

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.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

who can blend these agencies into one harmonious whole. I don't know why Coach Nick Saban came to mind. But you need somebody who is strong enough to drive the special interests, the old historical biases, the old ideas of doing things, into one focused whole to make this the best agency in the U.S. Government. That is what we need.

The nominee, Mr. Jeh Johnson, doesn't come close to that. He is not a good choice for this position. I am not saying he is not a good man. I am saying he is not a good choice.

Let's go over some of these things here. With over 240,000 employees, the Department of Homeland Security is the third largest cabinet-level department, behind only the Department of Defense and Veterans Affairs, and it is less cohesive than those two by far. When it was established, it subsumed 22 government agencies which all came together.

Some of the many DHS components which still exist today as part of Homeland Security include the U.S. Customs and Border Protection service, which itself has 25 component parts; the U.S. Citizenship and Immigration Service, which itself has 21 parts. They are an unhappy group. Their officers association has complained to this administration about the lack of support and lack of commitment to law. The U.S. Coast Guard is part of Homeland Security; FEMA, the Federal Emergency Management Agency, which has 37 component parts; and U.S. Immigration and Customs Enforcement, ICE. The ICE Office of Principal Legal Advisor alone has 41 component parts.

ICE is an important agency. It has been decimated under this administration. They have voted "no confidence" unanimously in their Director John Morton, who finally retired. All of these report directly to the Secretary of Homeland Security.

Before the Judiciary Committee 2½ years ago, I asked Secretary Napolitano if she was aware of the ICE officers association morale, which according to government surveys was virtually the lowest in the entire U.S. Government, and would she meet with them, and she didn't make a commitment to do so. So a year later she came back before the Judiciary Committee and I said: Have you met with them yet? No. She didn't meet with them. So this is a big problem.

The U.S. Secret Service, the group which protects the President and provides security throughout the country, is a very important agency. The TSA, Transportation Security Administration, airport security people, has 21 component parts in that entity. The Domestic Nuclear Detection Office; the Federal Law Enforcement Training Center; the Director for National Protection and Programs, which includes the Office of Emergency Communications; the National Cybersecurity and Communications Integration Center, the Stakeholder Engagement and

Cyber Infrastructure Resilience Division, the Federal Network Resilience Division, and the Network Security Deployment Division.

I was a U.S. attorney. I worked with many of these Federal agencies for years, but I never heard of those. But they are out there, and they are important. The Directorate for Science and technology, which has 37 component parts; the Office of Infrastructure Protection, which has 5 divisions; the Office of Operations Coordination and Planning; the Office of Intelligence and Analysis—and that doesn't include 10 other offices.

On December 12, 2013, the Government Accountability Office—our independent agency that investigates departments and provides information to Congress—published a report stating that since its inception in 2003, the Department of Homeland Security "has faced challenges in implementing its human capital functions and Federal surveys have consistently found that DHS employees are less satisfied with their jobs than the government-wide average of Federal employees."

Some of those agencies are at the very bottom of satisfaction and so forth.

DHS has ranked 36 out of 37 agencies that participated in the Office of Personnel Management Employee Viewpoint Survey. They surveyed the employees. How do you view your agency? They are at the bottom. We need a leader who can turn that around. This program is down. We need a coach who can build a winner.

This survey includes questions such as whether leaders generate high levels of motivation and commitment in the workforce and whether employees have a high level of respect for their organization's senior leaders. That is what they ask when they do this survey. From the years 2006 through 2013, DHS scored lower than the governmentwide average each year. While the governmentwide scores for this index have declined 3 percentage points since 2011, DHS's scores have decreased by even more—by 5 percentage points from their previous level.

My point is that this is a massively important agency on which we spend billions of dollars, and it needs a top-flight manager, a proven leader, somebody who understands law enforcement. It could be a Governor, it could be a State attorney general, but in my opinion we really need somebody who is a Federal law enforcement officer who has been a leader or deputy leader at the very top of some of these agencies—the FBI, the Secret Service, the Coast Guard—somebody who understands these issues and is committed to turning this agency around.

