

is they think they are going to hurt President Obama, who they are so upset because he got reelected and reelected very easily.

I say to them, if you oppose a nominee, let's have a debate on the nomination and then vote. Do not delay a vote on a career Foreign Service officer who has worked his or her entire life to become an ambassador. Do not delay national security personnel who are needed to protect our Nation. Do not delay key staff people at the Cabinet level from doing their work for the American people.

I do not expect Republicans to give their unanimous consent to every nominee on the calendar. Rather, Senate Democrats are asking that Republicans legislate in good faith. Let's look at these. If there is something wrong with them, let's debate them. If nominees are deserving of their unanimous support—and most of them come out of the committees unanimously—why waste the Senate's time by blocking confirmation of these individuals? There is no reason for doing that.

We have so much to address over the coming weeks. We are going to vote on the sportsmen's bill tonight. We have the highway bill, the emergency supplemental, manufacturing legislation. We are going to do something about the Hobby Lobby legislation we need to correct. There is so much we have to do. We have terrorism insurance. We have to do that. The Export-Import Bank, we have to do that. But we are being stopped from doing all of that.

We have more than enough to keep us busy. That is an understatement. So what we are doing, instead of doing the things necessary for the American people, is we are being forced, because of the obstruction of the Republicans, to sit here and struggle through a few nominations that we can work out by spending 8 hours on this one, 4 hours on that one, 30 hours on this one. It is really unfair to the American people.

RESERVATION OF LEADER TIME

Mr. President, would the Chair announce the business of the day.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, the crisis at our border continues unabated. It is a crisis that should never ever have occurred. It occurred as a direct result of the failure of the leadership of the United States, the clarity of our message, and our willingness to enforce simple, plain immigration laws.

Last week, we reached the point where the President of the United States—who is directly responsible for sending messages and effecting policies that encourage the flow of immigration to the United States, announced he would be asking Congress—us—to cooperate with him and provide him with \$2 billion in additional funds to deal with the humanitarian crisis—a crisis, as I indicated, that was produced as a result of his activities.

In the same breath at that moment when he asked for more money to take care of the crisis, he announced he will deliberately and openly go around the Congress of the United States and the Constitution and unilaterally change immigration law again through an executive policy.

The President said:

... today, I'm beginning a new effort to fix as much of our immigration system as I can on my own, without Congress. As a first step, I'm directing the Secretary of Homeland Security and the Attorney General [directing them] to move available and appropriate resources from our interior to the border.

He further said:

I have also directed Secretary Johnson and Attorney General Holder to identify additional actions my administration can take on our own, within my existing legal authorities, to do what Congress refuses to do and fix as much of our immigration system as we can. I expect their recommendations before the end of the summer and I intend to adopt those recommendations without further delay.

The problem is that we have laws. Congress has established laws. The President wanted to change those laws, and Congress made a decision. The decision was not to change those laws, and those laws remain in effect. As President of the United States of America, he has the highest duty to see that the laws of the United States are faithfully executed.

Remember now, the President is the chief law enforcement officer in America. The FBI answers to him, the Drug Enforcement Administration answers to him, the Department of Justice—he appoints the top officials, and they answer to him. So does Border Patrol, and so do Immigration and Customs Enforcement officers, immigration officers throughout, and the Secretary of Homeland Security. It is his administration, and he has used powers to go beyond—that I am aware of—what any President has used to basically declare: I will not enforce the laws passed by Congress. I am going to change those laws—I don't have to change them; I am just going to direct my officers not to carry them out, not to enforce them.

Another thing he said was that young people here would not be deported. He invited a number of them to the White House. As a result, the word got out in Central America particularly that if you come to the United States as a young person—a parent could bring them or brother and sister—and you get into the United States, you will not be deported; you will be allowed to stay, and you could get a permiso—that is, you would be released on bail into some family member's custody and you could show up at some point in the future to have a hearing. I have heard it is maybe as many as 500 days before a hearing occurs. And who is going to go and look for these individuals when they don't show up for court, as is continuously happening in high numbers, not showing up for court?

