

against China's anti-access and area denial weapons and plans and a regional security initiative designed to resist Russian encroachment in Eastern Europe.

General Dunford has talked about the acute threat represented by ISIL in Libya and the need to take action against this group. Other defense officials have recently focused on the need to rebuild the nuclear triad too.

It is clear what needs to be done. For instance, we know that our nuclear forces must be modernized to deter countries such as Russia, China, Iran, and North Korea. We know that our conventional forces must be modernized to both balance against and contain their regional aspirations. We know that our Special Operations and Marine expeditionary units must be maintained and equipped to conduct counterterrorism and regional response. That means providing sufficient sealift and naval platforms and carrier air wings to keep amphibious-ready groups and carrier battle groups on station rather than withdrawing our presence at the very moment allies are questioning our commitment to traditional alliances. It means that our regional combatant commanders need sufficient force levels to protect our interests.

We know the commander of Central Command must have the assets needed to assure our moderate Sunni allies, the United Arab Emirates, Jordan, and Saudi Arabia, and help them resist Iran's efforts to intimidate neighbors.

In the Pacific, we know we must undertake a sustained buildup of naval air and expeditionary capabilities and work closely with Japan, South Korea, and other regional partners if we want to lead within the region and deter China's belligerent policies.

We know that the authorities our intelligence and counterterror forces need to defeat ISIL must also be renewed and restored.

We know that we must return to capturing, interrogating, and targeting the enemy in a way that allows us to defeat terrorist networks.

It is clear that the Obama administration has failed to lead in sustaining the force and in meeting these strategic objectives. We have seen that the administration's efforts to employ Special Operations Forces to train and equip units in Yemen, Syria, and Iraq have proven insufficient to generate the combat power that is needed to defeat the enemy.

The economy of force strategy set forth in the President's West Point speech has failed. National security policies that were for too long focused on campaign promises made back in 2008, such as the effort to close Guantanamo, to withdraw from Iraq and Afghanistan based on arbitrary deadlines, and to end the War on Terror and take away the CIA's detention and interrogation capabilities and remake it into a Cold War clandestine service, are finally giving way to geopolitical reality today.

The fact that current members of the Obama administration are now recognizing the threat and the need to rebuild the force should inspire all of us to get started now—this year, not next year. I think we should be doing all we can today to ready the force for the challenges ahead and to lay the groundwork for the next President regardless of party. Passing the North Korea Sanctions and Policy Enhancement Act yesterday was a positive step, but we must also ensure that the United States does not withdraw from our alliance and forward presence.

With sustained bipartisan cooperation, we can pass a national defense authorization act at levels that will allow us to modernize the force and execute current operations against ISIL and in Afghanistan while meeting our commitments to keep the force ready. With sustained bipartisan cooperation, we can pass Defense appropriations at adequate levels to train and equip and sustain the best military in the world. Doing what is required will necessitate a sustained effort, but we can begin now, if colleagues are willing to work with us in this year of transition. Let's work together to keep our country safe.

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#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

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#### CUSTOMS BILL

Mr. REID. Mr. President, the Customs bill is another in a series of missed opportunities and half-measures that have characterized this Congress. The legislation we are going to vote on today, the conference report on Customs, misses the opportunity to take strong action against currency manipulation. The bill we sent out of here had strong currency manipulation language in it; it is not there anymore.

It throws up unnecessary hurdles to agreements on climate change. It basically says that any agreements the United States makes cannot take climate into consideration—on any of those agreements.

No one that I know of opposes the legislation that is stuck inside this Customs conference report dealing with taxation on the Internet. We all support that. But the sad part about this is the manipulation to get it in this bill. It did not start in either House; it was just airdropped into the conference report. The reason it was done that way is everyone knew that if this matter was brought up—the Internet Tax Fairness Act—as part of it, we always had marketplace fairness. That was part of the deal. They went together. But the manipulation took place.

