

The senior assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### UNITED STATES V. TEXAS SUPREME COURT DECISION

Mr. SESSIONS. Mr. President, today the Supreme Court, in the case of the United States v. Texas, rendered an interim victory for the rule of law in America. It is a victory for the constitutional process by which Congress passes laws, and the President faithfully executes those laws. He has taken an oath to do that. He is the chief law enforcement officer in America, and Congress is the body that passes and makes laws. We have immigration laws, most of which have been on the books for many years. They reflect the decided view of the government and people of the United States of America. Those laws must be enforced in an effective and consistent way.

The decision that was made today means that the injunction issued below stands, at least on an interim basis. In other words, an order was issued by the lower court to block the President of the United States from carrying out a series of actions that he wants to carry out, but could not because he lacks the authority. It is a huge, significant constitutional matter.

If you remember, colleagues, it wasn't too long ago that we had a national debate and vote about reforming immigration laws in the United States. I believe that was not a good reform. We debated it and it failed in the Congress. It did not get the support of both Houses, although it did get the support of the Senate. The proposal failed. The American people spoke clearly on it. They contacted us in large numbers.

People began to understand that the bill would not be effective in doing what it promised to do; that is, to end the illegality. It was going to be effective in granting amnesty to virtually everybody unlawfully in the country today, but it would not have been able to carry out an effective and lawful system for the future. That is what I believe. I was a Federal prosecutor for 15 years. We tried to read the law and make sure it was effective; but this law was not effective.

So the President just decided: "I am going to use my pen and I am going to issue orders to all of the executive departments and agencies that are obliged to enforce the laws of the United States and I am going to tell them to do what the Congress rejected. I am going to execute an amnesty by the signing of my pen that legalizes everyone in the country here today."

It is an unbelievable overreach, a matter of tremendous import, and it is an affront to the legislative process. It is an affront to the majority of the American people who want a lawful

system of immigration—one that serves their interests, serves the interest of America, the national interest, not some special interest that wants cheaper labor, and not some political interest that is looking for votes—but what is the policy that best serves the American people. That is what this issue is all about.

The Supreme Court, by a 4-to-4 vote, concluded that the injunction should remain; that is, they blocked the President, at least on the portion of the Executive orders that were before the Court. He has done some other things that were not before the Court, and I think would be at risk, too, if properly challenged, but they haven't made it to the Court yet.

If my colleagues remember, the judge heard the case and issued an injunction, blocking the President from going forward with his own plan for immigration and one that Congress had rejected. Then the United States Court of Appeals ruled that the judge was correct, and now, by a 4-to-4 vote, the ruling of the Fifth Circuit has been upheld.

In November of 2014, the Obama administration went on strike. It just announced: "We are not going to follow the requirements and the laws of the United States with regard to immigration."

President Obama said: "I am going to direct my offices to carry out a policy that I think should be the national policy. I am sorry Congress didn't pass it, and the historic law remains in place, but I am going to direct my officers not to do it."

That is what he did. In effect, it was a seizing of the enforcement of immigration law in so many key ways. Under the guise of what he called exercising prosecutorial discretion, his orders directed law enforcement officers not to enforce plain law, forcing them to violate their oath of office to support and defend the Constitution of the United States and his own oath, which is to see that the laws are faithfully executed. In so doing, he effectively eliminated entire sections in the United States Code.

Not only did President Obama direct his officers and agents, all of whom are in the executive branch under his supervision as the President of the United States—the Chief Executive—he ordered those agencies of the Department of Homeland Security not to follow the plain law. He further decreed that those who came here illegally and had children in the United States would be allowed to stay in the United States and be granted work permits and access to certain Federal benefits—people who entered the country unlawfully.

No wonder Immigration and Customs Enforcement officers have such low morale.

An objective Federal study that is done every year or periodically evaluates the morale of the Federal officers in the United States found, I think

again this year, that the morale of the Department of Homeland Security is the lowest of any Federal agency. Why is this? Because they have been ordered not to do their duty. They put their lives on the lines in dangerous circumstances, and they arrest people, they bring them in, and what happens? They are not deported. They are released on bail or some sort of promise to appear, and they go into the country as they planned to do all along.

This is extremely discouraging for our officers and agents. It is wrong, it should not happen, and it is a cause of the increasing number of illegal immigrants we have in the Nation today.

