

DREAM Act. It was a bill that addressed the following situation: A child or an infant, brought to the United States by an undocumented family, who grew up here, literally has no home, no country. They are undocumented in America and brought here as babies, infants, toddlers, children, teenagers. Now they are graduating high school, and they don't know where to turn. The law in America is graphic, and it is grim. It says that if someone is found in that position, they are required to leave America for 10 years and must petition to return. We have 15-, 16-, and 17-year-olds who know no other country, who get up in the classroom every morning and pledge allegiance to the flag, just as the Members of the Senate do, and who believe in their heart of hearts that this is home. Yet they are undocumented.

So we introduced the DREAM Act, and we couldn't pass it. We passed it once in the Senate, and they passed it in the House. But we never could quite reach that super majority that we needed to pass it at the right moment. So President Obama stepped up and created DACA, or the Deferred Action for Childhood Arrivals Program, which, under Executive order, allowed those who would be eligible for the DREAM Act to apply, pay a fee of almost \$500, go through a criminal background check, and, if they were approved, receive temporary authority to stay in the United States without fear of deportation and to work in this country. As of today, over 750,000 have done that.

During the campaign, President-Elect Trump said that he would abolish this program. Fortunately, after the election, he had a more moderate position, which I would like to quote from Time magazine. He said:

We're going to work something out that's going to make people happy and proud. They got brought here at a very young age, they've worked here, they've gone to school here. Some were good students. Some have wonderful jobs. And they're in never-never land because they don't know what is going to happen.

That is a very thoughtful, sensitive, and promising statement. I appreciate it. I hope the President-elect will keep DACA in place until we have something that can work to succeed it.

I want to salute my colleague on the other side of the aisle, Republican LINDSEY GRAHAM of South Carolina. He and I have joined in introducing the BRIDGE Act, which would give President-Elect Trump an opportunity to allow these young people to stay subject to the same approval, the same criminal background check, the same filing fee, and the same tax liability to stay on a temporary basis until we do our work in the Senate and the House on the issue of immigration. The BRIDGE Act is also cosponsored by Senators LISA MURKOWSKI and JEFF FLAKE, Republicans from Alaska and Arizona, as well as by my colleague Senator SCHUMER, the leader on the

Democratic side, and Senator DIANNE FEINSTEIN. Other Democrats want to join as well. We hope to have a very strong bipartisan bill.

In my view, DACA is a lawful exercise of the President. In the view of many Republicans, it is not. The BRIDGE Act is the answer to both points of view. This is a fair, reasonable way to protect these young people until Congress comes up with better, more comprehensive answers when it comes to immigration reform.

Over the years, I have come to the floor, telling the story of the DREAMers. It is one thing for a Senator to give a speech and put it in the CONGRESSIONAL RECORD, but it really doesn't come home until you see and meet the young people I am talking about.

Let me introduce one today. This is Fernando Espino. He was brought to the United States from Mexico at the age of 18 months. He grew up in the city of Milwaukee, WI, and became an excellent student. At his Catholic high school, he received many academic awards. He was a member of the National Honor Society and the Jesuit Honor Society, and he received first honors all 4 years of high school.

Fernando was involved in many volunteer activities—the Latin club, math club, track and field team, and he was an instructor for a class preparing his classmates to take college entrance exams. He volunteered with the Youth Leadership Ministry. He also volunteered with his school's Key Club and Big Brother mentoring program and as a middle school soccer and basketball coach.

At his high school graduation, Fernando Espino of Milwaukee, WI—a DREAMer brought here from Mexico at the age of 18 months—received the Jesuit Secondary Education Association Award, the highest award given by a Jesuit high school, which is presented to one graduate who, in their words, is “intellectually competent, open to growth, religious, loving, and committed to justice.”

This amazing student was then accepted at Harvard University. He continued to give back to the community there. He volunteered as a tutor for kids in elementary schools and as a peer adviser to freshmen students at Harvard. He became a competitive ballroom dancer and worked on the Harvard Business School newspaper.

Thanks to DACA, the program I mentioned earlier, Fernando was able to support himself. You see, these DREAMers don't qualify for a penny of Federal assistance for education. They have to pay for it. They have to come up with the money.

With DACA, he could work. He worked as a bartender. In May 2015 he graduated from Harvard magna cum laude, the highest honors, with a degree in economics and sociology. He worked for an investment management firm in Los Angeles and then as a market research consultant in Chicago. He

is now preparing to pursue an MBA in business school. He wants to be a leader in a major corporation and start his own company. In a letter he sent to me, he wrote:

Optimistic hope, is ultimately, what I believe makes this country so great. Living as an undocumented immigrant, it is easy to lose that motivating influence. DACA was a refreshing and reinvigorating influx of that very same hope. DACA now allows me to look forward not with doubt but with confidence that the future is bright!