So to me it is disturbing that we are in this situation. And make no mistake about it—\$2 billion is a lot of money. We work hard around here to try to pay for things we need to by saving money here and saving money there, and now the President just sends over a message: I am going to demand \$2 billion.

We have to take care of the children. We can't leave them in a circumstance where they are not fed or taken care of or in a safe condition. I guess we will have to find some money to do that. But the question is, How did it happen? Why did it happen? And \$2 billion is more than the general fund budget of the State of Alabama, which is where I am from. An extra \$2 billion is a lot of money—extra money this year. Why? Because in 2011 we had 6,000 unaccompanied children apprehended at the border, and this year we are projected to have 90,000. That is why the President says we need \$2 billion more—because the message got out, the word got out: You can come to America and, as a young person, you won't be deported.

In fact—and Congress doesn't know it fully at this point, but, in fact, that is true. Young people coming to America unlawfully from Central and South America, other than Mexico, are being allowed to stay, and it encourages more.

We have to have a lawful system of immigration, a system that serves the national interests. A lawful system means one that is carried out effectively and efficiently. It is wrong and it is immoral to create a system in which there is no law, where laws are violated willy-nilly and nothing is ever done about it. That is not healthy at all for any nation, and I would submit clearly that any nation must maintain the integrity of its borders. Failing to do so undermines the very sovereignty of that nation. No nation in the world that I am aware of maintains open borders. If you are not going to maintain open borders, then you have to set up standards for application and admission, and then if you establish those standards, you have to carry them out fairly and objectively.

There are millions of people who have applied to come to America who are waiting in line, people with college degrees and relatives here, who have applied lawfully and are waiting their turn. And how is it right, how can it be justified morally, religiously, as a matter of public policy, as a matter of law that we just ignore them and let people come through by the hundreds of thousands?

Indeed, it has been projected that unless something changes—and I think it could change if we have leadership—unless changes occur, we could have as many as 140,000 young people come next year. I guess that would be \$4 billion extra that would have to be funded next year to take care of the costs. It is an unbelievable turn of events.

My staff and I did a time line months ago, before this crisis became so imminent, and we documented a series of actions in which the President of the United States has directed his agencies to conduct their operations in such a way that it undermines the laws of the United States. This is 39 pages.

One of the first ones—and I talked about it at the time and the ramifications that would occur from it, and nobody paid much attention. Back in January of 2009 President Obama took office. He had talked to activist groups throughout the country and he had made a promise to them. Not long after he took office, immigration enforcement officers executed a raid—which they had been doing over a period of years and always been able to do—on an engine machine shop in Bellingham, WA, and detained 28 illegal immigrants who were using fake Social Security numbers and identity documents.

Shortly thereafter, pro-amnesty groups—these activist groups—criticized the administration for enforcing the law. An unidentified official at the Department of Homeland Security was quoted in the Washington Times as saying this about the new Secretary of Homeland Security: “The secretary is not happy and this is not her policy . . .” Instead of enforcing the law, the Secretary investigated the ICE officers, who were simply doing their jobs.

Esther Olavarria, Assistant Secretary of Homeland Security, said on a phone call with employers and pro-amnesty groups that “we’re not doing raids or audits under this administration.” That was a huge abandonment of a normal and natural law enforcement procedure to create a lawful system of immigration right out of the chute—a direct result, in my opinion, of promises made during the campaign, not for law enforcement reasons, not for the national interests of the United States.

It goes on.

In January 2009 the Secretary of Homeland Security, Janet Napolitano, delayed an E-Verify compliance deadline. She delayed the E-Verify deadline a second time. She delayed the E-Verify a third time.

It goes on, page after page of activities in which they took steps to undermine law.

In June 2010 the Obama administration sued Arizona. The State was trying to help enforce Federal immigration law, and they sued the State of Arizona. They sued any other State that attempted to do anything that would enhance law enforcement.

