United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161 WASHINGTON, WEDNESDAY, FEBRUARY 4, 2015 No. 19

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Spirit of God, descend on our hearts, for apart from You, life is a tale full of sound and fury signifying nothing.

May our Senators walk in Your ways, keeping Your precepts with such integrity that they will honor You. Lord, incline their hearts to Your wisdom, providing them with the understanding they need to accomplish Your purpose in our world. Let Your mercy protect them from the dangers of this life as they learn to find delight in Your commandments. Keep them ever mindful of the brevity of their days and the greatness of their work.

We pray in Your Holy 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The majority leader is recognized.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 240.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Mr. MCCONNELL. Mr. President, it was good to see the new Senate come together and pass another bipartisan bill yesterday. It was a win for our Nation's heroes. It was yet another win for the American people. But that was only one of the votes we took because just hours after joining Republicans to do something good for our veterans, Democrats voted to block funding for the Department of Homeland Security. It was enough to give anyone whiplash.

Now Americans are wondering, what could possibly lead Democrats to filibuster Homeland Security funding? The legislation Democrats are filibustering would fund the Department of Homeland Security. It would also protect American democracy from overreach, described by President Obama as ''unwise and unfair.'' That is it. You would think that a bill such as this would pass overwhelmingly. You would think that at least the Democrats would allow the Senate an opportunity to improve the bill if it needs to be improved. But Democrats voted to filibuster the bill outright. They prevented the legislation from even being debated.

Today's Democratic Party seems willing to go to any extreme to protect the kind of Executive overreach President Obama once described as ''not how our democracy functions.'' It would go so far as to block Homeland Security funding and to give the President the opportunity to continue to do what he is doing.

The whole situation is a bit perplexing given what some of our colleagues said just a few weeks ago, given what they said about the overreach President Obama referred to as ''ignoring the law.'' One Democratic Senator said that ''the President shouldn't make such significant policy changes on his own.'' Another Senator claimed he was ''concerned about the constitutional separation of powers.'' He said, ''The Constitution doesn't say if the Congress fails to act then the President can do x, y, and z. It just doesn't.'' A third Democratic Senator had this to say of the President's plan for overreach: ''It makes me uncomfortable.'' Yet all of these Senators voted to shut down debate and block funding for the Department of Homeland Security. Every last Democrat voted to filibuster rather than work across the aisle to address the very issue they claim to be concerned about.

Perhaps today's Democratic Party is so devoted to the right of politicians to engage in action that would, as the President seemed to imply, ''violate the law,'' that it cannot tolerate dissent. But that is no reason to shut down the Department of Homeland Security. That is no reason to prevent the Senate from even debating whether to fund the Department.

So the Democrats' Homeland Security filibuster needs to end now. Democratic Senators who say they are serious about keeping our Nation safe and addressing what President Obama acknowledged as ''unwise and unfair'' overreach need to prove it.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER. The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, yesterday we were informed of another barbaric act by ISIS—literally burning a Jordanian pilot to death in a cage. This follows news reports of beheadings of Japanese citizens, Americans, and so many others. It is an indication of the threat not just to the Middle East but to the world of terrorism in its extreme, as ISIS demonstrates on a regular basis.

It was ironic that the same day we learned this, I visited the Department of Homeland Security and met with the Secretary, Jeh Johnson, and talked about the political strategy of the Republicans when it comes to funding the

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

Department of Homeland Security—the same Department that is responsible for keeping America safe from the threat of terrorism.

You see, the Presiding Officer knows well that when we were here in December passing an omnibus appropriations bill, the House Republicans insisted that one agency be singled out and not properly funded, one agency of our government: the Department of Homeland Security. They funded every other agency of the government to September 30 of this year in a regular appropriations process but refused—the Republicans refused to fund the Department of Homeland Security. Why? They wanted to reserve the right to fight with the President over the issue of immigration. They wanted to reserve the right to object to any Executive action taken by the President related to immigration. Their forum for this objection? The appropriations for the Department of Homeland Security.

Yesterday Secretary Johnson came to our Democratic caucus lunch to explain what it was like to manage a department of our government under a continuing resolution. That is the technical name in our Budget Act for temporary funding. He said it was like driving a car with a gas tank that only held 5 gallons of gasoline and not being sure where the next service station was going to turn up. He said: That is how I am called on now to run the Department of Homeland Security—the Department that we entrust more than any other to keep us safe from terrorism.