I have to tell you that the secret is that there is no real intent to turn this agency around because the immigration system—U.S. Customs, ICE, the Border Patrol, the Customs and Immigration Service, which evaluates requests for admission to the United

States—is in disarray. This administration's goal is to further undermine their ability to be effective because they do not really want vigorous enforcement in these agencies. That is one reason their morale is so bad.

The ICE officers of the United States of America filed a lawsuit in court in Texas. They said their supervisors were instructing them not to fulfill their sworn duty, which was to enforce the laws of the United States. The lawsuit went on for some time. It eventually got dismissed on technical grounds, but the judge found that the supervisors of these agencies, the top people in these agencies, could not direct people not to enforce the law—which is what they are doing. We can go into that in some depth, and I am going to do that if I have the time. I am going to document, for the last 4 or 5 years, the systematic action by the President of the United States and his homeland security officers and Secretary and sub-Secretaries to undermine law enforcement, not to help our officers do better but to block them from doing their job. It is breathtaking. We have had too little discussion of it.

Jonathan Turley, legal scholar, supporter of President Obama, has said this goes beyond—this crosses the line. This goes beyond what is an Executive power that the President has. It goes beyond his power to basically tell his agencies to implement a DREAM Act law that Congress three times refused to pass. Congress wouldn't pass it, so he directed his agencies to do it anyway.

Professor Turley said this is a breathtaking violation of the Madisonian concept of three branches of government. It crosses the line. He was crystal clear. If I have time, I am going to talk about what he said about that.

Mr. Johnson, who is a nice individual and capable, is a lawyer. He came by to see me. We talked some about this. I expressed, frankly, my concerns to him.

The administration has pointed to Mr. Johnson's position as General Counsel for the Department of Defense as proof of his management ability. That position is actually substantially equivalent to being an Assistant Secretary of Defense. There are 15 of those. But one thing that counsel for the Department of Defense does not do is manage the Department and deal with all the conflicts about the agencies and departments and so forth.

An Assistant Secretary of Defense is the fifth highest ranking official within the Department's organizational hierarchy. First, there is the Secretary of Defense, then the Deputy Secretary of Defense, then the Executive Secretary, Under Secretaries, and Deputy Chief Management Officer. You have to go that low, and then he is the counsel—not a manager, a lawyer.

He was previously a litigator at some big New York law firm and an assistant

U.S. attorney for 2 years. I was U.S. attorney. I managed an office—a relatively small office—of 12. He was for 2 years an assistant U.S. attorney. He is now supposed to be able to manage this entire monstrosity of an agency.

The first Secretary of Homeland Security, Tom Ridge, had served as Governor of Pennsylvania for 6 years. That is a big State. That requires some management skills. And he was President Bush's Homeland Security Advisor from 2001 to 2003 and was a part of the post-9/11 response, and President Bush appointed him and he was the first leader in the Department of Homeland Security.

His successor, Mike Chertoff, had been a judge on the U.S. court of appeals, but, more significantly to me, he had a long term in the Department of Justice and as U.S. attorney in one of the big offices in America, the District of New Jersey. He worked with every one of those agencies for a long period of time, spent decades of prosecuting cases, and he understood the culture of the agencies that came together to form Homeland Security.

Even Secretary Napolitano had been Governor of Arizona for 6 years and had been State attorney general, both of which were management positions.

In an interview with the blog *abovethelaw.com*, nominee Mr. Johnson was asked why he left a lucrative private practice to join the Department of Justice, and he replied: "Loyalty to this President, commitment to public service, and safety for our country." The first thing he mentioned was loyalty to this President.

According to one article, Johnson was described as "a loyal political operative of the President who often referred to himself as 'the President's man' at the Department of Defense." So the President had his man, the lawyer, at the Department of Defense. I suppose that is OK, to have a friend at the Department of Defense, but is he capable of running the Department of Homeland Security?

On October 18 of this year, at the press conference announcing his nomination, Mr. Johnson said, "I love this country, I care about the safety of our people, I believe in public service, and I remain loyal to you, Mr. President."