In fact, I say to my colleagues, a few years ago, the Immigration and Customs Enforcement Officers Association filed a lawsuit against Secretary Janet Napolitano and John Morton—their supervisors—and said that you are ordering us to violate our oath to enforce the law. I have never seen a lawsuit like this, thousands of officers suing their supervisors for ordering them not to do their duty. This is wrong. It lowers morale.

When you have that kind of situation, what message does it send to the world? It sends a message to the world that if you can get into the United States, you are going to be successful, you can stay here, and you don't have to come according to the procedures in law. We have seen an increase in lawlessness in recent years. In fact, it looks like this year, among a number of categories, we have already reached the same level of arrests we did in all of last fiscal year. So we are having a rather significant increase again this year.

Well, what happened? Over half the States in the United States filed a lawsuit in Federal court. Judge Andrew Hanen in the United States District Court for the Southern District of Texas, heard the case. It went on for a considerable amount of time. The Department of Justice defended President Obama's actions. So the top lawyers in the U.S. Department of Justice went to Texas, they defended the administration, and they were opposed by more than half of the States. Judge Hanen heard the case and he issued an injunction. He said: Mr. President, you are changing the regulations of the United States that have been issued pursuant to the Immigration and Nationality Act. You are changing those, and before you can change regulations, you have to be able to go through a process. You have to have notice and opportunity for people to be heard and objections to be made before the regulations can be altered. That was basically the decision he rendered.

The U.S. Court of Appeals for the Fifth Circuit upheld the injunction, and today's decision confirms that the Obama administration's lawless plans may not proceed.

But the fight is far from over. The case will now be sent back to Judge Hanen for additional litigation on the

merits, and the ultimate outcome remains uncertain.

To issue a stay and block a Federal agency from going forward with a rule or regulation, a Federal court must find that the opposition litigants have a substantial likelihood of prevailing on the merits. I think this decision indicates Judge Hanen, the Fifth Circuit, and even the Supreme Court believe it is likely the States would prevail on the merits of their challenge.

What is clear, as highlighted by the egregious, unethical conduct of the lawyers of the U.S. Department of Justice, is that the Obama administration will stop at nothing to advance its agenda. I worked at the Department of Justice for almost 15 years—and we worked our hearts out to always be faithful and operate with integrity before the Federal judges, and always, since we were representatives of the United States of America, made sure every representation we made to the Court was accurate and had a high standard. Most assistant U.S. attorneys and Department of Justice lawyers should know that and adhere to that at the highest level. Other lawyers frequently don't, private attorneys don't, but the Federal attorneys representing the people of the United States of America have that high duty.

Well, what happened? Judge Hanen found that the administration was determined to go forward with these unlawful actions, even though he had ordered them to stop, and they appeared to cause some substantial violation of the integrity of their Department. I believe they are going to have a further hearing soon on whether there will be additional penalties. He already imposed a penalty on the Department of Justice lawyers for their improper conduct, for which he severely condemned them.

The message this administration is sending to the world is that if you can get here, you can stay here.

According to official statistics from U.S. Customs and Border Protection, the number of so-called family units who have been apprehended at the southern border has already exceeded the number who were apprehended in all of fiscal year 2015. Approximately, 12 percent more so-called family units were apprehended through May than were apprehended through all of last year. Total apprehensions of all aliens appear to be on the rise, which is an indice of increased illegality into this country.

Last month, the head of the National Border Patrol Council testified before the Subcommittee on Immigration and the National Interest, which I chair, that for every alien apprehended at the border by the U.S. Border Patrol, we could assume at least one evaded detection. He said they are catching half of the people who enter, and they apprehended more than 300,000 illegally into the country last year.

He further testified—this is important, critically important and shows

the extreme nature of the Obama administration's policies with regard to immigration—that of the half who are apprehended, at least 80 percent of those are released into the country and not deported. They are told: OK. Come back to court. Sometimes they have a bail, sometimes they don't.

At another hearing, a Federal agency official testified that they take young people to their destination city when they are apprehended. What does that mean? It means that if somebody enters the country and they are 17 years of age and they don't know what to do with them, instead of deporting them and sending them back at that time, they say: Where did you intend to go? Well, my destination was Chicago. So the Federal Government takes them to Chicago, turns them over to a cousin or an uncle or an aunt or whatever. There is no effort to ascertain whether the person they are turned over to is legally in the country or not either.

So this is the kind of thing that is causing such disturbance within the law enforcement field, and that is so discouraging to them.

