

it openly and directly. But don't walk away from 24 million Americans who count on this as an avenue for health insurance and say that because there is fraud in the system committed by insurance companies or insurance brokers, we are going to show you; we are going to basically say Sara gets no health insurance. That is wrong. It is just plain wrong.

DONALD TRUMP

Mr. DURBIN. The second thing I want to say, Mr. President, is to really note something said yesterday by the President of the United States Donald Trump.

The year was 2018, 6 years ago, and President Trump challenged me and other Members of the Senate to come up with an immigration plan for the United States that included his big beautiful wall, if you remember. And so I went to work with several of my colleagues here and several on the Republican side to help write an immigration bill.

I ended up calling the White House when I thought we came up with such a bill, a bipartisan bill, and they said: Come in and see the President this morning. Well, that kind of shocked me that I could get in that quickly to see him. But I appealed to my Republican colleagues, and we went down to the White House together to meet with the President in the Oval Office.

The meeting was historic. It turned out that others had been invited—Democratic and Republican Senators and Congressmen—to discuss the issue, and they, frankly, didn't agree with the conclusions which we brought to the President.

The President spoke at length on his views about immigration. The conversation declined at some point to a level I had never expected to witness in my life. The President started saying things about immigrants in ways I thought had never been said before in the White House. He used terminology, which I am not going to repeat on the Senate floor, but it referred to a phrase of "s-hole" nations. You can fill in the blank if you wish. But I was shocked to hear it, and I heard him refer to several countries in this fashion. I thought to myself, How did we reach a point that we discuss immigration in such crude and vulgar terms?

After I left the White House, it leaked out what the President said, and the White House denied it. They said it didn't happen. I said it did. They said I am lying—to the point where two of my Republican Senate colleagues went on television several days later and said that I lied when I said the President made those statements.

Well, yesterday at his rally in Pennsylvania, President Trump admitted that he had used the slur that I referred to earlier to disparage Haiti and African nations during that 2018 meeting with lawmakers, bragging about the comment that sparked global outrage during his first term.

I want to put that in the RECORD because for 6 years I have lived with the shadow of people saying that I misled the American people as to what the President said. Yesterday, he admitted what he said. It is not for my sake but for the sake of discussing this issue of immigration because we have got to get beyond crudity and vulgarity and what we have seen in the extreme in the last several months when it comes to immigration.

I will make it clear where I stand. We need an orderly process at our border, period. Second, we should never knowingly allow a dangerous person to come into this country. Third, if a person is in this country seeking legal status and commits a dangerous crime, they should be gone, period. Fourth, we cannot accept all of the people in the world who want to come to America and live in America at this point. I wish we could, but we can't. Some are important, and I want to stand up for them. We can't allow everyone. We need an orderly process to achieve this goal.

We are a nation of immigrants, and I am proud of that fact. I hope everyone is. Let us make sure we do immigration the right way.

The reference in 2018 was an embarrassment—an embarrassment to the White House, to the Oval Office, and to the Presidency. I am glad that the President has finally admitted what happened on that day.

OPERATION MIDWAY BLITZ

Mr. DURBIN. Mr. President, on a separate subject, for more than 3 months, Secretary Kristi Noem and President Donald Trump have used the city of Chicago as their personal playground for militarizing immigration operations. When they announced the start of this campaign, they called it Operation Midway Blitz. They promised to target and deport murderers, rapists, terrorists, the criminally insane, the worst of the worst. The results tell a different story.

In an ongoing lawsuit, a judge examined whether Immigration and Customs Enforcement violated a consent decree preventing warrantless arrests of individuals without probable cause. In a list the administration presented—a list that came from the Department of Homeland Security, came from Secretary Noem—submitted to the Federal court of more than 600 immigrants recently arrested, do you know how many of them had a significant criminal history? Sixteen. Sixteen out of more than 600.

