

Listen to this one. If our government, in their investigation, comes up with the name of a person they believe is involved in terrorism and they put them on a no-fly list so they can't get on an airplane, guess what—they can still go to a licensed gun dealer in America and buy a firearm.

These mad people in San Bernardino had AR-15s, semiautomatic and automatic weapons. They weren't on a terrorist watch list that I know of or a no-fly list, but if their names had been on a list, it wouldn't have slowed them down one bit in making a purchase.

So Senator FEINSTEIN of California offered this amendment, an amendment which had previously been offered by the late Senator Lautenberg of New Jersey repeatedly. Senator FEINSTEIN took up his cause and brought this amendment to the floor for a vote last week in Washington.

I went back and looked at the CONGRESSIONAL RECORD to see what the objections were of the people who said they had to vote against the amendment which would say if you are on a terrorist fly list, you cannot purchase firearms or explosives in the United States. I read some of the statements that were made by the senior Senator from Texas. In his argument against this, he said:

If you believe the Federal Government should be able to deprive an American citizen of one of their core constitutional rights without notice and an opportunity to be heard, then you should vote for the Senator's amendment.

The Senator from Texas continued:

This is not the way we are supposed to do things in this country. If you think that the Federal Government never makes a mistake and that presumptively the decisions the Federal Government makes about putting you on a list because of some suspicions, then you should vote for this amendment.

So as far as he is concerned—and I suppose those who joined him in voting against this amendment—if your name is on a terrorist watch list in America as somebody we suspect is involved in terrorism, you start off by presuming the government must be wrong and the government has to prove it. You start off, in their position, by saying that the first thing we should do is let that presumed terrorist buy a gun and then let's have a due process hearing. What? What is he thinking? If you thought there was a dangerous person in your city or your community who might engage in terrorism, would you want them to buy an assault weapon? Would you want them to buy explosives? I wouldn't.

Let's err on the side of safety and security and say: No, if you are on that list, you cannot purchase a weapon or an explosive. If you protest being on the list and don't think you belong there, so be it. That is your right. You are entitled to a process to get your name off the list, and the Feinstein amendment provides such a process. And if you prove that our government is wrong, then proceed with buying the gun or the explosives.

But the presumption on the other side is that you are always entitled to buy a gun, you are always entitled to buy explosives, and if the government says otherwise, they have to prove it. It doesn't sound like a recipe for safety in America, but that is what happened on the floor of the Senate.

So we called this measure, and there were 45 who voted yes and 54 voted no—45 to 54 on whether someone on the terrorist watch list should be able to be prohibited from buying firearms and explosives.

There has been a lot of tough talk lately about terrorism, this dozen—13, 14; I forget the number—running for President on the Republican side. They are trying to out trump one another and get tougher with terrorists. Yet when the moment came on the floor of the Senate and the Republicans in the Senate—including three or four running for President—had a chance to vote to keep firearms and explosives out of the hands of suspected terrorists, they voted no. How does that make us any safer? Oh, they are tough as can be in their speeches, but when it comes down to their votes, they are nowhere to be found.

REFUGEES

Mr. DURBIN. Madam President, there is also a question about what we can do to keep our country safe in terms of people coming into our country.

Each year we admit about 70,000 refugees from all over the world. The No. 1 country providing refugees to the United States—Burma. Most people wouldn't have guessed that. About one-fourth of our refugees come from Burma.

How do they get into the United States as refugees? They are first identified by the United Nations Council on Refugees, and then they start a process, a background check and process. This goes on for 18 months to 24 months. It involves repetitive fingerprinting and checking, interviews, examinations, questions. Then, finally, after 24 months, they may be allowed to come to the United States as a refugee. About 70,000 a year come into our country. I have met a lot of them. They are from all over the world—Africa, Asia, all over the world. And now we have a focus on them, a laserlike focus on them.