Why? Why would the Republicans choose this Department to single out and not properly fund? At a time when we are facing threats of ghastly terrorism in this world that we have not seen, why would the Republicans insist on making the appropriations for the Department of Homeland Security the forum for their debate with President Obama?

Now the Senator from Kentucky, our majority leader, comes to the floor and says: Well, yesterday the Democrats refused to vote to fund the Department of Homeland Security.

I will make a point for the record here that when the majority leader turns to page 12 of the publication sitting on his desk, the Calendar of Business of the Senate, when he turns to page 12, he should look at line 7 on page 12 of the Calendar of Business of the Senate, and there he will find S. 272, introduced by Senator JEANNE SHAHEEN of New Hampshire and Senator MIKULSKI of Maryland.

Let me read what S. 272 is:

A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

Read the second time and placed on the calendar on January 28.

This bill will fund the Department of Homeland Security. This bill is a clean appropriations bill.

If you look at the bill Senator MCCONNELL and others have brought to the floor for funding the Department of Homeland Security—I invite the Senator from Kentucky and those who are interested in debate to turn to page 55. Start reading on page 55 the general provisions that were sent to us by the House of Representatives—page after page of riders and restrictions on the appropriations for the Department of Homeland Security.

You see, the House of Representatives said: We will only fund the Department of Homeland Security if we can have our way when it comes to these restrictions on how they spend money.

Well, what is it that is so important to the House Republicans and Senate Republicans that they are willing to risk funding of the Department of Homeland Security? What is it that is holding them up from putting the resources in the hands of Secretary Johnson and this Department that they need to keep America safe? It must be something that is momentous, historic. What is the reason they are taking a stand and leaving America vulnerable? Well, the Republicans clearly must have something that they think is even more threatening to the United States than terrorism. What could it be? Well, it turns out we know, because of riders attached by the House of Representatives. The Republicans in Congress are more fearful of a group known as the DREAMers than they obviously are of the threat of terrorism from these extreme groups.

Who are these DREAMers? Well, I know this issue better than some. Fourteen years ago it came to my attention that there was a serious miscarriage of justice taking place in the United States. It turns out that children brought to our country by their parents who were undocumented literally had no country. They grew up in America. They went to school in America. They lived in America. They considered themselves Americans. They pledged allegiance to our flag in their classrooms. They sang our national anthem. They dreamed of their future, only to learn when they were still children that that opportunity was not there for them. You see, they were undocumented. Their parents brought them to America, never filed any papers, and they were undocumented.

It did not seem right to me at the time that a young person—a toddler, an infant—brought to this country would be paying this heavy price with their lives because of any wrongdoing by their parents. So I introduced a bill, the DREAM Act, at the time cosponsored by Senator HATCH of Utah. We said in that bill: If you were brought to America as a child and your parents brought you here and did not file the papers or left you in an undocumented state, but you lived in America, did nothing wrong in America, graduated from high school in America, we would give you a chance. We would give you a chance to step forward if you were willing to either serve in our military or go to college and put you on a path to legalization. That was the DREAM Act. It was introduced 14 years ago. It has never become the law of the land.

In that period of time, of course, thousands of young people have found themselves in this predicament. It was 2½ years ago when I joined 20 other Senators and wrote to President Obama and said: Can you consider an Executive order that would protect these DREAMers from deportation so that they can live in America? And the President, 2½ years ago, did. It was known as DACA, and this program said to these young people, this is your chance. Come forward, register, go through a criminal background check, prove you graduated from high school, and the President, 2½ years ago, said: We won't deport you.

We estimate 2 million young people would be eligible. Six hundred thousand have stepped forward and have been given this protection from deportation.

This is the program that has led the Republicans in the House and Senate to threaten funding for the Department of Homeland Security. The very thought that these young people could stay in America, live in America without fear of deportation, work in America, go to school in America, is so reprehensible to the Republicans in the House and Senate, they are prepared to jeopardize the funding for the Department of Homeland Security, which protects America.

I have come to the floor on more than 50 occasions to tell the story of these DREAMers, which I will do again this morning.

I ask my Republican colleagues in the House and the Senate to listen to the story of a DREAMer and tell me: Do you believe the person I am about to describe should be deported from America?

