

Motion to proceed to Calendar No. 243, S. 1356, a bill to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.

## SCHEDULE

Mr. REID. Mr. President, following my remarks and those of the Republican leader, the Senate will be in morning business until 5:30 this afternoon. At 5:30 the Senate will proceed to executive session. There will be at least 3 rollcall votes: Confirmation of the Patterson nomination, cloture on the Johnson nomination, and confirmation of the Johnson nomination.

## NOMINATIONS

Mr. President, last week was difficult for the entire Senate community. When cooperation is lacking, as it was last week, completing the business before this body becomes much more difficult. Last week, though, the Senate confirmed four district court judges, two DC Circuit Court of Appeals judges, an Equal Employment Opportunity Commissioner, the Secretary of the Air Force, a Privacy and Civil Liberties Oversight Board member, and a Deputy Secretary of State.

Although we accomplished a great deal, the process was neither easy nor pleasant. This week the Senate has just as much to achieve as it did last week. Without cooperation we will face another daunting vote schedule. But I am optimistic the same spirit of cooperation that made tonight's votes possible will last all week long.

Tonight the Senate will vote on Anne Patterson's nomination to be Assistant Secretary of State. We will also vote on cloture on the nomination of Jeh Johnson to be Secretary of the Department of Homeland Security. If cloture is invoked, this body will immediately vote on Johnson's confirmation.

As General Counsel of the Defense Department from 2009 to 2012, Mr. Johnson served as the senior lawyer for the largest government agency in the world. He oversaw the work of more than 10,000 military and civilian lawyers. Prior to his work at the Defense Department, Mr. Johnson served as Assistant U.S. Attorney and spent nearly 2 decades in private legal practice. He is eminently qualified, and we all look forward to his confirmation.

## THE BUDGET

Tomorrow, the Senate will begin consideration of the budget measure passed by the House last week. Although neither side got everything it wanted from this agreement, the legislation should help break a terrible cycle of governing by crisis. It rolls back the painful and arbitrary cuts of the sequester, protects Social Security and Medicare benefits, and will help prevent another dangerous government shutdown in the new year.

On Wednesday, the Senate will turn to the Defense authorization measure,

crucial legislation that safeguards our Nation, ensures our troops have the resources and training they need, and provides for the military families who support our fighting men and women.

The Senate must also confirm Janet Yellen to head the Federal Reserve, Alejandro Mayorkas to be Deputy Secretary of Homeland Security, and John Koskinen to head the Internal Revenue Service. The nominations of Robert Wilkins to be a member of the DC Circuit Court of Appeals and Brian Davis of Florida to be a district court judge are also priorities for us. Mr. Davis' nomination has been pending for 2 years.

The Senate must also move quickly to confirm Sarah Sewall as Under Secretary of State, Jessica Wright to be Under Secretary for Readiness at the Defense Department, Sarah Bloom Raskin to be second in command at Treasury, and Mike Connor to be second in command at Interior, and Sloan Gibson to be deputy at the Veterans Affairs Department, and Rick Engler's nomination for the Chemical Safety Board.

Christmas is 1 week from Wednesday. We have a lot to do. We could complete all of our work by Thursday, by Friday, by Saturday, by Sunday, by Monday, or Tuesday, but finish it we must. I have outlined what we need to do. It is up to the minority to determine what, if anything, they are going to stop us from doing.

I am happy to work with them on time. But there are several items that I have indicated we have got to get done before Christmas.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Ms. HIRONO.) 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 5:30 p.m. with the time equally divided and controlled between the two leaders or their designees.

Mr. REID. Madam President, I would suggest the absence of a quorum and ask unanimous consent that the time be equally divided for all quorum calls.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

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

## JOHNSON NOMINATION

Mr. CARPER. I am proud to rise to speak in strong support of the nomination of Jeh Johnson to serve as the Secretary of the Department of Homeland Security. As my colleagues know,

I have been concerned for many months about the high number of senior-level vacancies that exist at the Department. In fact, the Department of Homeland Security has been without a Senate-confirmed Deputy Secretary since April and without a Senate-confirmed Secretary since early September. That is simply too long for such critical positions to be vacant, especially since the Department of Homeland Security has been without Senate-confirmed leadership in a number of other senior leadership positions too.

That list of vacancies includes the position of Deputy Secretary, as well as the heads of Customs and Border Protection, Immigration and Customs Enforcement, and the Inspector General.

Working with the President, we need to do something about it. Today we can. It is my hope and expectation that we will vote to confirm a new Secretary to lead the Department within the next few hours, allowing Jeh Johnson to be sworn in and start work later this week.

