

dramatically reducing it increases the chance that we will make a mistake.

The second kind of case that is also just the everyday case: whether somebody, because of their immigration status, will be deported. Those cases are happening as we are speaking right now in immigration courts all over the country. Now, the cases tend to turn on a legal question about somebody's immigration status and whether they are subject to deportation because of their status.

At the base of this case there is a legal issue, but in most of these cases the real issue is family separation: Will we separate children who were born in the United States from parents who came here in an undocumented status?

Almost all of these cases about deportation involve families, and almost all of them involve families that have mixed status. Some might be U.S. citizens. Some might be green card holders who are seeking to be citizens. Some might have humanitarian parole. Some might be special immigrant visa status. And some are undocumented.

And so while a case at an immigration court might seem like it is about a code provision, the human issue in the case is whether we maintain a family together or whether we force a family to separate, and there is not a more significant issue ever litigated in any court in this country than that.

My wife Anne—and I talk about her probably too much on the Senate floor because I am so proud of her, but one of the chapters of her professional life was she was a juvenile court judge in the Richmond Juvenile and Domestic Relations Court for 9 years, and for the last 3 years she was the chief judge of the court.

Now, the work—I know the Presiding Officer knows this—of a juvenile court judge is really tough because you are dealing with the worst things that people do to each other. You are dealing with child abuse cases. You are dealing with kids who are the victims of horrible crimes and, sadly, kids who commit horrible crimes. The number of times my wife had to preside over murder cases—again, somebody murdered or a young person who commits a murder—grim, grim stories, and she would come home in a bad mood because of that case.

But the worst cases my wife ever had to preside over were not the murder cases. They were not the child abuse cases. My wife said the hardest cases for a juvenile and domestic relations court are cases involving the termination of parental rights. A parent has had a child. That parent might have been sentenced to prison. The parent might have an addiction issue. The parent might have had neglect issues or might have had serial abuse. Maybe the parent did a whole lot of bad things to this child. And now there is a legal proceeding before the juvenile and domestic relations court: Will the parent's right be terminated forever? I mean, it is a forever decision. It is a decision about family separation.

And my wife would come home from those cases and say: These cases are tougher than the murder cases. They are tougher than the child abuse cases. When you are sitting as a judge and you are looking across the dais at somebody and the question that you have to decide is, Will I terminate this mother, terminate this father's right to be the parent of this child forever, those were the toughest cases—the toughest cases.

That is what these immigration cases are. They are cases about a provision of the Immigration Code, but the consequence is family separation. In the instance of a deportation, it might be family separation forever.

My wife would say, though: I hate these cases, but thank God there is an appeal.

In the Virginia system, a decision about a termination of parental rights could be appealed up to the circuit court.

And she used to say: I am a smart judge. I listen real carefully. I try to decide right. But I am not an infallible one. I might make a mistake. And the fact that there is an appeal that is essentially an appeal of right—that the individual can immediately file an appeal—and that appeal has to be heard in the circuit court, that gave her a little bit of comfort that, if I make a mistake, there can be somebody who can correct the mistake and not terminate somebody's rights to be a parent for the rest of their life over their own child.

That is what these immigration cases are. In fact, I think even a higher percentage than dealing with asylum status are cases about deportation of people over their legal status. And in almost every one of those cases, it is really a case, at root, about family separation.

And it just strikes me that when the stakes are that high—and if we acknowledge our own fallibility as legislators and as judges—having an appeals process that is meaningful isn't a bad thing. It is not something we should try to eliminate; it is something we should actually celebrate and say it is a hallmark of our system.

And so, for that reason, following my colleague Senator PADILLA, who I know is going to come and speak on this matter, I will call up, at the appropriate time, this resolution and ask my colleagues to stand for the broader proposition that our justice system in this country is not perfect, and it is never going to be, but because it is not perfect and because we are not perfect, we have an appellate process that provides some kind of a check against mistakes, and that is something to celebrate, not to eliminate. And that is the purpose for the bill that I will bring before the body following Senator PADILLA's comments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

IMMIGRATION

Mr. DURBIN. Mr. President, I am honored to rise in concert with my friend and colleague from Virginia Senator KAINE for this measure that is going to be pending on the floor.