His name is Pablo da Silva. He was brought here from Brazil in 2001 when he was 13 years old. Pablo grew up in New Jersey. This is what he said about his childhood:

The same as every other kid growing up in the U.S., I attended middle school, pledged allegiance to the American flag, and sang the National Anthem. As I grew older, I came to understand that one thing about me differed from my classmates. I was undocumented. However, my parents always taught me to see barriers as a measure of perseverance and an opportunity to thrive.

Pablo's dream was to become a doctor. During high school and college, he volunteered at nursing homes every week. He was a member of a group called Doctor Red Nose. That is where he and others would dress up like clowns visiting hospitals and nursing homes to cheer up the patients and health care providers.

Pablo was accepted at Rutgers University, one of our Nation's best. But because Pablo was undocumented, he didn't qualify for any financial assistance. He would have had to pay out-of-State tuition. So he couldn't afford Rutgers. Pablo enrolled in a community college. Because he had taken

community college courses when he was in high school, Pablo was able to complete a 2-year associate's degree in only 1 year.

With an associate's degree in hand, Pablo was able to transfer to Kean University in New Jersey. In 2011, Pablo da Silva graduated at the top of his class with a major in biology, summa cum laude. He received an award for the highest grade point average in the biology department. He was on the dean's list every semester of college and a member of the honor society Phi Kappa Phi.

Remember, this is the person whom the Republicans in the House and the Senate want to deport from the United States and refuse to fund the Department of Homeland Security until this DREAMer is deported.

After graduating from college, Pablo da Silva was unable to pursue his dream of becoming a doctor. He couldn't go to medical school as an undocumented person, so he worked in a variety of manual labor jobs.

In 2012, President Obama established DACA, and then Pablo heard something amazing. Loyola University of Chicago was prepared to accept students who had received DACA into its medical school.

Like many States across the country, Illinois has a shortage of physicians in inner city and rural areas. Loyola University's DACA Program is an opportunity to address this problem.

The State of Illinois has created a DACA loan program. Under this program, Loyola's DACA medical students can receive loans to help cover the cost of medical education. For every year of loans, every year they get loans to go to medical school, these students must work for 1 year in a medically underserved area in my State of Illinois.

It is quite a tradeoff—1 year of medical school for 1 year of professional life as a doctor helping people who have no access to doctors. As a result, an amazing thing happened. Some of the best and brightest students in America have come to Loyola to get a medical education, and they have signed up to stay in Illinois to serve the parts of our State where the people I represent are desperate for a doctor.

Last fall, Pablo da Silva began medical school at Loyola where he is pursuing his dream of becoming a cardiothoracic surgeon. He wrote me a letter and this is what he said about the DACA Program:

> DACA has allowed me to fulfill my long-lasting aspiration to pursue a career in medicine. It has truly changed my future and for that I'm truly grateful. I'm eager to contribute my share to the country I call my own.

When you read this letter, you stop and think, how can the Republicans in the House of Representatives and the Senate have made this man their enemy? How can they look at this young man, who has struggled throughout his life to obtain an education—who has overcome the odds, who has volunteered time and again in his community, who is willing to work in underserved medical areas—how can they look at this man and say he is the enemy?

The Republicans in the House and Senate fear Pablo da Silva more than they fear the extremist terrorist groups. They fear this DREAMer, and they are willing to give short-term funding to a Federal agency to make their point.

If the House Republicans and some in the Senate have their way, Pablo da Silva won't be able to finish medical school. He won't become a doctor. And if they have their way and deport him—which is what the House bill calls on us to do—my State is going to be denied a doctor in a medically underserved area.

We are a nation of immigrants. My mother was an immigrant to this country. I believe immigrants have brought so much to America, not just in hard work—and they take the toughest jobs—but also this risk taking that is involved in immigration. They are willing to put it all on the line.

In my case, my grandparents came here with my mom, when she was a little girl, to a country where they barely spoke the language and knew a handful of people. They made a life, raised a family, and I was lucky to be part of it. And I am honored to stand on the floor of the Senate today.

That is my story, that is my family's story, and that is America's story. That is the story of Pablo da Silva.

Why are the Republicans at war with this young man? Why do they think that stopping his opportunity to go to medical school and serve America is in the best interests of our Nation? It certainly isn't.

Yesterday the Senate assistant majority leader said on the floor that DACA ''kicked the people who played by the rules to the back of the line and the people who did not to the front of the line.''

Here is the reality: The President's immigration action simply puts a temporary hold on the deportation of low-priority cases like immigrant students such as Pablo da Silva. It doesn't put the DREAMers or any other undocumented immigrants in the same line as legal immigrants, and it doesn't put any legal immigrants at the back of the line. Only Congress can do that.