In January 2010 the Obama administration ignored the dangerous “sanctuary cities” policy. Amazingly, in this country we have cities that are providing sanctuary to people who are illegally in the country. Law enforcement arrests someone who is here illegally, they convict them of a crime—I was a Federal prosecutor for many years—they hold them and then turn them over to the Federal law enforcement officers for deportation. But then these cities refuse to do that. Nothing was done about it, and this administration took no action—in fact, seemed to encourage it, frankly.

In March 2011, ICE Director John Morton issued the first of a series of memoranda systematically weakening their enforcement deportation procedures, essentially implementing an “administrative amnesty.” He issued two more amnesty memos in July 2011.

In December 2011 reports surfaced that the Obama administration would reduce the National Guard at the border. President Bush had beefed up our enforcement and sent a pretty good message that we were getting serious about the border. We were making some progress when he was doing that, but by December 2011 the Obama administration had begun to reduce the National Guard’s presence, which has now been eliminated at the border.

On June 15, 2012, President Obama bypassed Congress and in effect unilaterally implemented the DREAM Act—legislation that had twice or three times been brought before this Congress and failed to pass—dealing with children who enter the country before the age of 16 and who can prove how old they were when they entered, who can prove how long they have been here. The legislation was poorly drafted, it was rejected by Congress on more than one occasion, and the President just said to his officers: Don’t enforce it with regard to these young people. Don’t deport anybody you apprehend who claims they entered the country before they were age 16 or 17 or 18.

Who knows what year it would be.

This was really the beginning of the message to the people in Central America particularly that young people weren’t going to be deported—the direct action that led to the crisis we have today—and I pointed that out at the time and others did.

Chris Crane, president of the National ICE Council, wrote a letter last May warning: We are seeing a surge of young people.

As I said, there are 39 pages with multiple actions on some of those pages—actions that were taken by the President’s staff and underlings that undermined and weakened the ability of our immigration laws to be carried

out effectively, consistently, and fairly. It is a terrible thing, and now we have this crisis today.

According to a new report from the Los Angeles Times—which, I have to say, is probably one of the more knowledgeable papers, if not the most knowledgeable paper in America concerning immigration issues. They issued a report that deportation of illegal immigrant youth has fallen dramatically under the current administration even as the flow of illegal youth into the United States has exponentially increased.

Just this weekend, they wrote this:

President Obama and his aides have repeatedly sought to dispel the rumors driving thousands of children and teens from Central America to cross the U.S. border each month with the expectation they will be given a permiso and allowed to stay.

But under the Obama administration, those reports have proved increasingly true.

Data from the paper shows that the number of illegal youth from Central America who were apprehended averaged around 4,000 per year over the last decade. So the newspaper points out that over the last decade we have apprehended about 4,000 youth per year. Some reports suggest that the number could reach 90,000 this year—an increase of more than 2,000 percent. Yet since 2008 deportation of illegal youth has dropped roughly 80 percent. So we have an 80 percent drop in the deportation while we have seen a 2000 percent increase in the number coming unlawfully. Does this not tell us something? Is this acceptable? Isn’t this a guarantee that we will see more people attempt to come to America unlawfully in the future? In May of last year, 2013, Chris Crane, the president of the ICE union, wrote a letter and he warned about the increasing number of young people coming in as a result of the President’s unilateral imposition of rules to block enforcement of immigration law with regard to young people. In October 2013 numbers were already beginning to surge. That was obvious.

In January of this year, the Department of Homeland Security laid out proposals for bids for a contract to private companies that would handle as many as 65,000 young people coming into the country unlawfully. So in January they were well aware of what was happening. Was any action taken in May of last year or October of last year or January of this year to confront honestly what it was that was causing such an increase of immigration from our Latin American countries and Central America, primarily? The answer is no. So now what we have is an emergency demand for \$2 billion to deal with the crisis—just a sad event, really. I wish it hadn’t happened.