While at the Department of Defense, Mr. Johnson is credited with spearheading the President's effort to repeal the don't ask, don't tell law or policy despite the fact that a poll of the combat units showed they didn't favor that. A report he produced dismissed these attitudes as laden with emotion and misperception. He was hailed as "a hero of don't ask, don't tell repeal" by the Washington Post. I think that is what he has been given the most credit for being active in that issue. I am not saying that is disqualifying; I am saying that is what he spent his time doing at the Department of Defense. He wasn't dealing with how much aircraft carriers are going to cost. He wasn't dealing with the kind of weapons we

need to be providing or building today to be used by our military down the road and doing so in a constrained budget.

According to Senator McCAIN, recently the White House instructed Mr. Johnson not to be responsive to Senators' requests for information in relation to his nomination, and he has complied with that instruction. I think it was a concern of Senator McCAIN's that Cabinet members have a duty to be responsive to the U.S. Congress and that when you ask a nominee or Cabinet member a question, they need to respond. If they are going to be loyal to the President to the extent they do not respond to legitimate questions from Congress, then maybe they do not need to be confirmed to the job. Are they not going to respond? And who at the White House told him to do that? It was probably not the President; it was probably some staffer, maybe in his thirties, never done any of this stuff before, and they decided politically they didn't want him to answer questions, so they told him not to, and he didn't do it.

We are having a problem today with this. Getting responses is an important matter for any Cabinet head. But, of course, he had some other matters. I am not attacking Mr. Johnson's integrity. I am not attacking him in any way personally. But according to the Federal Election Commission, he has donated over \$130,000 to various Democratic candidates since 1998, including the President's 2008 campaign. According to the Web site *opensecrets.org*, Mr. Johnson was a bundler for President Obama's 2008 campaign to the tune of \$65,000. He also served on President Obama's fundraising committee. He donated to many other groups, and he was counsel to Senator Kerry's 2004 campaign.

He is an insider. He is close to the President. They are close personally. He is, perhaps, a good lawyer. Maybe he has some good political skills, but we have a department that is in disarray, a department that is hurting perhaps more than any other department in Washington. It is a massive department that needs real leadership. They need a new coach. They need somebody to whip them into shape, break down these barriers, and eliminate the petty turf fights that are still going on in that agency.

We need strength, integrity, and a commitment there, and I don't believe Mr. Johnson has ever had the opportunity to demonstrate that. He has not been trained in those kinds of issues, and he has had no example of it.

My colleagues remember the execution of the nuclear option in this very Chamber in which the majority leader broke the rules of the Senate to change the rules of the Senate, to eliminate the ability of the Senate to have 60 votes to confirm nominees, although most of the President's nominees were being confirmed and have overwhelmingly been confirmed.

They got irritable about a few judges so they changed the rules of the Senate. It has been a devastating change for a lot of reasons. One of the ramifications is—with loyal Democratic senatorial support—that Mr. Johnson doesn't have to respond to my letter or to the inquiries of Senator McCAIN. He has to respond to some staffer in the White House who said: Don't give them any information. Just give them some general junk. He will still be confirmed because we have 55 Senators, and they only have to have 51. The ability to put pressure on these nominees is important.

I know my friend Senator REID made a huge error. He has a tough job, but he did not need to go along with this. I know he had radical and progressive groups pushing him to do this nuclear option, pull the trigger, stick it to them, do it, and he eventually ended up doing it.

It has been reported that when Senator REID left the Senate Chamber and went to the Mansfield room, there was raucous applause and cheering from the ACLU and many leftwing groups that were over there that wanted this thing to happen.

I know the hard left wanted that. They have been pushing for elimination of the classic Senate prerogatives that make us different from the House of Representatives. I guess this was the first big step they feel they achieved. It has certainly undermined our ability to ask this nominee, before we confirm him to this hugely important agency, to get some commitments from him about how he is going to manage this agency.

Ranking member of the Judiciary Committee, Senator GRASSLEY, along with myself, as ranking member of the Budget Committee, Senator HATCH, as the ranking Republican on the Finance Committee, Senator CORNYN, who is second in command and the whip in the Senate for the Republicans, and Senators LEE and CRUZ, sent a letter to Mr. Johnson on November 15 regarding several issues. Most of the issues focused on the outright refusal of this administration to enforce immigration law as written.

On Friday we received a letter that can only be described as insufficient. He refused to give a straight answer to a single question. He said he would provide his "more general views as they exist at this stage."