The extent to which the administration has directed its officers not to enforce plain law is one of the most brazen acts of legal disobedience in the history of America. Could the next President refuse to enforce tax laws? Could the next President say: I don't like this tax, I believe this tax is too high, or I don't believe we should tax these entities so he tells his subordinate units, the head of the IRS, just like he tells the head of Homeland Security, don't enforce this law. I know that Congress passed it, but I don't think it is a fair tax. Don't collect it and tell everybody in the country that if you don't pay that tax, you can be certain the IRS is not going to spend its time and effort to collect it, so you are home free. That is the kind of logic we are dealing with.

These unlawful actions fly in the face of what the American people have asked for. Yet, despite having the Obama Administration having the most radical immigration policies in our Nation's history, former Secretary of State Hillary Clinton has promised to go even further.

I am astounded at some of the things she has declared. She promises to deport only those who commit violent felonies or happen to be terrorists. Anybody else can come in, get in illegally, sell drugs, get caught for fraud, get caught for fraudulent ID, credit card fraud, and all those kinds of things, but as long as they are not committing a violent crime, they never get sent home. They get to stay here. How is this in harmony with the will of the American people to have a lawful system of immigration, one that protects their public safety, protects them from criminal activity, protects them from terrorism and those kind of things? It is breathtaking to me.

Moreover, if Secretary Clinton is provided with the ability as President to

appoint a new Justice to the Supreme Court, the outcome of this case might change. Who knows? But it certainly is clear that she has been vigorously critical of the decision and says it is correct, essentially. She said this in her statement today: "Today's decision by the Supreme Court is purely procedural, casts no doubt on the fact that DAPA and DACA," these amnesty programs, "are entirely within the President's legal authority." She says this is entirely within the President's authority.

Well, again, let me remind you what the President did. On the issue before the Supreme Court, he not only said to 4 million adults that they will not be deported, he declared that they are able to work. He has given them work authorization when the laws of the United States don't allow people illegally here to take jobs. Not only that, he gave them the right to Social Security. He gives them Social Security numbers. They will pay into Social Security and be able to get Social Security, Medicare, and other programs. Basically, he gave illegal persons established by the laws of the United States the ability to participate as American citizens on virtually every matter of importance. It is unacceptable.

Former Secretary Clinton said that she will introduce "comprehensive immigration reform with a path to citizenship" within the first 100 days of her Presidency. In other words, she would give legal status, citizenship, to everybody who has come into the country illegally. It is a damaging thing. It has remarkable consequences and impacts on the legal system, and it also incentivizes more people to come to America.

The American people have every right to demand that our very generous legal immigration flow be followed according to the law and that it reflect their wishes. The American people are good and decent people. They are not asking for anything extreme. What is extreme is this idea that we systematically refuse to guarantee the laws of the United States be executed. The actions and policies advanced by President Obama, and apparently even more radical policies by Secretary Clinton, are radical things; they are not traditional in any way. They are directly contrary to our constitutional principles and the clear will of the American people. They must be stopped.

We have a generous immigration system. We have 1.1 million at least—I think it may now be even closer to 1.2 million people every year. That is more than any nation in the world. So it is a remarkable thing that we do. In addition to that, at any given time there are 700,000 people in the United States, foreign born, who take jobs in the United States. These are supposed to be temporary jobs for the most part. A lot of them are basically permanent jobs that can be reupped and reextended.

We don't have enough jobs for the American people now. We have a surplus of labor in this country. If you believe in free markets, colleagues, that is why, since 1999 until last year, median household income in America is down \$4,000 per family. A big part of that is an excessive labor flow into the United States. It is not disputable, colleagues.

Look at the great professor on this, Professor Borjas of Harvard. Born in Cuba himself, he came here as a young person. Dr. Borjas shows that an excessive labor flow pulls down wages. Why would it not? It is a commonsense, free market principle. He documented it through labor reports, census data, and there is no doubt about it. We are hammering American working people. Their lives are being diminished while some make more money because they pay a lower wage.

I am not saying we are going to end immigration. Nobody is talking about that. But we have extremely high immigration levels legally, and on top of that we have this massive illegality. So the first thing the American people have asked us to do is end the illegality, please. They have been pleading for that for 30 years, and all we have here is some complaint about any bill that actually takes a step toward that end getting blocked. We can't even get votes on amendments.

I just want to say that I think the American people are correct. Any nation state that sees itself as sovereign, sees itself as having a loyalty to its own people, should protect those people from unfair policies, should defend their legitimate interests, and we are not doing it.