But you cannot play games with law enforcement. I spent too many years as a federal prosecutor—almost 15, really. You have to have clarity of law. People have to understand it, and they have to believe that if they violate the law they will be apprehended. So we have

this bizarre event where noncitizens can come into the country in violation of our laws, plain and simple, and they are given amnesty and forgiven and not prosecuted. But a citizen who doesn't pay a few dollars of our taxes or violates a speeding ticket or gets a DUI can go to jail. So how can this possibly be justified in any moral or legal sense? I just don't think it can.

The situation is so bad and so sad that we had Secretary of Homeland Security Jeh Johnson before the Judiciary Committee, of which I am a member, and I pressed him. He said: Well, we don't want young people coming to America because it is dangerous. I said: "What about it being a violation of the law?" He sort of avoided that. I asked him again and I pressed him. He finally said: Well, it would be against the law. But he didn't clearly state that if you come to the United States unlawfully you will be deported if you are apprehended. He didn't deny that people who come to the country today—young people—if they are entering in they are given to HHS, they are released to the custody of some adult relative that may show up or housed by the government and eventually are unlikely to ever leave the country under their policies.

The moderator of "Meet The Press" pressed him about this. Mr. Gregory said:

Critics say you are not stemming the tide fast enough. This number's going to grow wherever it ends up. The bottom line is what happens now? Are you prepared to deport these children, young mothers. . . . Are you prepared to deport them?

Isn't that a good question to the man that heads Homeland Security, whose responsibility it is to enforce our immigration law?

Now, I will acknowledge I opposed Mr. Johnson's confirmation. I don't think he had ever met an immigration officer in his life or a Border Patrol officer in his life and never had any experience in this. He was active politically with counsel for Department of Defense, but he had no experience in these matters. So did Mr. Johnson give us straight answers to this question? His answer was this:

Our message to those who come here illegally: Our border is not open to illegal migration. And we are taking a number of steps to address it, including turning people around faster. We've already dramatically reduced the turnaround time, the deportation time. For the adults we're asking this week for a supplement for Congress, from Congress, to bring on additional capacity. And we're cracking down on the smuggling organizations.

Mr. Gregory said:

Do they need to be deported? Or I've seen some reporting suggesting that more than half of them could end up staying in the United States.

That is a plain question.

Secretary Johnson said:

The law requires that, when DHS identifies somebody as a child, as an unaccompanied child, we turn them over to the Department of Health and Human Services. But there is

a deportation proceeding that is commenced against the child. Now that proceeding can take some time. And so we are looking at options, added flexibility, to deal with the children in particular, but in a humanitarian and fair way.

Mr. Gregory:

Well, I'm sorry. . . . I mean it sounds like a very careful response. Are they going to be deported or not?

Secretary Johnson:

There is a deportation proceeding that is commenced against illegal migrants, including children. We are looking at ways to create additional options for dealing with the children in particular, consistent with our laws and values.

Mr. Gregory: "I'm trying to get an answer to, 'Will most of them end up staying, in your judgment?'"

Mr. Johnson:

I think we need to find more efficient effective ways to turn this tide around, generally. And we've already begun to do that.

Mr. Gregory:

But what does that mean? Are you saying it is impractical to deport all of them who are here now?

Secretary Johnson, our chief law enforcement officer, still does not say they will be deported.

I'm saying that we've already dramatically reduced the turnaround time for adults and we are in the process of doing that for the adults with the kids. We're looking at additional options for the kids in particular.

Mr. Gregory:

To deport them or to settle them here in America? Is the goal of the administration to settle as many of these kids in America as possible? What about those who are here now? What is the goal of the administration, to settle them in America or deport them . . . ?

Secretary Johnson: "There is a deportation proceeding pending against everyone who comes into the country illegally and apprehended at the border."

Look, this is a top law enforcement officer. This is the top law enforcement officer with regard to immigration in America. He is the Secretary of Homeland Security and answers directly to the President of the United States. He could not say: Do not come to America unlawfully. It violates our laws. We cannot accept that. If you do so you will be deported. If you bring children, you both are going to be deported. Why couldn't he say that? He couldn't say it because they have had no serious policy to effectuate the law which is current law since he has been in office and before, really. They just don't want to say it. It is just stunning to me that you cannot have clarity and leadership in the top people in our government, and I am concerned about it.