What kind of commitment is that? I am going to give you some of my "more general views as they exist at this stage." Is that the kind of response the Congress should expect from a man about to head this agency? I am sure it is the kind of response the White House staff told him to give.

Mr. Johnson's answers are critical to the ability of Senators in this body to properly judge him. It goes to the essence of his qualifications for the post and one of the central areas of responsibility under his direction.

According to Senator MCCAIN, Mr. Johnson said the White House prevented him from giving more complete answers.

Now that President Obama, Majority Leader REID, and the leftwing interest groups have decided and successfully nullified the Senate's constitutional right of advice and consent, why should any nominee be responsive to questions on any topic, let alone controversial ones such as: Will you enforce the immigration laws of America? Isn't that something we ought to be able to ask him? Or will you continue to direct your officers to violate their oath and not enforce the law faithfully? That is what is being done right now, as I will document, if we have time do so.

This Department has been at the epicenter of this administration's refusal to enforce our laws. The administration's political appointees have amounted to little more than rubberstamps, and they abdicated their sworn duty to enforce the law.

The White House has summarily suspended entire portions of Federal immigration law, granting unilateral reprieves to people based on everything from family connections, age of entry, and criminal record. These policies, I fear, are only the tip of the iceberg.

The one thing Mr. Johnson was clear about in his letter is that he supports the Senate's immigration bill, one that passed the Senate, but the House has said it was dead on arrival. This bill provides amnesty without ever securing the border, that further erodes what interior law enforcement is left, is even weaker than current law, and provides the Secretary of Homeland Security unprecedented discretion and waiver authority. One of the big problems—and one of the reasons the law is not being enforced—is the Secretary says that I am waiving all of these portions of the law, and that is why you don't enforce the law, officers.

Under the bill that cleared the Senate, it gave even broader power to the Secretary to not enforce plain law.

I think there is no doubt that if Mr. Johnson is confirmed, he will use the additional powers he has to even further undermine enforcement.

Speaker BOEHNER of the House has said they will not take up the Senate bill but will take up several immigration bills in a step-by-step approach. Does anyone believe this administration will actually enforce anything they pass? They are not enforcing current law.

Before the House gets into passing laws and conferring on any kind of comprehensive bill, I urge that they start insisting—and help us insist—that this administration enforce the law they have. If they just refuse to do it, why should we assume that passing the bill has any ability to change the path we are on?

The first responsibility of Congress must be to restore the rule of law, secure the border, and bring the administration into compliance with the laws

of the United States. Until that happens, there is no reason or basis to offer any legalization plans considered in the Congress.

Congress cannot capitulate into this overreach. The first place we ought to start is Mr. Jeh Johnson, the nominee of Homeland Security. He would control the Customs officers, the Border Patrol officers, and the Immigration and Naturalization Service. Those are all under his direct control, and they need to be strengthened and not further undermined.

The record of lawlessness is what we sought to explore in our policy-oriented inquiry to Mr. Johnson, but we got no response to it.

In September 2011, the President said:

We live in a democracy. You have to pass bills through the legislature and then I can sign it.

Yet less than 1 year after he personally disputed the notion that the executive branch could not act on its own, he decided to grant legal status to a class of individuals. He instituted an action called the Deferred Action for Childhood Arrivals, a directive to all the agency department heads—all the way down to the officers at the lowest level—which would grant legal status to a mass population of individuals who are in the country illegally.

The directive, combined with the so-called Morton memo, ordered law enforcement agencies in the field to stop apprehending and removing people in the country illegally and instead allow them an opportunity to apply for legal status.

There is no law that allows them to apply for legal status. The law came up three times in Congress and three times Congress rejected the law.

As Professor Turley said, this is a big deal. Three times Congress rejects the law and then the President directed his officers to execute a law that was never passed; in fact, it was rejected.

The President told an audience in November of this year that he did not have the power to halt deportations, stating:

If, in fact, I could solve all these problems without passing this through Congress, then I would do so. We're a Nation of laws . . . the easy way out is to try to yell and pretend like I can do something by violating our laws.

He said that, but he is doing just the opposite. His statement is accurate.