If DACA is eliminated, Fernando Espino may lose his hope. The day after DACA, Fernando Espino will no longer have official legal status. He will not be able to get his master's in business administration, and at any moment he could be deported back to Mexico, where he hasn't lived since he was 18 months old.

Fernando and so many other DREAMers can help America be a greater nation. That talent and determination he brought to his young life is a talent and determination America needs in its future. I hope President-Elect Trump will understand this and continue the DACA Program, but if he decides to end it, then his administration can work with Congress and make sure the BRIDGE Act is there as a protection.

CONGRATULATING SENATOR SCHUMER

Mr. DURBIN. Mr. President, I close by saluting my colleague, the new Democratic leader, Senator SCHUMER. He and I were roommates for a long, long time before we got our separate apartments—grew up and got our own places. I have come to know him, his family, and his political career. I am looking forward to working with his leadership team in the U.S. Senate. I think his statement today speaks for all the Members of the Senate Democratic caucus.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

(The remarks of Mr. MORAN pertaining to the submission of S. Res. 5 are printed in today's RECORD under “Submitted Resolutions.”)

The PRESIDING OFFICER. The Senator from Oregon.

THE ELECTION AND THE CONSTITUTION

Mr. MERKLEY. Mr. President, this is the first day in which a new Senate is assembled in which we ponder traditions of this body. Indeed, it has been described, as my colleague from Texas mentioned, as the world's greatest deliberative body. But over the time I have been familiar with the Senate, it has lost the ability to claim that title, the “greatest deliberative body.” It is a completely different institution from the one I first saw in 1976 when I came as an intern for Senator Mark Hatfield of Oregon, because at that point we

saw deliberation on the floor about the issues we face. We saw that the use of the filibuster to obstruct ordinary bills was rarely invoked. We saw bipartisan cooperation on big issues facing America. But that dialogue on the floor is largely missing.

One reason I wanted to sit here and listen to my colleagues on both sides of the aisle speak today was to ponder that tradition in which people listen to each other and ponder the opportunity to address those substantial issues that we have before us. My colleague from Texas, the Republican leader, noted that this past election, the people of America spoke loud and clear about the direction they want this country to go in. Well, certainly that is not the case. The majority of American citizens rejected the policies put forward by President-Elect Trump. By 3 million votes, the citizen election overwhelmingly rejected those policies. Indeed, had it not been for a strategy of voter suppression on the Republican side, it would have been far more than 3 million votes rejecting those policies.

Let us be clear that this strategy of voter suppression is an attack on the Constitution. Our Constitution was founded on the principle that we would pursue policies here that support the success of all Americans. That is where our Constitution starts, with these three words: "We the People." That is why the Founders wrote those three words in supersized font—so when you saw the written Constitution from across the room, you couldn't read the fine print but you could see the mission statement: "We the People." It is why Abraham Lincoln summarized the genius of our country as being a government of the people, by the people, and for the people.

Let us be clear. Without voter suppression, those 3 million votes, the majority that rejected the Trump policies would have been far larger. Let's remember that if it were not for Russian hacking of the election, that 3-million vote majority that rejected the Trump policies would have been larger yet. Let's remember that if it were not for an out-of-control FBI Director intervening in the final days of the campaign, the citizen vote rejecting Trump would have been even larger.

By the citizen-vote calculation, Trump lost the debate over the direction of America. If we consider the votes cast for Members of the Senate, overwhelmingly those votes rejected the Republican agenda. So here we are with colleagues who say the American people spoke loud and clear. If you consider the vision of our country and the citizen vote for the Presidency and the citizen vote for Members of the Senate, that loud and clear message is a rejection of the Trump policies.

There is no mandate here to throw millions of people off of their health care. My colleague from Texas said the American people deserve health care they can afford. Well, isn't that the challenge, that when health care has a

price tag and there is no ability afforded you, you get no health care? You get health care for the upper middle class and health care for the wealthy but not health care for every citizen. Shouldn't we have a nation in which quality health care is accessible, is affordable to every single citizen? Twenty million more people have access to that now than they had 8 years ago. It is an incredible change.

A woman came up to me at a fundraiser for multiple sclerosis, and she said: Senator, things are so different this year.

I said: What do you mean?