Getting a Secretary of Homeland Security quickly confirmed is essential to help effectively run this Department and protect the safety of our citizens. This Department is a large and complex entity with a diverse set of missions and challenges.

It is composed of 22 distinct agencies spread across various locations throughout the country. In the 10 years after its creation, the Department of Homeland Security still lacks a strong sense of cohesion.

Moreover, given the Nation's fiscal challenges, the Department, as many Federal agencies, is being asked to do more and get even better results with fewer Federal dollars.

That being said, over its 10 years, the Department has celebrated a number of important milestones. In fact, only last week, for the first time ever, the Department of Homeland Security received a clean financial audit.

There is one outlier among the major departments of our government that hasn't received that clean financial audit, and that is the Department of Defense, which has been around for approximately 70 years.

The Department of Homeland Security took 10 years and has been on the GAO high-risk list for all of those 10 years. I was delighted when I received word last week that this goal had been achieved. It is a major accomplishment and one for which I heartily congratulate the Department.

There is an old saying that goes something such as this: You can't manage what you can't measure.

Now the Department of Homeland Security achieved a clean financial audit. It is my hope that its financial management practices will continue to improve. In order to build upon this and other successes, I believe the Department needs Senate-confirmed leadership.

There is no doubt that even on a good day, serving as Secretary of the Department of Homeland Security is a very hard job. Jeh Johnson, however, is no doubt up to this enormous task. Again, I strongly support his nomination.

Mr. Johnson is a seasoned national security expert who is eminently qualified to take the reins to run the challenging Department of Homeland Security. After graduating from Morehouse College and then Columbia Law School, Jeh Johnson started his career in private practice. Later he became an Assistant U.S. Attorney in the Southern District of New York, where he prosecuted public corruption cases. He then returned to the private sector where he became a partner with the law firm of Paul, Weiss, Rifkind, Wharton & Garrison.

While working with this law firm, Mr. Johnson again answered the call to public service, first as the Air Force's top lawyer during the second term of the Clinton administration and, more recently, in the first term of the Obama administration, as the top lawyer for the entire Department of Defense. In both positions he was confirmed by the Senate with strong bipartisan support.

Having served in such important positions at the Department of Defense has no doubt helped him develop a number of outstanding skills that will enable him to lead this Department effectively.

There are few better places to learn how to manage a complex national security bureaucracy than at the Department of Defense. For example, for 4 years he was a partner and a part of the senior leadership team that ran the Defense Department. He played a critical role in overseeing more than 3 million military and civilian personnel scattered around the country and across the world, including having direct responsibility for nearly 10,000 attorneys.

He provided key advice to two exceptional Defense Secretaries—Bob Gates and Leon Panetta—and was an important member of their management teams. To me, this is an invaluable experience for the huge task to which he has been nominated.

He also participated in almost every discussion of consequence for the Department, helping to shape the policies that directly impacted the lives of our brave men and women in uniform and their families.

In fact, during his time at the Pentagon, Mr. Johnson developed a reputation for tackling some of the toughest issues in the Department of Defense and finding a way to build consensus and develop thoughtful and effective policy. For example, he won praise from both sides of the aisle for his work on the issue of don't ask, don't tell and on the military commission system.

Additionally, Mr. Johnson was an influential member of the President's national security team and helped design

and implement many of the country's policies to fight terrorism and dismantle the core of Al Qaeda. Because of his experience in these positions and in other commanding roles, Mr. Johnson is well prepared to face the challenges that will await him if he is confirmed by the Senate today.

People don't have to take my word for it. Mr. Johnson has received high praise from many distinguished former government officials from both sides of the aisle.

In a letter to our Committee on Homeland Security and Governmental Affairs, for example, every single former Secretary of that Department—Tom Ridge, Michael Chertoff, and Janet Napolitano—lauded Mr. Johnson as an "eminently qualified nominee."

They went on further to state, and I paraphrase: Jeh Johnson's service at the highest levels of the Department of Defense—the largest government agency in the world—provided him a keen understanding of how to successfully execute large-scale operational missions of varying complexity and purpose.

This is what former Defense Secretary Bob Gates, a highly regarded and much-admired manager himself, said about Jeh Johnson and his time at the Department of Defense:

Take my word for it: [Jeh Johnson] has successfully managed an array of major initiatives across the biggest bureaucracy in the government—and, in so doing, won the esteem of virtually everyone with whom he worked.

Similarly, former Defense Secretary Leon Panetta said this about Jeh Johnson:

Jeh has proven himself to be a talented, capable, bipartisan, and trusted public servant. I give my strongest recommendation and full support to his confirmation as the Nation's next Secretary of Homeland Security.