Every Member of Congress should be alarmed by this.

I asked my Democratic friends who have been awfully quiet on this issue: What would you do if a President refused to enforce welfare laws or minimum wage laws or fair housing laws? What would you do if a President circumvented Congress to implement a policy you disagreed with and Congress had explicitly rejected? Would your reaction be the same silence we are seeing today?

Once the rule of law begins to be undermined, this whole Republic is in

danger. The American people get it. They talk to me about it all the time. They use different phrases. They say: What is a Constitution? The people don't tell the truth. The law is not being enforced. How can he amend ObamaCare—the Affordable Care Act?

I was taught in elementary school and high school that the President executes the laws; he doesn't make law. How can he change the law you guys just passed? I get asked that all the time. I have to say it is not a frivolous question because we have an abuse—as Professor Turley and others have said—that is very significant. It has to end. No one is above the law. That is what the judge in Texas said and that is what the judge said to President Nixon when he didn't want to do some things. He said: You are not above the law. They said it to President Clinton too.

Failure to uphold our laws violates our legal and moral responsibilities to our own citizens and those who came to this country legally and creates the preconditions necessary for a repressive and capricious government.

When the majority leader can stand before this Senate—and the rules of the Senate say that to change the rules of the Senate, you must have a two-thirds vote. In order to shut off debate, you must have 60 percent of the people vote for it. When you make a parliamentary inquiry and overrule the Parliamentarian and Presiding Officer who rule exactly that and say we can shut off debate on Presidential nominees with 51 votes, something bad has happened. That is a very clear problem we have.

I spoke to Mr. Johnson, and we had, by chance, an opportunity to have a few minutes in my office, and he said he supported the law. So I asked him why he wanted this job because he was not going to be allowed to enforce the law because this President's policies were contrary to that. He had his own ideas about immigration, inconsistent with the law of the land, and he was executing his ideas about immigration laws, not what is the law of the land.

So I am going to detail—if I don't finish, I will offer the information for the record and maybe speak on it later—a long, continuous trail of violations of law and improper policies designed to block the enforcement of law in America concerning immigration. It is stunning, and we should be talking about that with Mr. Johnson, but he doesn't have to answer our questions. He just says he will give us some general ideas about what his views are and the views he has at this time. Of course, they may change.

Most Americans probably don't know that a law enforcement officer who apprehends someone for speeding and discovers the person is illegally in the country does nothing. The Federal people will not come to pick them up; it is against the policy. They just release them on the spot. They could have caught him for other lesser offenses. They are released because people won't

come and get them. It is actually being applied to people in prison who are supposed to be deported.

In early 2009 there was an Immigration and Customs Enforcement raid—and this story explains how we got into this—initiated and planned while President Bush was in office. And he had been weak on enforcement of the laws too, but he was actually getting a little better. He called out the National Guard, and momentum was moving in the right direction. So they executed an enforcement action at an engine machine shop in Washington State, where ICE agents detained illegal immigrants without authorization. In a statement about the operation, ICE said they were investigating criminal activity. They discovered hiring records revealing a significant number of people who were using bogus Social Security numbers and counterfeit documents. They found 26 illegal immigrants working at this company. It was a completely legitimate and justified law enforcement action, but President Obama had just taken office and he had clearly promised this kind of thing wouldn't happen. Shortly thereafter, certain pro-amnesty groups criticized him. As a result, Secretary Napolitano vowed she would "get to the bottom of it." An article in the Washington Times quoted a Homeland Security official as saying, "The Secretary is not happy about it." And instead of enforcing the law, the Secretary investigated the law enforcement officers for simply doing their duty—apparently in response to some secret demand made or promises made to advocacy groups during the campaign.

I appreciate the opportunity to share these thoughts. As I said, that was the first event, and we have had a series of those since—a long list of them—that got us then to a point where we need to know where the Secretary of Homeland Security stands on these issues. We should not confirm somebody who is not crystal clear about what their policy would be for this great office and we shouldn't confirm somebody who has no apparent training or background or capacity to be the kind of strong leader we need at this point in time in history.