Some are arguing that the way to keep America safe is to stop refugees from coming in from Syria. Well, we know Syria has been engaged in a civil war for more than 4 years. We know some 4 million people have been displaced. I was in Greece a few weeks back and saw numbers coming across the Aegean Sea from Turkey into Greece. These Syrian and some Iraqi refugees are desperate people. You literally see a family walking—mother, father, carrying babies, walking toddlers—with all that they own on their backs. That is it. We stopped to talk to

some of them, and they told the story of what it was like to live in Syria amidst a civil war, what it was like to have barrel bombs going off in your town—the damage that it did, the killing that it did. Many of them had lost members of their families. They were running away from that violence—not only from Assad, the head of Syria, but from ISIL as well.

Some of them decide to ask to become refugees in the United States. They know that if they ask, they are in for a long, long haul—18 to 24 months. Some have made it, fewer than 2,000, during the last 4 years. Some have made it. Not a single Syrian refugee coming into the United States since this war began has ever been charged with terrorism. It just hasn't happened.

What happens with other visitors to the United States? Well, we welcome visitors. Certainly we do. Many of us look forward to visiting their countries too. About 55 million foreign travelers come to the United States each year; about 20 million are from visa waiver countries—38 countries where we have a special relationship and say: You don't need a specific visa to come to our country because we have this agreement between us; you may freely travel to the United States on what we call a visa waiver. That is about 20 million of the 55 million.

We can do better when it comes to these visitors on both sides—Americans traveling overseas and foreigners coming into this country. We need to make sure that before a person gets on a plane, we check their fingerprints, for example. That is a pretty easy thing to do these days. Just put your hands down; it reads them and cross-checks against the data bank of suspected people, suspected criminals, and suspected terrorists. Obviously, the overwhelming majority of people will have no problem whatsoever, but it is a way, just like taking off your shoes, to make sure that we are safer. It is a little inconvenient but worth it.

What we have said on the Democratic side is that if you want to make America safe—and we all do—it is far better to focus on foreign travelers and visa waivers, and make sure we are doing the proper checks before the person gets on the airplane. I believe we should do that. When I travel to their countries, I am prepared to face the same fingerprint check. It is not too much to ask in the 21st century, with the terrorism and violence that we face.

All these things will make us safer, but focusing on 70,000 refugees, among which a few hundred are Syrian, instead of looking at the larger group of 55 million foreign travelers—did you know that most of the terrorists in Paris, France, were carrying European passports which would have allowed them to come to the United States without a visa? So if we want to make our country safer—and I do—let's do things that are practical and thoughtful.

Incidentally, those who come to the United States on visa waivers from 38 countries around the world can currently legally buy firearms. What is that all about? Our law prevents foreign visitors who come in on a visa from buying firearms, but a loophole allows those who qualify under the Visa Waiver Program to come as visitors to buy a firearm. I think we can do better there as well.

Let's tighten up the Visa Waiver Program, and make sure we do the proper checks so dangerous people don't ever get on the plane to come to the United States. Let's make sure as well that if you have a visa waiver and you come to the United States as a visitor, you are not going to be purchasing firearms. Finally, if you are on a suspected terrorist no-fly list, you should be disqualified from buying a gun or an explosive, period. Those are three practical steps. I think we ought to move forward and do that on a bipartisan basis. It will be something to keep in mind and make America much safer.

In closing, some of the suggestions being made as these Republican Presidential candidates try to out-trump one another are very sad. They reflect the ignorance of history and a willingness to ignore the values of this country. When I hear some of the awful things being said about people of the Islamic faith—I think about a dinner I went to Saturday night. It was in Chicago; it was by the Children's Heart Research Foundation. They were saluting a number of doctors in the Chicago area who were extraordinary in saving the lives of children. One of them is a current surgeon. He started with Children's Memorial Hospital; he is now with the Advocate hospital system. He is considered to be the best in Chicago. If your baby—and 1 out of 100 are—is born with a congenital heart defect, this is the doctor you want to see the child; this is the surgeon you want to save your child's life. This doctor is a Muslim. He is an American. He is an important part of America. Those who are making negative statements about all people in the Islamic faith, calling for registration or exclusion or whatever it may be—their statements and views are not consistent with who we are as Americans. The President said as much last night, and I agree.