I rise in support of S.J. Res. 190 to disapprove of an interim final rule entitled "Appellate Procedures for the Board of Immigration Appeals," a regulation from the Justice Department that would greatly limit opportunities for appeal in immigration courts.

This rule would reduce the time to file an appeal from 30 days to just 10 days, and if an applicant manages to meet this unreasonable deadline, the appeal is still likely to be thrown out under this regulation. That is because the regulation requires that appeals be summarily dismissed unless a majority of the Board of Immigration Appeals agrees to take on the case.

This new regulation is just the latest in a series of actions by the Trump administration to end judicial independence in our immigration court system.

Last year, the Trump administration fired hundreds of immigration judges. There is a huge, multithousand backlog that needs to be decided by our immigration courts. The response by the Trump administration: eliminate immigration judges.

Make sense? Of course not.

One of those who was eliminated was Assistant Chief Immigration Judge Jennifer Peyton. She worked for nearly 10 years at the Chicago Immigration Court, through Democratic and Republican administrations.

What was the cause for the dismissal of this woman who had spent almost 10 years before the court? I can tell you because I witnessed it personally. Do you know what she did? Do you know what she had the nerve to do?

When I called the immigration court and said: Can I sit in the audience and listen to an immigration hearing, she said: I will meet you at the front door and escort you to the courtroom. She met me, introduced herself, took me to the courtroom, and left. I didn't see her again that day.

That was grounds for dismissal by the Trump administration. The fact that she would communicate with a Member of Congress, actually shake hands with a Member of Congress, actually escort a Member of Congress into her courtroom into what was supposed to be a public setting: grounds for dismissal. Gone. The end of a career.

Why would the Trump administration want to fire an experienced, non-political judge like Judge Peyton? Well, I explained it to you. She was dismissed and fired without any stated cause whatsoever.

The administration has taken the same approach with the Board of Immigration Appeals, firing 13 judges appointed during the Biden administration and decreasing the number of Board judges from 28 to 15.

These firings paved the way for the administration to hire what they are

calling “deportation judges.” The name says it all. These changes are not about efficiency; they are about finality, the end of the road for people who have been following the law every step of the way. They are finished. They are about dismantling due process and destroying any means by which an immigrant might have a fair chance at making their case.

Make no mistake, this policy has Steve Miller written all over it. He may be the President’s closest adviser, but I will also tell you he is relentless in his war against immigrants. Whether they are here legally or illegally makes no difference to him. He wants them gone.

Just take the Board of Immigration Appeals’ recent decision in “Matter of Santiago.” It confirmed what we already knew: Even though DACA is supposed to protect Dreamers from immigration enforcement, this administration wants to find a way to deport Dreamers.

Well, of course, they are going after the worst of the worst: the rapists, the murderers, the terrorists, the criminally insane, the child predators. They snuck across the border, and now they have to go.

But wait a minute; that is not DACA. DACA is about kids, children, infants brought to the United States, living their whole life in the United States, who go through a background check, which includes serious efforts to determine whether there is any criminal activity in their background. Then they pay a \$600 filing fee. Then they are protected for 2 years to work in the United States without fear of deportation.

Does that sound like the worst of the worst criminals?

They are teachers. They are nurses. They are doctors. They are police. They are members of our military. But they have to be gone in the world of Steve Miller. They might have an accent or something or maybe look like they are Hispanic, which tends to be, for Mr. Miller, just enough to deport them. And that is what we are up against.

This decision paved the way for immigration judges to issue deportation orders to DACA recipients who grew up in this country and are legally protected from deportation. But even that is not enough for the Trump administration.

I urge my colleagues to reject the attempt to cut due process in our immigration court system and vote in support of this resolution.

How many times have I heard my Republican colleagues say: Oh, well, I am not against immigration; I am just against illegal immigration.