I see Senator McCONNELL is on the floor. I appreciate his leadership in trying to make sure we adhere to our spending agreements and do the right thing on our spending. I thank Senator McCONNELL for his steadfast and solid good judgment as we wrestle with some very tough issues.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. KING). The minority leader is recognized.

HEALTH CARE REFORM

Mr. McCONNELL. Mr. President, I thank my friend from Alabama for his

kind words, and I commend him for the great job he has been doing in outlining the issues before us, not to mention the particular nominee he was speaking about.

A few weeks ago the Obama administration essentially declared that it had met its goals for fixing the ObamaCare Web site. With the Web site fixed, they led us to assume that ObamaCare was "fixed" as well, but that was never true. As I have been saying all along, the problems are much bigger than a Web site.

Even the administration's claims about the Web site have been exaggerated. Recent news reports suggest that many Americans who thought they had enrolled on the exchanges will find that they do not, in fact, have coverage on January 1, largely as a result of lingering problems with the site.

An even larger problem lies with the coverage options folks are actually finding if they manage to make it through the Web site. For folks patient enough to successfully navigate through healthcare.gov, many are finding that ObamaCare offers higher premiums, higher costs, or higher deductibles—sometimes all three—in exchange for coverage that is in many cases inferior to what they had before: fewer choices, restricted hospital networks, losing doctors our constituents know and trust. That is what many are getting in exchange for higher costs and skyrocketing premiums, even after the President promised ObamaCare would "cut costs and make coverage more affordable for families and for small businesses."

Despite the President's serial pledges to the contrary, the government's own studies on this issue now indicate that ObamaCare will actually increase the cost of health care in America by more than \$620 billion. ObamaCare will actually increase the cost of health care in America by more than \$620 billion.

As one California woman recently put it, for her, ObamaCare has meant being forced into lower coverage for more money. Many Kentuckians feel exactly the same way.

Giselle Martino is a constituent of mine from Prospect, KY. Here is what she recently wrote to me after losing her coverage:

I paid a very high premium to have a major medical plan. I am now forced into the exchange for a lesser plan with more exclusions and higher deductibles. I will most likely never reach those deductibles. How does this help me? I am basically paying into the plan for the others. If I must pay for my higher tier heart drugs anyway, why should I bother with the health plan? What a disappointment this administration has caused.

Higher costs and less care, that is what ObamaCare means for Giselle Martino.

ObamaCare has been a disappointment for Mike Conn from Prestonsburg too. Here is what he had to say about this law:

A policy that has similar coverage to what we had would cost us around \$1,100 a month. [That] is a 100-percent increase for me and

my wife. I was informed by the individual that was helping me find coverage that it was because we live in eastern Kentucky.

Mike says his plan is no longer available in that part of the State, and now he is evidently facing a 100-percent increase in cost because of where he lives—a 100-percent increase in cost because of where he lives. It is not fair.

Mike and Giselle both have every right to be upset. But that is the reality of ObamaCare for too many Kentuckians, a State where 280,000 people have already lost the coverage they had because of this law. It is a reality facing millions of Americans across our country. When the White House was asked today whether they were confident that the millions of Americans with canceled policies would be able to sign up for new insurance before January 1, they couldn't give a straight answer.

That is why we Republicans are going to maintain our focus where it belongs—on the people we represent and on the issues that truly matter to them because our constituents understand that ObamaCare is about so much more than a Web site. The administration needs to start understanding that too. Fixing a few lines of code isn't going to help people keep the plans they like, plans that work for their families. It isn't going to help our constituents afford the law's exorbitant premiums and deductibles. It isn't going to help our constituents cope with fewer choices and lower quality of care. These are the things that actually matter to the middle class.

The administration and its allies in Congress can talk until they are hoarse about a Web site or about nominees or about whatever else they think they can say to distract Americans from the failures of this law, but that isn't going to work.

To the millions of Americans suffering under ObamaCare, people should know that Republicans are on their side. We are going to keep fighting for true health reform that lowers costs, for reform that promotes choice and a better quality of care, and we are going to keep fighting against the idea that government knows better than our constituents when it comes to their families' health care. That is what our constituents expect of us, I know that is what Kentuckians expect, and that is just what Republicans are going to continue to do.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Massachusetts.

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

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