Former Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, who stepped down in late 2011, has also expressed his deep confidence in the nominee, stating:

Jeh Johnson is as fine a person and professional as I have ever met.

I wish to state that again. Admiral Mike Mullen states:

Jeh Johnson is as fine a person and professional as I have ever met. I am confident in his choice and that he will succeed in leading this most complex organization at a critical time in our country.

Mr. Johnson has also received encouraging words and praise from a number of law enforcement groups, including the Major Cities Chiefs Association and the national Fraternal Order of Police.

I would also add that at Mr. Johnson's confirmation hearing, our ranking member, Dr. COBURN, made known his support for Jeh Johnson and even went so far as to ask him to consider staying on as Secretary after the 2016 election, a high compliment indeed. I might add as an aside, Mr. Johnson's wife was sitting immediately behind him, and when Dr. COBURN asked for that assurance from the nominee, I

wasn't sure if she was going to come out of her seat—and it wasn't in support of the idea.

Mr. Johnson is undoubtedly a highly skilled leader. He is just the type of person that we need for this extremely important and challenging position.

Mr. Johnson, of course, will not be alone in the task of leading the Department of Homeland Security. It is critically important that Mr. Johnson be allowed to surround himself with a capable leadership team. We can help. Indeed, we must help.

At the Department of Homeland Security alone, there are 14 Presidentially appointed positions that are without a permanent replacement. Of these, 10 require Senate confirmation. This is an edition of what I call executive branch Swiss cheese.

As we consider Mr. Johnson's nomination, we must remember that protecting the homeland is a team sport, and those of us in the legislative branch are critical members of this important team. If Mr. Johnson is confirmed, we must do our part to expeditiously, but thoroughly, vet and confirm his leadership team as well.

We need to put aside our partisan differences, work together, and give the President and the Department the entire team it needs to better protect our homeland. That includes confirming Ali Mayorkas for Deputy Secretary of Homeland Security.

Today the question before us is Mr. Johnson's nomination. For my colleagues still on the fence about Mr. Johnson's nomination, I leave us with a few thoughts on his character and his integrity. I have gotten to know Jeh Johnson very well over the last couple of months. I have been impressed by his forthrightness, his thoughtfulness, his core values, and his impeccable moral character, as well as his deep commitment to public service and serving our Nation. He treasures his family, and he strives to honor the legacy through his work.

I had the privilege of meeting several members of his family at the confirmation hearing last month. His wife is an accomplished professional in her own right. In fact, Jeh met his wife when she was practicing dentistry—and I think he might have been the patient.

Together they are the proud parents of two young adults that any parent would be proud to call their own. He is also a devoted son and brother. Although they could not attend his confirmation hearing, I know his parents are deeply proud of the son that they raised.

I noticed in his confirmation hearing that Jeh proudly wore a pin that was his grandfather's. His great grandfather worked as a Pullman train car porter in the early 20th century. I think that quiet statement says a lot about the importance of family to Jeh and how the values and character his family instilled in him are always with him.

It is clear he is a student of history and draws inspiration from the civil rights movement. One of Jeh Johnson's guiding principles is a lesson he learned from Dr. Benjamin "Bennie" Mays, the former president of Morehouse College and a mentor to Dr. Martin Luther King, Jr., who said, "You earn a living by what you get; you earn a life by what you give." Think about that for a second. "You earn a living by what you get; you earn a life by what you give." Think about that and think about all the times Jeh Johnson has left the comforts of the private sector—three times before—so that he could give back and serve the people of our country as a leader in our government. With that in mind, I think we know what kind of leader we are getting in Jeh Johnson and what he will bring to the Department of Homeland Security.

I urge my colleagues to join me in voting today for Jeh Johnson.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### BUDGET CONTROL ACT

Mr. SESSIONS. Madam President, I wish to share some thoughts about the bipartisan Budget Control Act which passed through the House and is now here, and we are going to have a cloture vote on it in the morning.

I appreciate the hard work which Chairman RYAN and Chairman MURRAY put into that. It is a complicated and important task. But I am not going to be able to support it.

I am the ranking member on the Budget Committee. I have dealt with these issues, and Chairman RYAN and Chairman MURRAY and I have all talked about them for a number of years. There are a lot of things which are important as we work through this. The proposal before us would increase spending, increase taxes and fees, and it would violate the core promise Congress made when passing the debt ceiling in 2011.