Nationwide, ICE has arrested nearly 75,000 people with no criminal history between January 20 and October of this year. Federal immigration agents have arrested and detained the following as examples: a mother on her way to visit her 15-day-old baby in the NICU, a teacher in a preschool in front of her young students, day laborers, vendors, construction workers, and cooks sim-

ply trying to work hard, make a living, and support their families.

Immigration agents arrested and detained at least 40 U.S. citizens in Illinois alone between late August and early November. Does that sound like we are getting rid of the worst of the worst; people with no criminal history, many of whom are citizens of the United States, not given the advantage of due process guaranteed by the 5th and 14th amendments?

I have repeatedly warned that these actions amount to political theater to promote the President's anti-immigrant agenda and spread fear and reduce crime. I have cautioned that it is a slippery slope from this trampling of rights and liberties guaranteed by the Constitution.

I have urged my Republican colleagues—just one Republican colleague—to consider the possibility that these raids could come to a city they represent, and they would be faced with the very same reality. How might they feel then? Would they call out these abuses of power if that time came?

Well, I regret to inform them that the time has come. After wreaking havoc in Illinois, Border Patrol official Greg Bovino and his traveling circus have hit the road and descended on more communities, including red States. Last month, in Charlotte, NC, a video posted to social media showed a U.S. citizen construction worker being swarmed by Federal agents while he was in his vehicle. They proceeded to smash the truck's window and handcuff him while verifying his citizenship. The man said the agents "didn't believe I was an American citizen" and "wanted to know where I was born." He was released only after the agents verified his citizenship.

In a separate incident—this one in Louisiana—a viral video showed a silver unmarked SUV pulling up to a woman and two masked agents exiting to chase her. She repeatedly yelled she was a U.S. citizen and to "leave her alone" before making it to her home.

Other States, including Florida and Texas, have also witnessed increased Federal immigration enforcement operations.

These types of confrontations with Federal agents that we are seeing in the streets of many American cities will, unfortunately, continue unless we speak up. The lack of professionalism and the use of overly aggressive tactics and excessive force is sad but not surprising.

The Trump administration has surged ICE hiring with the goal of onboarding 10,000 new agents by the end of the year. That would more than double the number of deportation officers from the current number of 6,000 to 16,000. The Trump administration should be working to improve the screening, hiring, and training of recruits before unleashing them onto the streets of America. Instead, they have lowered requirements for ICE agents,

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including loosening the age restrictions for prospective agents and shortening the training period from 13 weeks to merely 6 weeks and giving each of the new ICE recruits a \$50,000 cash bonus. This approach has proven woefully inadequate and downright dangerous.

Recent reporting suggests these new lowered hiring standards have resulted in ICE recruits who have barely been able to read or write, failed drug tests, displayed tattoos associated with gangs and White supremacists, failed to meet basic physical fitness requirements, and even have pending criminal charges.

Secretary Noem calls this her dream team—her dream team.

In one instance, the staff of the Georgia-based Federal Law Enforcement Training Center, where recruits were trained, were left shocked when a student asked to be excused from class to attend a court case that he faced on a gun charge.

A male recruit reportedly barged into a female dorm at one of these training facilities, after bar hopping, and harassed the occupants. Another recruit groped a woman in a training course. These are the people—the dream team of Secretary Noem—that President Trump is attempting to release onto our streets to restore law and order.

With these lower standards, the troubling incidents I have described are definitely going to increase. Given all this, I ask my Republican colleagues, if you think we need to keep an eye on the Federal Government, why don't we start here? Will any of you rebuke this lawlessness and cruelty, any one Republican Senator? What will it take for you to finally do so?

We ought to be united in calling out these abuses. Secretary Noem wants to play dress-up in her camo wardrobe, demanding government jets to tour battleground States, brag about her dream team of masked secret police, arrest ordinary people who are working hard on tough jobs, with what, I believe, is an attempt to change basic constitutional principles. We have to stand up and speak out. Is this what America is really all about?

