



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 114<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, THURSDAY, NOVEMBER 19, 2015

No. 171

## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. HATCH).

### PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Pastor Jeff Wheeler, pastor of the Central Baptist Church in Sioux Falls, SD.

The guest Chaplain offered the following prayer:

Let us pray.

God, with the uncertainty in our world today, we pause to declare Your matchless power and moral perfection. We are reminded that You are in control. You govern Your creation with righteousness and truth. You extend mercy to the downcast and hope to the broken. May these men and women govern with the same spirit.

You tell us righteousness elevates a nation to greatness. O God, forgive our sin and grant righteous judgment to these leaders as they make moral and ethical decisions. Please grant discernment.

Fill our hearts with compassion for the weak, courage in adversity, wisdom through debate, and vision in the storm. May every decision be tethered to the anchor of Your unending truth.

O Lord, be pleased to dwell among us today. Let Your presence dispel the darkness of self-centeredness. Let humility give birth to the servant-hearted spirit. May Your Name once again be great in our Nation, for Yours is the kingdom, and the power, and the glory forever.

In Jesus's Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The PRESIDING OFFICER (Mr. ROUNDS). The senior Senator from South Dakota.

### WELCOMING THE GUEST CHAPLAIN

Mr. THUNE. Mr. President, it is a great honor for me to be able to welcome to the Senate today our pastor from Sioux Falls, SD, Jeff Wheeler, who just offered our invocation this morning, and to express how much Kimberley and I have appreciated the opportunity to worship and to benefit from his ministry. We enjoy and are blessed by his teaching each and every single week when we are back home in South Dakota. His ministry has and continues to impact people all across our community, across our State, and across our region.

He and his wife Shirlene are with us today in the Senate, and on behalf of myself and my colleagues, we extend the warmest welcome and appreciate the great work he does in serving the Lord in South Dakota and across our country.

Thank you, Mr. President.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### SYRIAN REFUGEES

Mr. MCCONNELL. Mr. President, it is clear that the American people are concerned about the administration's ability to properly vet thousands of individuals from Syria. More than half of our Nation's Governors, Governors of both parties, have demonstrated their concern. Many Members in Congress, Members of both parties, have raised concerns as well.

Given all this and given all that has happened in Paris, it simply makes sense to take a step back for now, to

press the pause button so we can determine the facts and ensure we have the correct policies and security screenings in place. That is the most responsible thing for the administration to do right now. That is the most reasonable and balanced thing for the administration to do right now.

We should also not lose sight of why we are in this position to begin with. The Syrian people are fleeing Syria because of a brutal civil war. The ultimate solution to this problem is to make Syria a place the Syrian people can continue to return to, but the administration has never had a coherent strategy to settle this conflict. Every single one of us knows that ISIL presents a threat to our homeland, and it is not contained. So if the administration is serious about starting to turn this situation around, then it is going to have to develop a serious and workable strategy that can swing and win strong bipartisan support.

### GUANTANAMO BAY DETENTION FACILITY

Mr. MCCONNELL. Mr. President, years ago, then-candidate Obama made a campaign promise that has not withstood the measure of time or the realities brought by terrorism. He said he wanted to close the secure detention facility at Guantanamo Bay. Ever since, he has pursued policies that willfully avoided the targeting chain of capture, interrogate, build intelligence, and target. It turns out that the reality of closing the secure detention facility is a lot harder than making promises on the campaign trail. It is an incredibly complex issue with grave national security concerns for the citizens of our country and for our allies.

The fact that the President has never been able to present any kind of serious plan to Congress seems to say quite a lot. We hear he is working on one now. We will, of course, give consideration to what the President says. We

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S8113

will, of course, keep an open mind. It doesn't mean Congress is going to agree with him. It is going to be a very tough sell because it is hard to understand why indefinite detention for terrorists on U.S. soil is preferable to detaining terrorists who cannot be released in Guantanamo. This is especially true when one considers the fact that bringing terrorists here presents serious risks that simply do not exist if we keep the terrorists in the secure facility down there in Guantanamo Bay.

This much is crystal clear though: If the President wants to be able to import Guantanamo terrorists into Americans' backyards, he is going to have to persuade a majority in Congress to change the law. The law prevents that.

Just last week, big bipartisan majorities in Congress voted twice to underscore the point. We overwhelmingly passed a defense authorization bill with a clear bipartisan prohibition on the President moving Guantanamo terrorists into our country. We overwhelmingly passed a veterans funding bill with a clear bipartisan prohibition on the President improving military facilities for the detention of Guantanamo terrorists in our country.