This most important piece of legislation dealing with helping States—States are struggling. It does not matter which States they are, they are

struggling. What we have are the brick-and-mortar places that can't compete with online merchandising. Someone who has a brick-and-mortar store—someone will walk in, see something they like, and then they will walk out, go to the computer, and buy it online. They pay no taxes. That is unfair to the brick-and-mortar stores and small businesses across America. It would help States remarkably if people who buy on the Internet would have to pay the same taxes as someone who buys in a brick-and-mortar store.

But in an effort to protect a number of Senators—one in particular—this matter was stuck in this bill. We have just a few States that don't have a sales tax. One of those Senators is up for reelection. She has a very tough election, and anyone who understands politics a little bit understands that this was done as a result of trying to protect her.

But as Senator DURBIN, the person who has pushed this marketplace fairness more than anyone else—except perhaps for Senator ENZI and LAMAR ALEXANDER—knows, what has been done is unfair. But they have been told this matter will be brought up before the end of the year. So I don't know what solace that should give the Senator who is worried about the marketplace fairness passing because it would seem to me that the vote we had here earlier was 69 votes, and it will pass again. The Speaker has told me that he is going to bring up marketplace fairness on the House side. So we are going to vote on it before the end of the year. It is going to be the law anyway.

It is too bad small businesses have to wait again for 6 months or 8 months to get this done.

The Customs bill does not do enough to enforce our trade agreements or protect American workers, and I will oppose it.

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#### BUDGET AND DEFENSE

Mr. REID. Mr. President, I wish to make a few comments on the statements of the Republican leader, my friend. It is obvious that he has been reading the press and perhaps talking to some people on the House side. These people have created so many problems.

This right, right, rightwing in the House of Representatives is now saying that what we did, having a 2-year budget, they want to change. They want to take money away from the middle class and give it to defense.

I supported the North Korea sanctions. It is a good piece of legislation. I supported what we did in December. It was good legislation. But we decided that the military, as strong as it is, should remain strong but that we should give some equal footing to the middle class, and we did that.

Now my friend the Republican leader is obviously trying to pave the way to increase defense funding and go against the middle class.

I am pleased he said some nice things about the Secretary of Defense, but it is very clear in his statement that he wants—obviously, he didn't say so, but it is pretty clear to anyone listening to him—ground troops. The Special Forces are not enough. He wants more, and the American people don't want more ground troops.

He also said it is too bad—I am paraphrasing what he said—that we are going to take away the ability to have enhanced interrogation. That is waterboarding and all that other stuff that doesn't work.

JOHN MCCAIN was on the floor yesterday. Now if there is anyone in the world who should have some understanding about torture, he should. He was tortured not once but multiple times when he was a prisoner of war in Vietnam. He came yesterday—I have heard him before—and said: Torture doesn't work. We do better without torture.

But again, that is what the Republican leader is talking about.

I would remind those listening that President Obama has done a great deal to keep America safe and secure. There is no better example of that—there was a lot of talk previously about Osama bin Laden—than that Osama bin Laden is dead. It was done on President Obama's watch, at his direction.

#### FAIR DAY IN COURT FOR KIDS ACT

Mr. REID. Mr. President, for the last 2 years our great country has faced a humanitarian crisis arising from Central America. Thousands and thousands of migrants, mainly women and children, have fled to our border and to other countries in the region to escape the growing violence in the region.

Most of these women and children come from the so-called Northern Triangle countries—El Salvador, Guatemala, and Honduras—where crime and lawlessness have overrun the people. And that is an understatement.

El Salvador is the murder capital of the world. There isn't a close second. There are more murders per capita than in any nation on the planet. El Salvador's murder rate is 26 times higher than the United States.

Among El Salvador, Honduras, and Guatemala, El Salvador beats them all for a murder rate, but the other two countries, Honduras and Guatemala, are third and seventh. In these countries, the rates for female homicide are unbelievably high. Again, El Salvador ranks No. 1 for female homicides. As I have indicated, we have Honduras, which is third, and Guatemala is seventh.

That is why you see these women and children fleeing—fleeing for their lives. It is not just murder that these desperate people are trying to escape. People in these countries are imperiled by high rates of human trafficking, drug trafficking, sexual assaults, and widespread corruption.

