in that bill. There should be a “do not stamp” on those provisions under negotiation now between the House and Senate. Most important, for House conferees, they should remember that these provisions were put on the floor of the House of Representatives in an amendment sponsored by Congressman FORTENBERRY of Nebraska, with an overwhelming vote in the House of Representatives. So this is a case of where the majorities of both bodies support these provisions. Yet they are under attack by House conferees.

These farm payment reforms strike a needed balance of recognizing the need for a farm safety net, while making sure we have a defensible and responsible safety net. In case there is any doubt, we do need a farm program safety net. For those who argue we do not need a safety net for farmers, I argue they do not understand the dangers to a Nation which does not produce its own food.

For all the advances in modern agriculture, farmers are still subject to conditions out of their control. While farmers need a safety net, there does come a point where a farmer gets big enough that he can weather tough times without as much assistance from the government. Somehow, though, over the years, there has developed this perverse scenario where big farmers are receiving the largest share of the farm program payments.

We now have the largest 10 percent of the farmers receiving 70 percent of those farm payments coming out of the Federal Treasury. There is nothing wrong with farmers growing an operation bigger. But the taxpayers should not be subsidizing large farming operations to grow even larger, making it very difficult for young farmers to buy land or to rent land to get into the operation.

By having reasonable caps on the amount of farm program payments any one farmer can receive, it helps ensure the program meets the intent of assisting small- and medium-sized farmers through tough times.

My payment reforms essentially say that we will help farmers up to 250,000 per year, but then the government training wheels come off. Those new caps will also help encourage the next generation of rural Americans to take up farming. I am approached time and again about how to help young people get into farming.

When large farmers are able to use farm program payments to drive up the cost of land and rental rates, our farm programs end up hurting those they are intended to help. It is simply good policy to have a hard cap on the amount a farmer or farm entity can receive in farm program payments.

While both bodies of Congress have decided to cap farm payments, crop in-

surance is still available to large operations, no limits on indemnity. Section 1603 and 1604 which I authored and which Congressman FORTENBERRY authored, in our current farm bill, set the overall payment caps at \$250,000 for a married couple.

In my home State of Iowa, many people say that is still too high. On the other hand, other farmers in other parts of the country say it is way too low. But I recognize agriculture can look different around the country. So this is a compromise. Just as important, however, to setting a hard cap on payments is closing loopholes that have allowed nonfarmers to game the farm program. The House and Senate farm bills also end the ability of nonfarmers to abuse what is known as the actively engaged test. In essence, the law says one has to be actively engaged in farming to qualify for farm payments.

Is that not common sense? However, this has been exploited by people who have virtually nothing to do with farming or with a farming operation and yet receive payments from the farm program. Not citing myself, but the Government Accountability Office issued a report I released in October outlining how the current actively engaged regulations are so broad that they essentially are unenforceable. Those comments came from the USDA employees who administer the program.

The report illustrated that one farming entity had 22 total members of which 16 were deemed contributing “active personal management only” to the farm. What does “active personal management only” mean? That means they are becoming eligible for farm programs because of one of the eight overly broad and unenforceable eligibility requirements that currently exist. More simply put, they likely are not doing any labor and are nothing more than a participant on paper to allow the entity to get more government payment.

Our Nation has over a \$17 trillion debt. We cannot afford to simply look the other way and let the people abuse the farm safety net. I mentioned earlier how we need to assess some of the challenging areas of farm policy as we look to pass a 5-year farm bill. Some tough decisions need to be made.

However, my reforms to payment limits do not pose a tough decision. They are common sense. They are necessary reforms that are included in both the House and Senate versions of the farm bill. I wish to take this opportunity to thank Senator STABENOW, the chairman of our Senate committee, for fighting for these Senate provisions. You see, these provisions were part of the Senate bill, representing a majority of the Senate.

More important, these same provisions were added on the House floor by Congressman FORTENBERRY of Nebraska by an overwhelming majority. So Senator STABENOW has the high

moral ground in conference with the House conferees in fighting for payment limitation. She represents a majority of the Senate; whereas, the House conferees, in opposing her, represent a minority of the House of Representatives.

HOMELAND SECURITY NOMINEE

The last issue I am going to speak about, then I will yield the floor, deals with the some correspondence I am trying to have with the nominee to be Secretary of Homeland Security.

On July 12, Secretary Napolitano announced she would be leaving the Department of Homeland Security after 4 years heading up one of the largest departments of the Federal Government. On October 17, the Obama administration announced it had finally found a replacement. The Committee on Homeland Security moved quickly on Jeh Johnson's nomination, approving him by voice vote on November 20.

On November 15, before the committee approved him, I sent a letter to Mr. JOHNSON, along with several colleagues on the Judiciary Committee. We on the Judiciary Committee asked for his views on a number of important matters, including our Nation's immigration policies and the fair treatment of whistleblowers.

We asked if he would cooperate with us on oversight matters and work with us to improve immigration policies going forward. Because the Judiciary Committee has primary responsibility on immigration matters, it is necessary for us to know any nominee's position on almost any issue. It has been nearly 1 month, and there has been no response to our letter and no indication that he might respond.

