

Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, June 13, 2018, at 2:30 p.m., to conduct a hearing entitled "Oversight of the Army Corps' Regulation of Surplus Water and the Roles of States' Rights."

PRIVILEGES OF THE FLOOR

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that my law clerk, Charlotte Schwartz, be granted floor privileges for the length of my remarks during today's session.

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

Mr. WICKER. Mr. President, I ask unanimous consent that Frank Tedeschi and Steven Fowler, defense fellows in Senator ROUNDS's office, be granted floor privileges for the remainder of the day.

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

ORDERS FOR THURSDAY, JUNE 14, 2018

Mrs. ERNST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 14; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed. Finally, I ask that following leader remarks, the Senate resume consideration of H.R. 5515, with the time until the cloture vote equally divided between the two managers or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mrs. ERNST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order following the remarks of Senators MERKLEY and SASSE.

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

The Senator from Oregon.

ASYLUM POLICY

Mr. MERKLEY. Mr. President, for generations, the Statue of Liberty—Lady Liberty we like to call her—has stood as a symbol of how open America has been to treating those fleeing oppression when they arrive on the shores of America. We hear those famous words written by Emma Lazarus: "Give me your tired, your poor, your huddled masses yearning to breathe free." That is a vision that we can connect to because virtually every American family has family roots tied to

immigrants and tied to people pursuing freedom and fleeing oppression—fleeing religious oppression, fleeing civil war, fleeing famine—but who come to the refuge of the United States of America, knowing that here they could be treated well and have a fair chance to thrive.

In modern times, we have converted this into an asylum policy. An asylum policy means, if you are truly fleeing repression, oppression—if you are truly fleeing danger and your life would be in danger if you returned—you could gain admission into the United States of America. In fact, we put into international treaties and into national law—there it is—the torch, the beacon, that signals to the world that we stand for human rights.

Yet now we are in a new and different place. On May 7, our Attorney General announced a dramatic change that is completely contrary to the Statue of Liberty. What the Attorney General put forward was, should you flee oppression overseas and find yourself washed up on the shores of the United States of America, we will not greet you with a fair chance to present your case and thrive. Instead, we will grab you, treat you as a criminal, rip your children out of your arms, and lock you up. That is the new policy. That is the Jeff Sessions-Donald Trump-John Kelly policy of the United States of America.

When I heard about this, I didn't really believe it was possible that any administration could adopt a policy of inflicting deliberate trauma on children. There is no moral code in the world that supports such an action, and there is no religious tradition on our beautiful planet that supports such an action. Yet there it was—the decision to create a deterrence for people to come to our shores by our mistreating the children who had already arrived. Mistreat the child today, and deter some family abroad from ever thinking about coming. That is a dark stain on America, this strategy of deliberate harm to children.

Last Sunday, a week ago Sunday, I went down to find out if this were really true. I went to a detention center and gained admission to the detention center. The detention center is a large space that is split into different cells—you can call them cells—of fencing. There are fencing posts, and there is chain link fencing. The first room that I went into had smaller cells, maybe 12 by 12 or 15 by 15. They looked like cages. People were just arriving and being put into them.

It is, really, deeply saddening to see the terror in their eyes, the tears on their cheeks. They didn't know what was going to happen to them. Then they went through a series of desks, at which they were interviewed—many by computers because they were talking to people far afield, somewhere across the United States. They were being interviewed by electronic connection.

Then they were taken to a very large room, a warehouse-styled room. This is

not the facility I was in, and this is not a 2018 picture, but it looks very much like what I saw. Since people are not allowed to enter the facility with any camera now, I am using this picture to share with you approximately what it looks like. There are the same green pads. There are the same space blankets. There are the same chain links. There is the same fencing. There is a sad, big room.

Now, what is there today in terms of that physical structure is no different than what was there in the last administration. That isn't the issue. The issue is how that is being put to work, because under this new policy, instead of treating families seeking asylum with respect until they have their hearing, instead of keeping families together so if they do gain admission into the United States they will be in good shape and they will be in good care, we are inflicting harm on them, harm on the parents, and harm on the children.

Any child psychological expert will tell you that when people have fled trauma abroad, perhaps gone over some very tough hurdles to the United States, the one thing they hang on to is the parent's hand, the father's hand or mother's hand—that close connection that they will see this through together. It is the one little sphere of safety in a big, dangerous world.

Then, in a room like this, after they have gone through the processing desks, the children are ripped out of their parents' arms. Their parents are incarcerated in one of these divided cells and children in another. They may not be able to see each other across the warehouse. They don't know what is going to happen.