Speaking of Congress, it is important to note that in 2013 this Senate passed comprehensive immigration reform with a strong vote of 68 to 32. Republicans and Democrats voted for it.

For the remainder of that Congress, the year 2013 and 2014—more than 1½ years—the Republican House of Representatives refused to allow a vote on the Senate's immigration reform bill, refused to call their own bill, refused to take any action. It was at that moment when the President stepped forward and said: I have to do something with this broken immigration system.

Instead of slowing down the appropriations to the Department of Homeland Security, I wish to remind the majority leader and the Speaker of the obvious. They are in control. They have the majority. They can call immigration issues before the Senate and the House at a moment's notice. We are prepared—prepared—to debate those immigration issues, but we are not prepared to do that, engage in that important debate, at the expense of funding the Department of Homeland Security.

Now we are going to waste a week of the Senate's time—a week when we could pass the Shaheen-Mikulski bill and fund this Department, a week when we could initiate the debate on immigration, a week when the Republicans can come forward with their own immigration ideas, if they have any, other than deporting Pablo da Silva. They can come forward now, but they refuse to.

They want to make this political point with the President, but they do it at the expense of the safety and security of America, and they do it at the expense of DREAMers such as Pablo da Silva.

Every time we have tried to pass comprehensive immigration reform, the Republicans have said no.

Every student of American history can tell us that anti-immigration parties eventually wither and die. We are a nation of immigrants.

There are some on the Republican side who understand that, and they can't really explain why the Grand Old Party, the Republican Party, is turning its back on immigrants in a nation of immigrants. That is their policy. They are so determined to pursue it they are willing to jeopardize the appropriations for one of the most important agencies of our government, the Department of Homeland Security.

The President has used his legal authority to bring some fairness to our broken immigration system. If the Republicans think they can do it better, they have every right as the majority party in the House and the Senate to offer legislation.

But with the Homeland Security Department facing a shutdown in just 3 weeks, we don't have time for these symbolic votes in the House bill on the floor. Turn to page 15, I say to the majority leader, of the Calendar of Business of the Senate, and you will find the answer to your question. You will find the way to fund the Department of Homeland Security in a responsible way.

What the majority leader should do is to swallow his pride, call Mr. BOEHNER and say: Your idea is not going to fly in the Senate. It is time for us to fund this agency. It is time to understand that as resolute as the terrorists are in harming innocent people and threatening America, America should be as resolute in fighting them back.

The first line of defense is the Department of Homeland Security. It is time to fund it. We could do it in a

matter of minutes this morning if the majority leader would simply call to the floor this clean appropriations bill.

I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business until 12:30 p.m., equally divided, with Senators permitted to speak therein for up to 10 minutes each.

Mr. DURBIN. Mr. President, since I see no other Members on the floor at this time, I ask unanimous consent to speak in morning business.

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

AMERICAN CURES ACT

Mr. DURBIN. Mr. President, 3 weeks ago, scientists at Boston's Northeastern University made an amazing discovery in a pile of dirt. They found a new antibiotic called teixobactin. This new antibiotic, the first that has been discovered in more than 25 years, holds the potential to kill off a wide variety of disease-causing bacteria. It offers hope for a cure to serious and growing antibiotic resistant diseases.

President Obama noted in his State of the Union Address that antibiotic resistance is one of the world's most pressing public health challenges. In the United States alone, it costs us at least $20 billion a year and claims 23,000 lives.

A plastic storage crate filled with backyard dirt might seem like an unlikely source for a breakthrough, but that is exactly where these scientists—who were working under a grant from the National Institutes of Health—discovered this potentially lifesaving medical breakthrough.

Scientific breakthroughs are nothing new for the United States of America. In the last century we split the atom, defeated polio, conquered space, created the Internet, and mapped the human genome. All of those historic achievements had something in common with the discovery of teixobactin—they were backed by U.S. Government research funds.

I have people come up to me in Illinois and say: Name one thing this government has ever done. Well, aside from winning a few wars that were critical to the future of mankind, we have done amazing things when it comes to research.

For generations the United States was the unchallenged world leader in support of scientific research, but in recent years our lead has eroded. In 1965 the United States spent 25 percent of our nondefense discretionary budget on research and development—1965, 25 percent; today, 10 percent.