In fact, I would be surprised that any nominee would respond to Congress any more given the majority only needs a simple majority to vote for confirmation. Thanks to a rule change done unilaterally by the majority, there will no longer be a proper vetting of executive branch nominees. The rule change essentially takes away the Senate's constitutional role of advice and consent, thereby allowing nominees to ignore Congress on issues of extreme importance such as immigration.

But I am still going to pursue these questions, even though we do not have the leverage we used to have when a 60-vote majority was necessary, because Congress has a responsibility to know how laws are going to be enforced by the President's appointees. President Obama promised this would be the most transparent administration in history. Yet getting answers from this President or his administration on legitimate Congressional oversight has been like pulling teeth.

They have stonewalled Congress at every turn. Over the last 5 years, the administration has gone around Congress and pushed the envelope with their authority. He has ignored his constitutional duties to faithfully execute the laws by picking and choosing which laws he wants to enforce. Con-

gressional oversight, an important responsibility that holds the government accountable for its people has been nearly impossible.

In other words, the checks and balances of government do not work the way the Constitution writers intended. Now it is going to get worse. There will be more blatant disrespect for checks and balances than we have ever seen. So I would like to take time to read some of the questions—just some of the questions—that we asked Mr. JOHNSON. I think these would be reasonable questions that any Secretary ought to tell us what he is going to do if he gets sworn into that office. I think they underscore how important it is that we have answers before we move forward on the nomination.

First and foremost, we asked Mr. JOHNSON about his commitment to uphold the laws on the books. We asked if he would continue the lawless policies created by the former Secretary and her deputy. We asked about what he would do to improve the morale of immigration officials and agents who are concerned about their nonenforcement protocols. We want to know how he would strengthen cooperation between Federal and local law enforcement entities.

Secondly, we asked Mr. JOHNSON what he would do to improve border security. We want to know what specific measures he will implement to ensure that the Department will comply with the Secure Fence Act of 2006. In 2010, Secretary Napolitano suspended our Nation's only comprehensive border security measurements, known as the operational control metric.

More than 3 years have passed and the Department of Homeland Security has failed to replace that metric. Will Mr. JOHNSON then hold the Department accountable by regularly releasing a comprehensive border security metric? Will he commit to achieving operational control of the borders as required by our law? We do not know that. We would expect him to answer that he is going to enforce the laws. But will he? Will he answer?

Individuals who overstay their visas account for about 40 percent of the undocumented population of this country. This presents a national security risk. Without a biometric exit system, this country will have no clue who remains on our soil undocumented. Will Mr. JOHNSON make it a priority to finally implement the entry-exit system Congress mandated in 1996, still not being enforced?

Third, we asked about the culture of the U.S. Citizenship and Immigration Service. In January 2012, a Department of Homeland Security inspector general released a report criticizing the USCIS for pressuring its employees to rubberstamp applications for immigration benefits.

In that report, nearly 25 percent of the USCIS officers surveyed said supervisors had pressured them to improve applications that should have been de-

nied. We want to know if he will take measures to better screen applicants and do away with the get-to-yes philosophy. That get-to-yes philosophy is a gigantic risk to our national security.

Just look at the EB-5 Program which allows foreign nationals to obtain green cards if they invest in the United States. We asked whether he would make it a priority to improve that program. We asked Mr. JOHNSON about his position on immigration reform, especially since the bill passed the Senate, and the House could act, sending a bill to the President.

We asked if people who are in the country illegally, in removal proceedings or subject to an order of removal, should be eligible for immigration benefits, including legal status. We asked whether illegal immigrants convicted of a felony or convicted of multiple misdemeanors should be eligible for benefits, including legal status.

We want to know if gang members, drunk drivers, domestic abusers, and other criminals should be allowed to stay in the country. It is important for us to know from Mr. JOHNSON because the Senate bill provides a way for those law breakers to gain citizenship. Mr. JOHNSON may be responsible for implementing that.

Finally, we asked Mr. JOHNSON to comment on issues generally impacting the Department. We asked if he would pledge to cooperate with congressional oversight efforts and be responsive to all congressional requests for information and do it in a timely manner. We asked that because we have received very little cooperation in the last 5 years from that Department. We asked if he believed whistleblowers who know of problems with matters of national security should be prevented from bringing that information to Congress. We asked if he would commit to ensuring that every whistleblower is treated fairly and that those who retaliate against whistleblowers would be held accountable.

No matter what department one manages, the answers to these questions are very important and should be simple to answer. We need a Secretary who is well versed on these issues. We need a Secretary who will implement policies that truly protect the homeland. We need cooperation and transparency. We need answers. In other words, what is wrong to expect answers to these questions I just related before we give advice and consent to this nomination?

Majority Leader REID has indicated through his cloture motion on Mr. JOHNSON that answers to these critically important issues are not warranted.

Senators cannot consent to just anyone to head this department. We should not fail in our constitutional responsibility of advice and consent.

This body should not move forward with this nomination, and I encourage my colleagues to consider these issues when the cloture vote ripens.