The Senate has voted many times in recent years to enact these bipartisan protections. We enacted them in Congresses with split party control. We enacted them in Congresses with massive Democratic majorities. The President signed them all into law. So if the President wants to bring Guantanamo terrorists into the United States, he has to change the law. That is the opinion of the President's own Attorney General. She was asked directly this week if the President should ignore legislation passed by Congress that prohibits him from transferring Guantanamo detainees to American soil. This is what Attorney General Loretta Lynch said: "The law currently does not allow for that." Let me repeat that. "The law currently does not allow for that." That is Attorney General Lynch of this administration. That is what the Nation's chief law enforcement officer, a woman appointed by President Obama himself, had to say on his ability to import Guantanamo terrorists into our country.

This isn't exactly a revelation to anybody. The fact that the President is now contemplating flouting the law in pursuit of a campaign promise from years ago means that it is apparently necessary for his own Attorney General to remind everybody that the law is the law, even for President Obama.

There are a multitude of other reasons not to bring these individuals into our country. I plan to continue reminding my colleagues of them here on the floor from time to time.

If the President ever presents some kind of plan we can actually debate, I am sure there will be several different views on it. I am sure we will each have a lot to say. I am sure the President will make his pitch to convince Congress that moving terrorists into

American communities is a good idea. As I said, it will be a hard sell. But the President should make his case if he feels passionately about it. For now, though, we should at least be able to agree with what one of our Democratic colleagues recently said of the President: "He is going to have to comply with the legal restrictions."

#### MEASURE PLACED ON THE CALENDAR—H.R. 3762

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3762) to provide for reconciliation pursuant to section 2002 of the concurrent resolution on the budget for fiscal year 2016.

Mr. MCCONNELL. In order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

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

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

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### SYRIAN REFUGEES

Mr. REID. Mr. President, we all know that the Federal Government has many obligations, but chief among them is to protect the American people from harm. That responsibility is now at the forefront of talk here in our Nation's Capital, and rightfully so. ISIS continues to spread its campaign of terror across the entire world.

The United States is committed to combating terrorism. Our government will do all that is possible to protect the people of this Nation. In this fight against evil ISIS, it is absolutely critical that we as Americans do not lose sight of our Nation's core principles. Those principles are eloquently etched into the base of the Statue of Liberty.

I can remember taking my family there for the first time. I didn't have all my children yet—we had more that had to be born—but my older children still remember that. I remember it.

Here is what it says:

Give me your tired, your poor,

Your huddled masses yearning to breathe free,

The wretched refuse of your teeming shore.  
Send these, the homeless, tempest-tossed,  
to me.

That, of course, is directed to the United States. All across Europe and the Middle East, there are huddled masses of Syrian families desperate to find refuge someplace from Syria's civil war and the ISIS reign of terror. Millions of Syrians fled their country. About 300,000 of them have been killed since the civil war started—300,000. They fled to neighboring nations such as Turkey, Lebanon, and tiny little Jordan.

But the crisis in Syria continues to worsen and people are forced to seek refuge. What else can they do? On a daily basis, Europe's borders are being flooded by people in search of safety and a better life—mothers cradling infants and fathers carrying children in their arms. The nations of Europe have helped. Greece, Germany, and others have accommodated the enormous influx of people as safely as possible.

They are overwhelmed. The United States must do its part. We have a rigorous screening process for when we accept these refugees. The refugees we are accepting are women and children and old and older men with families. Only 2 percent of the refugees are men of military age—2 percent. We accepted a little under 2,000 last year. Two percent of those were of military age.

The United States has a long and proud history of providing refuge to the world's most vulnerable. That history includes my father-in-law, Israel Goldfarb. He and his family came from Russia. They were refugees escaping the programs of a czar. I have been disgusted in recent days to see some of my Republican colleagues shun the American tradition of displaying compassion for those in need, of sheltering those fleeing torture, rape and oppression. Frankly, I have been disappointed by Republican fear-mongering and bigotry.

Apparently they have learned nothing from history. We cannot repeat the dark days of the 1930s when many Americans resolved to turn away helpless refugees fleeing Nazi Germany and Adolf Hitler or imprisoned innocent Japanese Americans during World War II, like our late colleague Dan Inouye and his family.

Those mistakes were based on misguided fears of people we did not know. How many people died because of unfounded apprehension? I don't know but far too many. Yet it seems many Republicans are destined to go down that same path again. Some in the Republican Party have suggested that we categorically block all Syrian refugees. One Republican candidate for President suggested we turn away even 5-year-old refugee children. Two other Republican candidates for President implied that the United States of America should have some sort of religious test for refugees. They are saying only Christians.