So this Congress is going to have to wrestle with how to participate in doing something positive about the unlawfulness at our border. I wish we had a partner in the chief law enforcement officer of America, the President of the United States and his assistant, Secretary Jeh Johnson, but we do not. They have no intention of enforcing the law effectively and consistently. It

demeans the respect this Nation should have in the world. It undermines one of the most remarkable valuable characteristics of America, and that is our commitment to the rule of law. It is a direct affront to the rule of law. They directly undermine the sovereignty of our Nation. If you don't control your border, you don't control your sovereignty, and it is just wrong. It is not right. We are not able to accept everybody that would like to come to America—we just cannot.

We have the most generous immigration system in the world. We admit a million each year under lawful application processes. We admit another 600,000-plus under the guest worker program to come and take jobs that we need to put Americans in. Over half a million of these are not just farm workers—only 20 percent of that 600,000-plus are farm workers. Most of them are taking jobs throughout the economy. At this point in time with high unemployment and falling wages, this is not a policy that serves our national interest. We just simply cannot do that. It makes businesses happy. They like an overflow of workers that helps keep wages lower, but it is not the right thing to be doing for working Americans.

So as a nation we have a challenge, and Congress is going to have to assert itself. Congress passes laws. The President executes the laws. It is his duty to see that the laws are faithfully executed, and they are not being faithfully executed. In fact, they are being eviscerated by policy after policy after policy.

One of the top immigration officials declared: "If somebody gets into America and passes the border, they are virtually unlikely ever to be deported, adult or child."

This is a direct result of the President's policies. We do not need to continue them. In the course of this crisis, I hope we will act with concern for those young people who are here, but I hope we will use this opportunity as a Congress to assert our legitimate rights as the lawmaking branch, and in a bipartisan way, the Republicans and Democrats will defend and assert to the President that he must enforce the laws that we, the Congress, pass. He does not get to on his own execute alterations in the fundamental law of America.

There was an internal memorandum, I believe, and this internal memorandum from the Department of Homeland Security said people with children were asked why they were coming. You have heard it said because there is more violence and crime in Central America this year than last year. That is not so. They interviewed these people and what did they tell them? According to this memorandum 95 percent of them said they came because they heard if they came to America with children they would be able to stay and they would be given a permit—in other words, released on

bail—and they wouldn't have to come back for a hearing and they would be in the country.

The stories are quite clear from the investigative officers that people are crossing the border with children and they go right up to the Border Patrol officers and turn themselves in. The Border Patrol officers turn them over to Homeland Security, and Homeland Security doesn't deport them. They set them up for some sort of trial or hearing, which may take up to 500 days. Then they find a place for them and they take care of them. It is just the kind of process that makes no sense for a serious Nation. That is all I am saying.

Why are we seeing this large number again? It is because they believe it works. And in fact it is working. In fact, young people who are coming in with their parents or brothers or uncles or aunts are coming into the country and both of them are staying. Nobody is really being deported, and they don't intend to leave.

The President created this policy, and now it has caused a national crisis. I hope we can do better. I hope in the course of the discussion we can improve on our law and find some strength for the President and put some strength behind our law enforcement in America.

Chairman GOODLATTE, the chairman of the Judiciary Committee in the House, has made a strong statement. He said he simply cannot provide money until we have clarity that we are going to be taking action in this country that will keep this from happening in the future. We certainly need to do that, and if we do, I am more optimistic than a lot of people.

I truly believe if we follow up aggressively and start promptly reporting people who come here illegally instead of talking about it and not releasing them on bail on permisos, the word will get out in Central America just as it got out that they could come and stay. The message that will get out will tell them: Don't come here or you will take a risk. You will lose your money, you will lose everything you invested in this attempt, and you will be sent back. If we do that, the numbers will start to fall, and we might be surprised how fast those numbers would fall. It would be good for public policy and the rule of law.