We are pulling down wages right now. There are people that don't have jobs today. We have the lowest percentage of Americans with a job than we have had in 40 years. Last month we created 38,000 jobs—a paltry, shockingly low number. It sent some shock waves through the business community. We need to have close to 200,000 a month. We are bringing in almost 100,000 immigrants a month.

From 2000 to 2014—14 years—the native born population of the United States has increased throughout that period by millions. How many jobs were created and how many jobs did native born Americans get during that period? None. The actual number of workers from 2000 to 2014 went down. All jobs that were created during that period of time went to the foreign born. Is it any surprise that wages have fallen? Is it any surprise that we have gone from around a low \$50,000-a-year median American income for a family to \$4,000 less? It is simple.

Somebody needs to talk about this and defend the legitimate concerns of families in this country and working Americans.

I want to say a couple more things. The outcome of this Court ruling is not going to cause any major change in what is happening today; in fact, we

have been living under the policies that the Court ordered for some time now. It is not going to change. We are not going to have any mass roundups as people have suggested. That is ridiculous. The President has ordered, basically, an end to deportation except for those who commit serious crimes. Secretary Clinton has said the crime has to be a violent crime or terrorism connected before they get deported. So we are heading in that direction.

This is not a sound policy for America.

We are going to have to work our way through the many difficulties we have in the future, but the simple demand we have from the majority of the people, I believe, is to end the illegality. Do that first, and then we will talk about what we are going to do next about the people who have been here for a long time.

A lot of people just came. They just used a fraudulent identification or drove across the border or they were caught and released on bail and went to Los Angeles or Chicago or somewhere. Do they get to demand to be given legal status in America? Do they get to demand to be made a citizen when other people around the world who have waited for their time may never get into the United States because they don't qualify? That is the question we are facing.

I truly believe that we believe in immigration as Americans in this country. We are always going to have immigration, but the level of it and the nature of it should be such that we admit people who are most likely to be successful, to flourish and to benefit America, and not people who are going to have a hard time, who don't speak English and don't have skills that we need in this country today. I believe it is wrong to bring in more workers, particularly with low skills, who compete directly against Americans who are trying to get a job, pulling down their wages while making it harder for them to get a job. I think that is going beyond what the responsibility of the government is.

It is our responsibility to follow the law as it is written, and it is the President's responsibility under his oath and duties as the Chief Executive and the chief law enforcement officer in America to see that our laws are enforced. If he wants to come back again with some other changes in the law, let him bring it up. Let's talk about it. But he does not get to do that on his own. I am pleased that the Supreme Court has stopped him at least with regard to this specific program, the so-called DAPA program.

I appreciate the opportunity to share these remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. LANKFORD). Without objection, it is so ordered.

#### ECONOMIC GROWTH

Mr. SULLIVAN. Mr. President, I have been on the floor quite a bit in the past several months talking about a topic I think the vast majority of Americans want us to focus on, and that is the economy. That is, in my opinion, something we don't do enough here, and certainly the current administration doesn't do enough. They never even seem to want to talk about the economy, and they do not because the news isn't good. When they do try to talk about the economy, they typically try to spin the facts and the bad news into good news. For the most part, as has become abundantly clear, when they do this, the media tries to repackaging it, put a bow on it, and then the administration sells it back to the American public. Everything is going great, they tell us, or to use the language of the President's speechwriter and one of his chief spin doctors, in a recent New York Times magazine piece, he stated:

We created an echo chamber. . . . They—

The media—

were saying things that validated what we had given them to say.

So to put that in simple terms: We tell them our spin, they print it, and that is good.

Well, with regard to the economy, I don't think many in America are buying it. And I am glad our Presidential candidates are finally starting to talk about this issue—economic growth for middle-class families. Secretary Clinton recently gave a speech on the economy where she mostly lambasted her opponent. She said that under Mr. Trump, the U.S. economy would be a disaster. Well, no disrespect to the former Secretary of State and former Senator, but in case Mrs. Clinton didn't notice, the economy already is a disaster right now, and we need to fix it.

I want to talk about that a little bit because it is something you never hear about from the media, from the administration, even from this body enough, to be honest, and yet Americans are feeling it all across the country. Under this administration, we have now had the worst economic recovery since the Great Depression. The executive branch may have a reverberating echo chamber, but the American people know what is going on when it comes to the economy, and it is not a pretty picture.

Let me provide some examples of the Obama administration's anemic economy and what it has done to the thing we all believe in—we all believe in—and that is the American dream.

First, let's talk about our country's gross domestic product. As you know, the GDP of the United States is really a marker for our country's health. It is