Really? If you eliminate the legal process where an individual who is seeking status in America can assert their rights under the law, it seems to me you have already prejudged the case.

I am happy to join with Senator KAINE in supporting this measure on the floor.

The PRESIDING OFFICER. The Senator from Virginia.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW RELATING TO “APPELLATE PROCEDURES FOR THE BOARD OF IMMIGRATION APPEALS”—Motion to Proceed

Mr. KAINE. Mr. President, I appreciate my colleague from Illinois so much, who has been such a great champion on these issues, and I now move to proceed to Calendar item No. 425, S.J. Res. 190.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 425, S.J. Res. 190, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Executive Office for Immigration Review relating to “Appellate Procedures for the Board of Immigration Appeals”.

VOTE ON MOTION TO PROCEED

Mr. KAINE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. BARRASSO. The following Senators are necessarily absent: the Senator from Missouri (Mr. HAWLEY), the Senator from Wyoming (Ms. LUMMIS), and the Senator from Kentucky (Mr. MCCONNELL).

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. BOOKER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—46

Alsobrooks	Hirono	Rosen
Baldwin	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Cantwell	King	Shaheen
Collins	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Fetterman	Murphy	Warren
Gallego	Murray	Welch
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden
Heinrich	Peters	
Hickenlooper	Reed	

NAYS—48

Armstrong	Capito	Curtis
Banks	Cassidy	Daines
Barrasso	Cornyn	Ernst
Blackburn	Cotton	Fischer
Boozman	Cramer	Graham
Britt	Crapo	Grassley
Budd	Cruz	Hagerty

Hoeven	McCormick	Scott (FL)
Husted	Moody	Scott (SC)
Hyde-Smith	Moran	Sheehy
Johnson	Moreno	Sullivan
Justice	Paul	Thune
Kennedy	Ricketts	Tillis
Lankford	Risch	Tuberville
Lee	Rounds	Wicker
Marshall	Schmitt	Young

NOT VOTING—6

Bennet	Hawley	McConnell
Booker	Lummis	Sanders

The motion was rejected.

The PRESIDING OFFICER (Mr. ARMSTRONG). The Democratic leader.

Mr. SCHUMER. Mr. President, I ask unanimous consent that Senator PADILLA and I be permitted to speak prior to the scheduled recess.

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

UNANIMOUS CONSENT REQUEST—
S. 4791

Mr. SCHUMER. Mr. President, we are going to speak on eliminating Trump’s slush fund.

Now, the only way—the only way—to ensure Trump’s \$2 billion taxpayer-funded MAGA slush fund and his family’s sweetheart tax fraud deal with the IRS—the only way we are going to ensure that they never see the light of day is to ban them permanently by law. Republicans need to stop playing dumb and realize Trump has absolutely zero intention to table his slush fund.

Just listen to him. Just this month, Trump said:

Personally, I think the weaponization fund is a great idea, and so do many other Republicans.

“So do many other Republicans.”

I repeat. Trump said:

I think the weaponization fund is a great idea, and so do many other Republicans.

I invite Republicans to prove Trump wrong, support this bill, outlaw this corruption, say it is a terrible idea on the floor so that we can eliminate it permanently, once and for all.

Republicans have passed up opportunity after opportunity to ban these corrupt cash handouts for Trump, his billionaire friends, and his cop-beating January 6 insurrectionists.

That is what he wants to do, Americans. Instead of using money to reduce your healthcare costs, instead of using money to reduce your electric costs, your housing costs, your food costs, he wants to give it to his corrupt friends and probably, somehow, to himself.

Will Republicans listen to the empty promises of Trump’s personal fixer, Todd Blanche, or to the outraged cries of the American people, who despise—despise—this corruption?

Will Republicans help Trump and family cheat on their taxes or will they stand up for American taxpayers?

Will Republicans funnel billions of dollars to Trump, MAGA billionaires, cop beaters, convicted criminals; or will they work with Democrats to lower costs for working families?

That is the question before us today, plain and simple. Trump’s slush fund,