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

ORDER OF BUSINESS

Mr. KING. Mr. President, first, I ask unanimous consent that the following Senators be permitted to speak prior to the scheduled rollcall vote: myself for up to 15 minutes, Senator WYDEN for up to 10 minutes, Senator ERNST for up to 10 minutes, Senator CASSIDY for up to 5 minutes.

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO "POLICY ON ADHERING TO THE TEXT OF THE ADMINISTRATIVE PROCEDURE ACT"—Motion to Proceed

Mr. KING. Mr. President, I move to proceed to Calendar No. 203, S.J. Res. 82.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant executive clerk read as follows:

Motion to proceed to Calendar No. 203, S.J. Res. 82, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of the Secretary of the Department of Health and Human Services relating to "Policy on Adhering to the Text of the Administrative Procedure Act".

Mr. KING. Mr. President, this is a nonpartisan CRA, which doesn't happen around here all that often. This is basically just public participation in good government.

When the Administrative Procedure Act was passed in 1947, the Department of Health and Human Services didn't exist. And for about a dozen years, it didn't have much in the way of responsibility. And so it was exempt from the provisions of the Administrative Procedure Act that apply to public comment and public input on significant decisions in Agencies that apply throughout the Federal Government.

In the early seventies, Elliot Richardson, who was President Nixon's Secretary of Health and Human Services, issued a waiver of the exemption. I realize it is a little contorted, but, basically, what he found was that the role of the Health and Human Services Department was vastly expanded after Medicare, Medicaid, and the other responsibilities that had been placed in that Department. So he said, in effect: We will be subject to the Administrative Procedure Act, and we will notice the major activities that we are going to do to the public, and we will allow public comment.

It is not a veto. It is just a simple transparency of "here is what our activities are going to entail," and it allows the public to comment. And that has been the law for 54 years, through six Republican Presidents, including Ronald Reagan and the first administration of Donald Trump.

In March of this year, Secretary Kennedy chose to repeal this waiver—this rule that was adopted 54 years ago—and closed the processes of the Department of Health and Human Services to the public and, essentially, obscured activities that they were making so the public only learned about them after they had happened. There was no

opportunity. There was no notice, and there was no opportunity for the public to comment.

So we are not really talking about politics here. We are not talking about Democrats and Republicans. We are just talking about a fundamental rule of how our government works in an effort to be in touch with the public, to allow them to know what is going on in these important decisions and to have a role.

Now, it is ironic because Secretary Kennedy, in his confirmation hearing, used a term that, frankly, I had never heard before, but he used it repeatedly: "radical transparency."

He said: We are going to have "radical transparency."

And we went back and looked. He used the term "transparency" something like a hundred times in his response to questions either in his hearing or in his written responses. This was a basic premise of what he presented to the Congress in his path to confirmation.

This is the opposite of "radical transparency." It is radical obfuscation. It is deliberate action. He had to take an action to rescind this, what had been the rule for the Department of Health and Human Services, as I say, for 54 years, under Presidents of both parties and different administrations.

And what we are really talking about is simply allowing the public to know what these proposed actions will be and the ability to comment. What is wrong with that? What is objectionable about that? It doesn't slow things down appreciably. It is not a huge impediment to Executive action.

And we are not talking about emergency action. We are talking about fundamental policy decisions being made by the Department.

Now, here is what we are talking about. Basically, it is called the Richardson waiver, and it was the waiver of the exemption of the Department that was in the original Administrative Procedure Act. By rescinding it, which is what they did, we are—the CRA that we are talking about today would rescind the rescission. It would basically overturn the decision of the Secretary to close the processes of the Department to the public.

So it basically says the public can't weigh in. And, again, we are not talking about a veto or some extraordinary opportunity for things to be obstructed, just notice and comment. That is sort of the basic process of our administrative work that we do here in Washington—so no ability of people to weigh in on major healthcare policy changes.

He reorganized the entire Department without any notice, without any studies or analysis or public notice of what they were doing and why.

Clearly, the Executive can make changes in the staffing arrangements and that kind of thing. They can work on how to organize their Departments. But there should be some—when it is a