It is an understatement to say that these places aren't safe to live. These refugees in our hemisphere are seeking protection. They are escaping to neighborhood countries, desperate to find someplace to go to hide, someplace to find sanctuary. Many make the trek through Mexico to our southern border, and it is a long ways. What they do to get to our border is really quite unbelievable.

What do they do when they get to our border? They don't sneak in; they don't try to find a boat to go across the Rio Grande. These little kids throw up their arms and say in the best way they can: I am here; do something to help me.

That is how desperate they feel—desperate to feel safe, to feel some protection. They are refugees in every sense of the word.

In January the State Department announced that it would start a refugee program in El Salvador, Honduras, and Guatemala after “concluding that the epidemic of violence by international criminal gangs in the three countries had reached crisis proportions and required a broader, regional response.”

I applaud Secretary Kerry and his team for making this humane and principled decision. It is a good first step, and it will help people apply for refugee status at home so they don't have to make a trip through Mexico and other extremely dangerous places.

But for those who have already reached our border seeking asylum, we must ensure that they are treated fairly, with respect. These refugees should have help in making their asylum request. That means they should have some legal representation.

Under current U.S. law, there is no right to appointed counsel in non-criminal immigration removal proceedings, even if the person in question is a baby, a child. Think about that. These children who don't speak English and are in a new country are unreasonably expected to represent themselves in a tribunal.

Approximately 70 percent of women and children and 50 percent of unaccompanied children who enter the United States don't have a lawyer when standing before a judge in deportation proceedings. It sounds hard to be true, but it is.

There is an organization called Kids in Need of Defense, or KIND. It is a wonderful organization. I admire it. It is incredible. This nonprofit organization is trying to help these children. Their executive director watched as a 5-year-old girl was brought before an immigration judge.

The little girl was clutching a doll. She was so short she could barely see over the table to the microphone. She sat there before a robed immigration judge, with a trial attorney from the Department of Homeland Security on the other side of the chamber, in effect, saying: Send her back.

She was unable to answer any questions that the judge asked her except

for the name of her doll: “Baby Baby Doll.” That was the name of her doll. But this is the worst part. This small child was expected to make a case of why she should be granted asylum under U.S. immigration laws.

KIND matched her with an attorney from a major law firm who successfully helped her win her case. KIND is doing a wonderful job, but they are so short-handed.

Immigration law is a complex area of law, and it should not be a place where toddlers are placed in this situation. Children without attorneys are much more vulnerable than adults. So 9 out of 10 children without attorneys are ordered deported.

According to the United Nations High Commissioner for Refugees, a majority of recently arrived unaccompanied children are eligible for legal protection that would allow them to lawfully remain in the United States, but they can't access these protections because they don't have anyone to tell them what the protections are. They can't access these protections without an attorney to represent them in court or even to ensure they receive proper notice of their hearings. Children with attorneys are five times more likely to be granted protection.

Picture this little girl. This little girl represents thousands of children who have been abused in many different ways. They have seen their parents murdered, humiliated, and hurt. Her name is Angela. This little kid is 9 years old—a sweet little thing, 9 years old. She arrived at our southern border fleeing from the murder capital of the world, El Salvador.

She is one of the fortunate kids. Kids in Need of Defense, the nonprofit group I mentioned, provided her with legal representation. She was granted legal immigration status.

So look at this picture. I have looked at it many, many times. I took this home with me last night.

Think of all the children, kids her age and younger—she is 9 years old—all who don't have representation. Think of a child like this standing alone in a court of law with a language barrier on top of it. This isn't how we should treat refugees. It is certainly not how we should treat children fleeing violence.

Today I am introducing the Fair Day in Court for Kids Act. That is the name of my legislation. My legislation would mandate that the government appoint a counsel, a lawyer, to help these kids, unaccompanied children, and other vulnerable individuals such as those who are victims of abuse, torture, and violence. My legislation would also require the Department of Homeland Security to make legal orientation programs available to all detention centers so people know their rights and responsibilities.

Deportation means death to some of these people, and I am not being overly dramatic. A study documents 83 people who had been deported from this Northern Triangle who were subsequently murdered—83. Given the life-