Madam 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. Madam 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 MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 2359

Mr. McCONNELL. Madam 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 bill clerk read as follows:

A bill (S. 2359) to restore Second Amendment rights in the District of Columbia.

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.

PRESIDENTIAL STRATEGY TO DEFEAT ISIL

Mr. McCONNELL. Madam President, last evening President Obama addressed the Nation concerning the threat ISIL poses to our people. Unfortunately, the American people did not hear of a strategy or a plan to defeat and destroy this terrorist army. Instead, they heard a restatement of a military campaign crafted to contain—contain—ISIL within Iraq and Syria.

Following the attacks in Paris and California, and the downing of a Russian airliner, about 60 percent of the American people disapprove of the President's handling of terrorism. Nearly two-thirds disapprove of his handling of ISIL.

The American people understand intuitively that ISIL and the wider terrorist threat have not been contained but, rather, that they have evolved into something increasingly more serious and more challenging. Americans also know that the operational concept ordered by the President is insufficient to defeat ISIL. It is not just the American people saying this. It is not just Republicans saying it, either. President Obama's last Defense Secretary recently criticized his approach; so have several other former Obama administration officials.

Here is a sampling of what they have said over just the last week or two: One called on the Obama administration to "wake up" to the threat. Another said that the Obama administration "seems to be really flailing and tone deaf to this latest challenge." A third called on the President to "change your strategy" because "by any measure, our strategy in Iraq and Syria is not succeeding." And then there is President Obama's former Secretary of State, Secretary Clinton, who put it plainly: "We're not winning." Hillary Clinton said: "We're not winning."

The President had a real opportunity last night to show the American people that defeating ISIL is his priority. He had an opportunity to demonstrate his willingness to adapt to the threat. He had an opportunity to explain how he can better prepare our Nation for a fight that will inevitably be passed on

to his successor, but he didn't do that. He didn't do it last night.

The American people were looking for a serious strategy and a real vision last night, not a recap of an approach that clearly hasn't worked. Last night was only the President's third Oval Office address, and by any measure a missed opportunity.

Look, throughout his time as Commander in Chief, President Obama has shown an inflexible adherence to policies he advocated as a candidate for office in 2008, most specifically to end our Nation's War on Terror. In his first days in office he issued a series of Executive orders designed to weaken the ability of our warfighter and intelligence community to gather targeted information, to capture terrorists, interrogate, and detain them to advance our understanding of terrorist networks and plans, as well as to protect the American people. Although the President conceded that the complete withdrawal of our forces from Afghanistan would be harmful to our national security interests and slowed our withdrawal in the face of Al Qaeda and Taliban resistance, he inflexibly clung to a fixed date for our drawdown of forces in Iraq, which allowed for the growth of ISIL. As the President inflexibly pursued an end to the War on Terror, the terrorist threat evolved and adapted as Al Qaeda affiliates advanced in presence and capability and Al Qaeda in Iraq grew into the terrorist army we now know as ISIL. ISIL's use of social media and encrypted communications burgeoned at the very moment the President and his allies were working to take away critical electronic surveillance tools from our intelligence community.

Here is what we need from the President now. What we need from the President is for him to clearly outline what it is he aims to achieve, how he aims to achieve it, and what authorities he thinks he will need to make that happen. He needs to match strategic objectives to the means to reach the goals. The President needs to tell us what authorities he needs to defeat encrypted online communications. The President needs to tell us what is needed to establish our capture, interrogation, and surveillance capabilities. The President needs to tell us how the coalition or NATO will forge a ground force capable of not only trying to contain ISIL but actually driving it from Raqqa. The President needs to tell us the force structure and the funding our commanders will need to rebuild our conventional capabilities so we can continue and expand this fight while facing other global threats. The President should also explain why he will not use the secure facility at Guantanamo Bay to safely hold and interrogate newly captured terrorists in order to help prevent the next plot against Americans.

These are the kinds of things the American people are looking for, and by leading on them, President Obama