Meanwhile, other countries are stepping up. China has increased research and development funding by 20 percent a year every year from 1999 to 2009. If we stay on course, China will be investing more in research and development as a share of their overall economy than the United States in as soon as 5 years.

The erosion of U.S. funding is particularly troublesome and costly in the area of biomedical research. Thanks to budget cuts, and particularly the sequestration, the U.S. share of global biomedical research funding declined by 13 percent between 2004 and 2012. Lifesaving discoveries are being delayed and young scientists are finding fewer funding opportunities. A decade ago 30 percent of the qualified NIH grant proposals were funded, today it is just 18 percent.

In Illinois researchers regularly tell me how difficult it is to find government support for their medical research. They can spend as much time applying for grants and opening rejection letters as they do conducting experiments and analyzing data.

There are indications that young researchers are taking their talents to other industries and even other countries. In 1982 18 percent of NIH primary investigators were under the age of 36. In 2011 3 percent of NIH primary investigators were under the age of 36. The young researchers aren't going in to government-sponsored research. Meanwhile, our population is aging, medical conditions from cancer to Alzheimer's are touching more and more lives, and the need for medical breakthroughs has never been greater.

Back in Illinois I had the pleasure of visiting the lab of legendary researcher Dr. Janet Rowley at the University of Chicago. She was an inspiration. I wish I could have met her. Four decades ago, sitting at her dining room table in Hyde Park in Chicago, she had what she called an ''oh wow'' moment—a flash of insight that transformed the world's understanding of cancer. Until that moment it was generally assumed genetic abnormalities were the result of cancer. Dr. Rowley's work showed it was the other way around; that genetic mutations in fact caused cancer. That revolutionary insight led to targeted drug treatments for previously untreatable cancers. What family—what family on Earth—has not been touched by cancer?

Janet Rowley was working under a small grant from the National Institutes of Health when she made this historic finding. One of the parts of her story I love is when she and her family returned to Chicago in 1962, Janet told the University of Chicago she would like to come back to continue her research with a couple of conditions. She said: I am a mother of four boys. I can only work part time. Second, she wanted a microscope, a desk, and a salary. She asked for $5,000 a year. To its everlasting credit, the University of Chicago said yes. Ten years later came her ''oh wow'' moment that changed our understanding of cancer.

One of my deep concerns is this: How many other Janet Rowleys are being lost in America to medical research because they can't get the financial support for the grants they need to move forward? How many medical scientists have been forced to scale back or even abandon vital research because of ill-advised cuts to the National Institutes of Health?

If America is going to remain a world leader in research that does contribute to longer and healthier lives, Federal funding for medical research has to be a national priority. Last week I reintroduced a critical bill. The American Cures Act calls for $150 billion in Federal research funding to support medical breakthroughs over the next 10 years.

I guarantee we will get more than $150 billion in payback if we put that money in medical research. If we can delay the onset of Alzheimer's in this country just by weeks or months, and God willing cure it, think of how much we will save. Last year it cost our Federal Government over $200 billion to treat Alzheimer's patients.

For researchers making long-term plans, it is not only the amount of funding but its reliability. That is why the American Cures Act would eliminate the year-to-year unpredictability of congressional budgets and politics and set a steady growth rate of 5 percent over 10 years.

Francis Collins, one of the most extraordinary doctors in America, heads up the NIH, and he said: This, Senator, will make a difference.

These funds would go to four institutions: the National Institutes of Health, the Centers for Disease Control and Prevention, the Department of Defense health programs, and the VA Medical and Prosthetic Research Program.

The American Cures Act will make funding for lifesaving medical research less political and more predictable.

I thank my colleagues, Senators SHERROD BROWN, AMY KLOBUCHAR, BARBARA BOXER, ED MARKEY, BEN CARDIN, AL FRANKEN, BOB CASEY, and CHUCK SCHUMER, as well as Congresswoman ANNA ESHOO for cosponsoring and sponsoring this legislation. People may have seen the old bumper sticker that said: If you think education is expensive, try ignorance. Well, if you think biomedical research is expensive, try illness.

Medical research is a great investment. Every $1 we spend generates over $2 in economic growth. We more than double our investment and that is before counting the value of diseases cured.

Dr. Anthony Fauci, a brilliant epidemiologist who heads the National Institutes of Allergy and Infectious Diseases, said of the discovery of teixobactin: ''That was a long shot—but it worked.''

That was also true with the polio vaccine, discovered 60 years ago by Dr.