So when I was in a room that looked very much like this a week ago Sunday, I was standing in front of a big cell that held just young boys, and they were lining up. They were lining up to be able to get some food, and they were told to line up from the smallest to the largest. That made a pretty dramatic picture with the smallest tyke in front, knee-high to a grasshopper, maybe 4 or 5 years old. Then, older boys lined up, maybe through 16 or 17 years old. As you stare at this group of children and see this group of children, you realize that some of them are unaccompanied minors. They arrived in the United States by themselves. But there are others. Within the previous 24 hours or maybe just a couple hours before you were present, that child was separated from his or her parents. I asked about the dramatic scenes that come from this—the wailing children and the frantic parents. I was told that happens occasionally, but not so often.

Then I heard the stories of how the children are now being separated, and I don't know how often this happens or if this is the way it is being done. But the parents are told: We are taking your child to the bathroom or we are taking your child for a bath, and the child

never reappears. The parent is shepherded off to one holding cell and the child to somewhere else.

There is something so wrong with the idea that this is the plan to deter families from seeking asylum in the United States by mistreating massively those who have already arrived, but that is what is going on.

John F. Kennedy once wrote: "This country has always served as a lantern in the dark for those who love freedom but are persecuted in misery or in need."

He uses the phrase "lantern" rather than torch, but I imagine he might have had in mind the glowing orb in the Statue of Liberty—Lady Liberty holding up that light.

He said: "This country has always served as a lantern in the dark for those who love freedom but are persecuted in misery or in need."

That is not so now, because the new policy is if you are persecuted, we will treat you as a criminal. We will lock you up. We will take your children away, and we don't care if it is inflicting massive trauma on the child, because we want to send a message to some other family that is still overseas. That is so profoundly disturbing.

After the children have been separated, they are sent elsewhere. But to where? Some are sent to a large holding area or detention facility. I tried to visit one of those in Brownsville, TX. This is a converted Walmart. It is run by a nonprofit that, by all accounts, works hard to take good care of the children. Ironically, it is named Casa Padre, or House of the Father, because there are no fathers there because the children have been torn away, and they have been brought here. No matter how well they are cared for in this Walmart, it can't erase the stain of the trauma inflicted on the child by tearing them away from their parents.

Now I wanted to go in and see how these children were being cared for. So I applied and I was told: Well, you can get in if you apply 2 weeks in advance, and maybe we will grant you permission.

So you can't put it on your calendar. That makes it difficult. No. 1, it makes it difficult for Senators to go because of the complexity of our schedules. Then, if permission is granted, they have 2 weeks to prepare to put on a show for you. So you will not actually see how the detention center is being operated. That is what Members of Congress need to be able to see. They need to be able to know what is really going on behind those doors.

I was told that behind these doors there were hundreds of children being held, maybe as many as 1,000. I wanted to know how many are there and how many were unaccompanied minors; that is, arriving unaccompanied. How many of them were torn away from their parents? Do they have the right resources for counseling, and do they have the right food for nutrition? How crowded has it become with this surge of new children?

We know there was a surge in roughly one time period in May. The Department of Homeland Security told us they took 658 children away from 638 parents in 12 or 13 days. That is hundreds—more than 600. That is over 50 kids a day being taken away. How is that per month, if that was the same schedule going on, at 50 per day? Well, it would be about 1,500 kids per month.

We are told that the number of children in the care of the United States of America increased by 21 percent between April 29 and May 29. So that is a real concern about who is being crowded in and how they are being taken care of. Well, I didn't get behind those doors. Instead, our good friends inside called the police. Now they had to ask me to leave, and, in fact, when I called up the phone number that was posted on the wall of the Walmart, the wonderful nice secretary said the supervisor wanted to come out and talk to me. It actually turned out that the supervisor wanted to come out and talk to the police who had been called.

I find it quite interesting—that level of defensiveness about seeing what was inside the facility. I knew I didn't have official permission because I tried to arrange it and I had been turned down, but I also thought: Really, a supervisor of a children's facility can't walk you through and explain to you what is going on there? I wanted to draw attention to the fact that this secrecy has to end.

We have to be able to know, as Members of Congress, what is going on with these children across the country. First and foremost, they should never be torn away from their parents while the family is seeking asylum, but if they are unaccompanied minors, they need to be treated with incredible, appropriate care, not concealed in buildings where Members of Congress can't gain access.