She said: A year ago, before we had the Affordable Care Act, if you got a diagnosis of multiple sclerosis, you were in deep trouble. It is a complicated, mysterious disease. It is an expensive disease, and if you had insurance, it likely wasn't going to cover the costs associated with it because of annual limits or lifetime limits.

She noted that if you didn't have insurance, you wouldn't be able to get insurance because you would now have a preexisting condition and no insurer would give you the opportunity to be able to have an affordable health care plan.

She said: Well, what a different place we are in now because now we have the peace of mind that our loved ones afflicted with this terrible disease will be able to get the health care they need.

Isn't that what we should seek—a health care system where people have peace of mind, where we no longer have thousands of bankruptcies based on health care costs, bankruptcies that you don't see in other developed nations that have done a better job of making health care available to every single citizen?

Let's not turn the clock back to whether health care was only for the healthy or the wealthy. Let's not turn the clock back to where our young folks were in a health care desert between the time they left their parent's policy and before they had a career of their own, before we said they could stay on their parent's policy to age 26.

Let's not turn the clock back to the point where we didn't make preventive policies for seniors free, and we found that that ounce of prevention was worth a pound of cure. We did that in the Affordable Care Act, and people across the Nation have appreciated that.

It is not just on health care that we see no mandate for the Trump agenda; we don't see any mandate for the Trump agenda on the environment. There is a proposal by the President-elect to put an individual in charge of our environmental policies who has been all about increasing pollution—increasing fine particle pollution that causes asthma and other diseases; increasing mercury pollution, which is a toxic attack on the nervous system and affects the development of our youngsters. A neurotoxin like mercury is something to be controlled, not increased.

There was a commentary by my colleague from Texas that we should expedite the nominees. We know full well that my Republican colleagues did everything they could to obstruct President Obama's nominees. It was not so long ago we were here on the floor and we couldn't get a Department of Labor nominee through this Chamber, or Gina McCarthy with the Environmental Protection Agency, or various judges slated for the DC Circuit Court.

I believe the nomination system needs to be reformed. I believe a President's nominee should get a timely vote. So why don't we consider the possibility of establishing a rule that gives people a timely vote? Why not put a 100-day clock on all nominees but the Supreme Court? If that 100 days ripens and we haven't had a vote on this floor and if a group of Senators wants a vote, then why not hold that vote, with an hour of debate, and hold the vote the next day? But to do that, we would have to have a debate over the rules under which this body functions.

There is no clear path to consider rules, which means we are often trapped by the precedents of the past that have become unworkable. So shouldn't we consider a rule change that gives a clear path for rule changes to be considered on this floor? Isn't that something on which Senators could come together on a bipartisan basis? And by establishing such a course of action, we could consider the possibility of having a 100-day clock on nominees so that they would not be trapped forever in purgatory, not knowing if they are ever going to get a vote. And we know that so many of President Obama's nominees were trapped in purgatory. It has had a terrible impact on those who are willing to consider the possibility of serving the executive branch, not knowing if they will ever get a vote. Couldn't we improve on this?

Isn't improving the nomination process something that is important in the balance of powers, the balance between the legislative branches? Our Constitution created three coequal branches, not a vision in which the legislative branch or half of a legislative branch can run a continuous attack on the judiciary, a continuous attack on the executive branch.

There are other rule changes we ought to consider. We could consider that for Supreme Court nominees, if they are filibustered, it has to be a talking filibuster so that it takes time and effort to obstruct, using the power of the minority, so that there is a conversation directly held day and night, on through the weekend, on through the next week and the following week, on whether debate should be closed on a nominee to the Supreme Court. Currently, we don't have a talking filibuster for the Supreme Court, so if you simply can't get enough votes to close debate, this Chamber is silent. It sits silent rather than being in an engaged dialogue in front of the American people so the American people can weigh

in on whether the use of the filibuster on a Supreme Court nominee makes you a hero or makes you a bum.

Should we not consider a strategy by which, on ordinary issues of policy, the filibuster is restricted to final passage of a bill rather than having obstruction with each amendment and obstruction with the motion to proceed to a bill, so that we can spend our time debating bills rather than debating whether to debate bills? And what goes hand in hand with moving the filibuster only to final passage is a clear way for amendments to be offered by Members on both sides of the aisle that are relevant to a bill, that are germane to a bill. If we have the ability to clearly debate amendments, we will be closer to being a deliberative body and therefore maybe even the possibility of becoming a great deliberative body or even the world's greatest deliberative body once again. But when we are paralyzed and unable to get bills to the floor or when they are on the floor but we are unable to propose amendments, we won't be there. These two things go hand in hand.