In August of 2011, we told the American people that if they allow us to raise the debt ceiling \$2.1 trillion, we would cut \$2.1 trillion in discretionary spending, essentially over the next 10 years. We would try to reach a bigger agreement. But if we didn't, we would cut money through the discretionary accounts: Defense and nondefense. No agreement was reached. The automatic cuts went into place.

I think we could modify those reductions in spending in a way which makes them less harmful and gives the agencies and departments—particularly Defense—much better ability to

meet the reductions in spending we asked them to meet, without doing unwise damage as I think we probably are today. We could make it a lot better, but not to spend more than we agreed over the now 8 years remaining in the Budget Control Act's time.

I am willing to give and take on some of this, but I am a bit frustrated that we are now going to spend from \$63 billion to \$65 billion more mostly in the next 2 years over the Budget Control Act's limits, which include the sequester that we agreed to. I am worried about that. It is going to be spent, and we are going to try to cut somewhere else to fund it. Over half the cuts that are going to fund this \$65 billion occur outside the 8 years remaining on the Budget Control Act, in the last 2 years. That is not good.

We promised in 2011 we would reduce spending \$65 billion more this year, or contain its growth, more than this legislation says. We promised that. Now this legislation is going to cost from \$63 billion to \$65 billion more this year and next year in spending which we promised just 2 years ago. So I am a little uneasy that we are going to say we are going to pay for that extra spending in years 8 and 10 over the next 10-year budget.

Forgive me if that causes me concern, but it does. I am worried about it, and I hope that our colleagues will study this.

There are a couple of big issues that are out there. One is a real hit to retired military. People who served 20 years are going to have their military retirement pay until they are 62 reduced significantly.

In addition, we have a problem which I think is even more serious and important to me. As a member of the Budget Committee who has made and raised budget points of order on the floor of the Senate, I wish to make this point clear:

There is a budget point of order under current law that—if this Congress attempts to spend more money than was agreed to in the Budget Control Act and the sequester—that any Member can raise, and I have raised it on at least three occasions, and we prevailed on each one of those three occasions.

What it says is: Even though you may say you have more money—you raised taxes or fees—we agreed not to spend over this level. This is our spending limit. It shows growth over 10 years in spending. It is not a real cut, although it cuts in the short term this year. But after this year, defense and nondefense discretionary spending will grow 2.5 percent each year. So this is not a permanent savaging of the Federal budget.

The point is, it was an agreement to limit spending. Somehow, in this agreement reached by Chairman MURRAY, the Democratic Senate budget leader, and Chairman RYAN, the House Republican budget leader—who is not familiar with Senate rules, but Senator

MURRAY is—the Democrats obviously insisted that we change that budget point of order. That means if somebody proposes to spend more than the Budget Control Act says and proposes to pay for it with taxes and fees, it is no longer subject to a 60-vote point of order. That will undermine in a real way our ability to be successful, because it will pit unpopular taxes on some business against some needy cause, and it will say that you didn't vote to help people in need; whereas, in truth we agreed to spending limits, and we should adhere to those limits.

In the past we have had votes, and the vote was simply: This amendment, this bill that is before the Senate, spent more money than we agreed to spend. Go back and find some other way to fund this good cause you want to fund, not by more taxes and more spending. So this has been eroded significantly, and I am worried about it.

There are a number of other problems with the legislation, and I know people will complain about it. But nothing is perfect. I know that, and I know we would like to have an agreement, and hopefully somehow we can.

But what should happen is the Senate should not agree to reduce military retirees' benefits, at least not before we know there is no other alternative, and that other employees of the Federal Government at least have the same kind of reductions. It doesn't appear to be so here, and we ought not to have changed the internal budgetary enforcement powers included in this point of order. That should not be eliminated, and, unfortunately, that is what has happened today.

#### JOHNSON NOMINATION

In a bit we will be voting on the Secretary of the Department of Homeland Security. This is a very, very important position, one of the most important positions in our entire government. It is a massive agency. It was cobbled together under President Bush's tenure after pushing from Congress.

What happened was President Bush, after 2001 and the attack of 9/11, was pressured to have a new agency for homeland security. He didn't go for that at first, but the pressure built, and he decided to do it. He submitted legislation to do so. I supported it, but being a Federal prosecutor, having worked with virtually all of these Federal agencies, I probably knew better. It was a big deal, and it is very, very hard to cobble these agencies together—with their own history, their own administrations, their own policies, their own rules and regulations—into one. I am not sure it is a totally win-win. But we did it, and I voted for it eventually. Now it is the law of the land. The problem is it has not yet been brought under control. It has not yet been unified in an effective way.

There are over 240,000 employees of the Department of Homeland Security, and we need a strong leader to make this happen. We need a strong leader