That is why I am putting forward the Congressional Access to Children's Detention Facilities Act. There is no clever acronym for it. It is straightforward. We are having to legislate that in our role under the Constitution of supervising and understanding what is going on in the executive branch so we can enact appropriate policies or allocate appropriate resources. Do we actually have to pass an act to be able to do it?

I am told by the nonprofit leaders at this facility that they are lobbying. They have no problem showing a Member of Congress what is going on and talking about what they need and what they don't need, but we need the administration to have the same philosophy, the same respect for the people who serve here.

We also have another bill, and this is Senator FEINSTEIN's bill. It is called the Keep Families Together Act. It is just a simple statement with some additional advice, caveats, and supporting structure and arguments. Basically, it comes down to a simple statement: If people are seeking asylum, do not injure the children. Do not injure

the parents. Let them be a whole family until they have their hearing. That is the best thing if they do win asylum, and if they are going to be deported and don't win asylum, there is no reason to inflict harm deliberately on the children or on the parents.

This is so distressing that one refugee father, who came with his child and his child was torn away from him, was so upset, as I would be if my child was torn out of my arms, that he committed suicide. Marco Munoz from Honduras came to our shore with a vision of the Statue of Liberty and was met by people who tore his child away to who knows what end, so that he would ever see his child again. Who knows what kind of treatment that child was going to receive and what kind of stress that father went through to get his child safely from the most abominable conditions one can imagine—to get them safely to the United States to apply under international law. Yet we responded by treating him like a criminal.

There is more going on here. There are these "no man's land" areas between Mexico and the United States, and people walk across from one side to the other. The idea is you walk across one side and go in the door on the other. But when I met with an immigration attorney, a pro bono volunteer who works with refugees, she had gone out on the bridge and found that there were people left on that bridge, she said, in one case for 10 days and in another case for more than 10 days.

This is very hot territory. How would you like to be stranded in no man's land between two countries for more than a week, perhaps not being prepared with water or food? Where do you go to the bathroom in that 10-day period while you are stranded in between those places? I was told it appeared to be a deliberate effort to slow-walk people at the border point, where it is absolutely legal to come into the United States of America seeking asylum, in order to persuade them to leave and go back to the Mexican side, where they were incredibly vulnerable to Mexican gangs and had no support structure.

She told me that there had been kidnappings and then extortionists who asked the families for money to release individuals who had returned to the other side. She told me how people had gone elsewhere and crossed the border and presented themselves to the border guards in order to get into the custody of the United States and present themselves for asylum, but then they were treated, once again, as criminals.

Now, to add insult to injury, the day before yesterday, the Attorney General announced a new asylum policy. Here is the policy that has been forever, but now we are going to change the definition so that those who are fleeing domestic violence, those who are fleeing organized crime, those who have been attacked by drug gangs and have had their lives threatened and their children's lives—no matter how well you

document it, no matter how well you can prove it, no matter that you can prove that if you go back, you will be targeted for death—do not qualify for asylum in the United States of America. That is a change that has to be closely examined.

I met a woman in a respite center down in Texas. She had been released because she was very pregnant. So they said: Well, we are not going to put her in prison. We are going to release her until she has her hearing. She told me her story. Her family had gotten into a dispute with the drug gang that ran the community. So they had sent a team of people to gang rape her.

Her life had been threatened, and she had to leave immediately. She couldn't make accommodations for her children. Her children couldn't come with her. She didn't know how they were. She said: I have no idea who the father of this child is because it is a product of the gang attack. She qualified under our rules for asylum if she could document her case, until 2 days ago, but now she can't go to that asylum hearing under this new rule designed to keep people who have experienced enormous trauma abroad from qualifying—who have always qualified.

Not only is this administration inflicting trauma and pain on children to send a message to some other group of families overseas, but they are changing the rules for folks who arrived here, who have stood up for so long and stood up so well.

I think about how Lady Liberty no longer has a torch. Lady Liberty's torch has been snuffed out. The symbol to the world under the Sessions-Trump-John Kelly policy is, you will be treated as a criminal if you flee persecution and come to the United States. She doesn't carry a torch. She carries a pair of handcuffs, and that is absolutely wrong.

When John F. Kennedy wrote that "this country has always served as a lantern in the dark," he could never have imagined the evil policy, the darkness of heart, the deliberate infliction of pain and trauma on children that would come out of this administration's policy.

It is our responsibility in this Chamber to debate this issue, to change that policy, and say America will never allow children to be deliberately harmed to send some political message to some family overseas. In fact, we will never allow them to be deliberately harmed under any circumstance. Let's restore the lantern that Lady Liberty has so proudly borne for so long.

Thank you.