I thank the Chair, yield the floor, and note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. McCAIN. Mr. President, I ask to address the Senate as in morning busi-

ness and take such time as I may consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPEDITIONARY COMBAT SUPPORT SYSTEM

Mr. McCAIN. Mr. President, at a time when vital defense programs are threatened due to a lack of funding, the Federal Government has wasted billions of dollars attempting to procure new large information technology systems, consistently disregarding lessons learned from past failures and well-established acquisition best practices.

Even with a current annual budget of \$80 billion for information technology projects, the Federal Government struggles to make those systems work. The American people can still remember the embarrassing failure of healthcare.gov, the Obama administration's most recent information technology fiasco. What they may not realize is the Health and Human Services' healthcare.gov mess is not unique and is, in an important sense, merely business as usual in how the government, particularly the Department of Defense, acquires large information technology systems.

The Pentagon is responsible for many of the most egregious cases of wasted taxpayer dollars when it comes to government information technology programs. Lack of planning for these acquisitions within the Armed Forces has made the adoption of new information technology systems an expensive and risky endeavor. The Air Force's Expeditionary Combat Support System, or ECSS, is a prime example of how a system designed to save money can actually waste billions of taxpayer dollars without producing any usable capability.

Today the Permanent Subcommittee on Investigations issued a bipartisan report on the failed acquisition of the ECSS, a program that was supposed to decrease costs and increase efficiencies by consolidating the Air Force's hundreds of legacy logistic systems into a single new system.

It is important to recognize that what happened with ECSS is not an isolated case of incompetence. Unfortunately, it is one of the many examples that show how billions of dollars can be wasted if the intended acquisition is not started off right with a detailed plan that includes clear, stable requirements and achievable milestones supported by realistic original cost estimates and reliable assessments of risk.

The subcommittee's report notes that the Air Force started the ECSS acquisition in 2004 with the goal of obtaining a single "transformational" unified logistics and supply chain management system that would allow the Air Force to track all of its physical assets worldwide, from airplanes, to fuel, to spare parts. These types of

computer platforms; that is, large business systems that companies use to make their businesses operate more efficiently, are known as enterprise resource planning systems or ERPs. Basically, ECSS was supposed to be an enterprise resource planning system that would have combined all of the Air Force's global logistics and its associated supply chain management activities under one streamlined management information technology system.

As the Department of Defense's overall strategy to become fully auditable hinges on how successfully it procures and integrates these systems into its business enterprises, failures such as the ECSS are not only costly to the taxpayer but also disastrous to the Department's larger financial improvement efforts.

To keep costs down, the Air Force intended to build its new ERP system using already available commercial software instead of a software system designed from scratch. That type of commercial software, however, works best when the organization using it follows efficient business processes. In order to take advantage of the commercial software that supported ECSS, the Air Force needed to dramatically change longstanding internal business processes that supported how it managed global logistics and its associated supply chain.

That never happened. Unfortunately, the culture of resistance to change in the Air Force made it difficult to make those changes. The Air Force needed strong leaders who could communicate not only the goals of ECSS to end users and get their buy-in but also develop sound program management strategies to overcome resistance to change among those lower level personnel. Ultimately, the leaders of the ECSS Program did not effectively communicate with the end users. Without their buy-in, ECSS was doomed to fail before it even started.

Because the Air Force had not adequately planned what needed to be done to procure ECSS effectively, it was easier for program managers to order changes in configuration that in effect customized the commercial software on the fly rather than alter the Air Force's own culture. That caused costs to skyrocket and delivery schedules to slip.

The Air Force's eagerness for expensive customization was especially troubling given that as early as 2004, the Air Force identified the need to avoid customizing the commercial software lest costs explode. But in the end, it failed to heed its own advice. The subcommittee report finds that the Air Force's customization of the commercial software was a major root cause of ECSS's failure.

Such customization could have been avoided had the Air Force fully and timely implemented a congressionally mandated procedure for improving its operations called business process re-engineering. Business process re-engineering, which is a proven private