These are all ideas I advocated for when I was in the majority. Today I stand here in the minority arguing for these same fundamental changes. They will strengthen the success of this body for the majority and the minority and strengthen our ability to work together to produce legislation that addresses the big issues facing this Nation.

Let's be clear. There is no mandate for the Trump agenda, no mandate for dismantling health care for millions of Americans. There is no mandate for increasing air and water pollution, no mandate for tax giveaways to the richest Americans, no mandate for increasing the disparity in compensation between ordinary workers and the best off, the most powerful, and the most privileged.

We will indeed, as our Democratic leader noted, hold the President-elect accountable. The President-elect said, "I am going to drain the swamp," but he has proposed turning the economy over to Goldman Sachs, to the banking world, and he has proposed turning over our foreign policy to Exxon, the fossil fuel world. That is the opposite of draining the swamp. We will hold the President-elect accountable.

The President-elect said he was going to fight for working people. Well, proposing a Secretary of Labor who is against working people getting fair compensation is inconsistent, to say the least, with a pledge to fight for working people. We will hold the President-elect accountable.

There is much work to be done, but if we hold as our North Star the vision that we are here as a legislative body to fight for the vision of "we the people," policies that lift up all Americans, give an opportunity for every American to thrive, then perhaps we will find a course in which we can work together in a bipartisan fashion to make America greater and greater.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ARMS SALES NOTIFICATION

Mr. CORKER. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY
COOPERATION AGENCY,
Arlington, VA.

Hon. BOB CORKER,
*Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 16-40, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost \$37 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

J.W. RIXEY,
Vice Admiral, USN, Director.

Enclosure.

TRANSMITTAL NO. 16-40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Kuwait

(ii) Total Estimated Value:

Major Defense Equipment* \$36 million.

Other \$1 million.

Total \$37 million.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:

Major Defense Equipment (MDE):

Two hundred and fifty (250) Joint Direct Attack Munition (JDAM). Tail Kits for 500-pound bombs

Two hundred and fifty (250) JDAM Tail Kits for 1,000-pound bombs

Two hundred and fifty (250) JDAM Tail Kits for 2,000-pound bombs

Non-MDE includes: Two (2) 500-pound and two (2) 2,000-pound load Build Trainers,

spares, support equipment, repair and return, and other associated logistical support.

(iv) Military Department: Air Force, KU-D-YAC (A3).

(v) Prior Related Cases if any: KU-D-YAB (A2), 15 Jun 2015 (\$7.6M).

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex attached.

(viii) Date Report Delivered to Congress: December 20, 2016.

*As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Joint Direct Attack Munition (JDAM) Tail Kits

The Government of Kuwait has requested a possible total sale of seven hundred and fifty (750) JDAM Tail Kits (two hundred and fifty (250) for 500-pound bombs, two hundred and fifty (250) kits for 1,000-pound bombs, and two hundred and fifty (250) kits for 2,000-pound bombs). Sale also includes two (2) 500-pounds and two (2) 2,000-pounds JDAM Load Build Trainers spares, support equipment, repair and return, and other associated logistical support. The estimated cost is \$37 million.

This proposed sale contributes to the foreign policy and national security of the United States by improving the security of a Major Non-NATO Ally which continues to be an important force for political stability and economic progress in the Middle East. Kuwait plays a large role in U.S. efforts to advance stability in the Middle East, providing basing, access, and transit for U.S. forces in the region.

This proposed sale improves Kuwait's capability to deter regional threats and strengthens its homeland defense. Kuwait will be able to absorb this additional equipment and support into its armed forces.

The proposed sale of this equipment and support does not alter the basic military balance in the region.

The proposed sale does not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

The sole-source contractor is the original equipment manufacturer, Boeing, Chicago, Illinois. There are no known offset agreements proposed in connection with this potential sale.

There is no adverse impact on U.S. defense readiness as a result of this proposed sale.

TRANSMITTAL NO. 16-40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. Joint Direct Attack Munition (JDAM) is a guidance tail kit that converts unguided free-fall bombs into accurate, adverse weather "smart" munitions. With the addition of a new tail section that contains an inertial navigational system and a global positioning system guidance control unit, JDAM improves the accuracy of unguided, general-purpose bombs in any weather condition. JDAM can be launched from very low to very high altitudes in a dive, toss and loft, or in straight and level flight with an on-axis or off-axis delivery. JDAM enables multiple weapons to be directed against single or multiple targets on a single pass. The JDAM All Up Round and all of its components are UNCLASSIFIED; technical data for JDAM is classified up to SECRET.

2. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or