The PRESIDING OFFICER. The Senator from Nebraska.

NATIONAL DEFENSE AUTHORIZATION BILL

Mr. SASSE. Mr. President, I rise to draw attention to one particularly important element of the National De-

fense Authorization Act, which sits before this body.

First, it is worth noting that—despite the bizarre dysfunction of the last couple of days around here—the NDAA is usually a time each year when the Senate looks like an actual deliberative body. We look like an actual legislature.

Most of the typical bickering and made-for-TV sound bites get set aside this week or two every year as we focus on the first purpose of the Federal Government, which is to provide for the common defense.

The NDAA reveals our shared commitment to the men and women in uniform who serve our country so well. This legislation aims to scrutinize and annually reprioritize among the many important tasks that are going on in the Pentagon and in the broader Department of Defense.

If we are going to call on the men and women in the armed services who defend our freedoms to stand ready to defend us and to go into battle when necessary, we must equip them with the right tools to be able to get their job done. That is what this legislation is about each year, but it is not enough to simply be about defending against traditional enemies and traditional threats. We also need to use this annual occasion to pause and deeply look at new and emerging threats we face.

When you ask national security and intelligence experts in private and in public what keeps them up at night, as I do multiple times every week—I ask this question of people in the SCIF. You find something strange in this city. You have an agreement. Public and private sector experts, legislative and executive branch folks, career folks, political folks, whether Republican or Democratic, have widespread agreement that the long-term domain challenge we face is that America is woefully unprepared for the age of cyber war.

Thirty years ago, when the digital age was still in its infancy and the first computer viruses and bugs were created, the United States did not have a cyber doctrine to defend our interests. That was understandable in 1986 because these were new threats. It doesn't make any sense in 2018, and yet it is still true. We don't really have any coherent doctrine to defend our interests. This is inexcusable.

We are, today, overwhelmingly the most advanced digital economy and digital society in the world. Thus, we are, almost inevitably, the No. 1 target globally for cyber crime, but our adversaries are attacking us not merely as targets of opportunity, they are also attacking us because they sense our passivity.

State and nonstate actors alike are becoming regularly more brazen. Year over year, from 2012 to 2013, to 2014, to 2015, and to the present, we see this brazen action coming from China, Russia, Iran, North Korea, and lots of jihadi nonstate actors. Yet we still do

not have a cyber doctrine to guide our planning process, we don't have a cyber doctrine to guide our actions, and we are unprepared for the warfare of 2020, 2025, and 2030.

How can this be? How can we lack a strategic plan, not merely to respond to the attacks against U.S. public and private sector networks but also to go a step further and deter them in real time? Why do we lack this plan?

Since joining this body in January of 2015, alongside the Presiding Officer, I have pushed for a strategic plan that clearly articulates how we will defend ourselves against the new threats in this cyber space. Unfortunately, this call has fallen on deaf ears in both the legislature and the executive branch, both Democratic and Republican administrations. There is far too little urgency. When you speak with generals, when you speak with CIA station chiefs around the world, nobody disputes this. Everyone knows we are unprepared, and we are underinvested in this domain. Yet no one is really in charge.

Fortunately, we are taking a major step in this NDAA to address this deficit in our war planning. While no one piece of legislation and no single proposal can possibly address all of our cyber deficits, there is, nonetheless, some very good news in this NDAA for both the public as a whole and those of us who are losing sleep about our cyber underpreparedness.

The legislation we are debating today, and will vote on in some form tomorrow, includes a proposal to bring American national security into the 21st century by establishing a Cyberspace Solarium Commission. This Commission is modeled after President Dwight Eisenhower's 1953 Project Solarium. At that time, as the Soviet Union was on the cusp of achieving a devastating thermonuclear weapon, Ike recognized that our Nation needed a clear strategy. We needed to be able to defend ourselves and our allies against the expanding Soviet threat. This is where both the historian and the strategist in me gets excited.

Never one to lack a plan, Eisenhower sequestered three different teams of experts at the National War College for 6 weeks. He tasked them with articulating a menu of large-scale, strategic frameworks for the age of nuclear confrontation. The result of Ike's competitive effort was a new national security directive, NSC 162/2, that charted a course that would successfully guide U.S. policy and bureaucratic development over many decades of the Cold War.

We desperately need similar strategic clarity today. The threats to American security are actually even more dynamic and unpredictable than in those early years of the Cold War. Then there were giant technological and scale barriers to becoming a nuclear power; whereas, today, launching a cyber attack that has global reach requires only some coding capability, a laptop, and an internet connection.