

that are rising to that challenge. This is an opportunity to do insource jobs that might otherwise be done overseas. That is good news for American economic competitiveness and from the standpoint of wanting higher paying jobs for Americans. That seems to me to be a silver lining.

Now the clouds: The decliners are so heavily invested in the story of the decline of American manufacturing that it is easier to bemoan the lack of economically inefficient low-skilled jobs which are the hallmark not of Americans but of underdeveloped countries.

On another matter, the bursting of the economic bubble has forced Americans to spend less and as a result to save more. "Spend less, save more" seems to me to be good news. Now clouds are forming because we have economic pundits saying that "spend less, save more" shows a lack of consumer confidence. You could look at it as a reality check in the face of unsustainable credit card debt financing spending or is it our national goal to get people to go back to saving less in the future and spending more today? Live for today and forget about tomorrow. You would think so, based upon what you hear in the news shows.

American entrepreneurs still produce a disproportionate share of the world's major innovations. Still, we are cautioned by people who always see clouds hanging over America, that America is not graduating enough people with science and technology degrees and the best and brightest in developing countries may soon decide to stay at home to build their companies instead of coming to America.

Doomsayers have existed throughout our history. It seems to be a sign of sophistication and intellectual refinement to predict the inevitable decline of your own society.

Using 20/20 hindsight, the eventual decline of all of history's great civilizations somehow seems to be inevitable. So isn't it logical then to think our great Nation will decline as well? Perhaps the so-called great recession is a sign that America's best days are in fact already behind us. Many people in the media and government seem so caught up in this narrative they cannot see any other possibility but our decline. This fever is starting to spread to the general public as polls show a record number of Americans who think the next generation will be less well off than this generation. As a result there is a tremendous amount of energy being devoted to figuring out how to manage America's decline. This is kind of a historical determinism and pessimism that is very alien to the American character.

The rise of America as the most prosperous Nation on Earth was hardly inevitable 200 years ago. We owe our current level of prosperity to the entrepreneurial spirit and hard work of our forefathers and, yes, to their unbounded optimism in the future of this great country. An excessive focus,

then, on managing decline risks becoming a self-fulfilling prophecy.

For instance, there is a lot of concern about the decline of the middle class, but instead of talking about how to unharness the entrepreneurial spirit that made America an economic super power and grew the great American middle class that we know, all the ideas from our friends across the aisle seem to focus on expanding dependency on government and more government programs. While a succession of new EPA regulations rain down on businesses causing them to pull back from expanding and hiring more people, the Democrats' solution is to keep people on unemployment benefits for a long, long time. Expensive health care reform mandates threaten to force small businesses to reduce the hours of employment and maybe not even hire more than 49 people, because when you get to 50 people there are other requirements in health care reform that kick in.

So what is the answer? Many people in this body would mandate that small business pay a much higher minimum wage. Minimum wage jobs ought to be seen as a stepping stone for low-skilled workers to begin climbing the economic ladder. However, when the economic engine stalls, the ladder of opportunity becomes harder to climb. It happens that more and more people get stuck trying to make ends meet with low wage jobs and no opportunity to get ahead. And it seems that people are concerned about tackling this problem by putting more people on food stamps.

So you get back to the American dream. The American dream is about an opportunity to work hard and earn your own success in life. Proposals to expand the welfare state to the middle class assume the American dream is somehow dead and the best we can hope for is anemic economic growth with high levels of government dependency. That is a defeatist attitude that reflects a distinct lack of faith in our great country. This is the old European model, which the experience of Greece showed to be unsustainable.

In fact, the poster child for an expensive European welfare state, Sweden, has in fact taken a new route to cut taxes and reform entitlement programs—a lesson that we ought to be looking at in America. But who would ever think that we would look to Sweden as an example to teach us how to lower taxes and reform entitlement programs? If we keep planning for decline, we will get it. But if we recover our faith in America's potential and redirect our energy towards removing barriers to economic growth and opportunity, America's best days are still ahead of us.

That leads me to repeat what Ronald Reagan said 25 years ago in that letter to the American people: "America's best days are still ahead of her."

SMARTER SENTENCING ACT

Mr. GRASSLEY. Madam President, I want to speak to my colleagues on another issue as well, and that is something that came out of our Judiciary Committee a long time ago and is still on the calendar but probably will be brought to the Senate floor. A few weeks ago some were calling for the majority leader to bring up the so-called Smarter Sentencing Act to the Senate floor for a vote. So I come to the floor today to express my strong opposition to this bill and argue against taking the Senate's time to consider it.

In the past I pointed out that this bill would put at risk our hard-won national drop in crime. It would also reduce penalties for importing and distributing heroin, a drug that is currently devastating our communities with an epidemic of addiction and a rising number of deaths from overdoses. In part, for these reasons many law enforcement professionals have come out against this legislation. The National Association of Assistant U.S. Attorneys, Federal law enforcement officers associations, and a long list of former high-level officials—in Republican and Democratic administrations alike—are all opposed to it. Indeed page A12 of this morning's New York Times contains an article entitled: "Second Thoughts on Lighter Sentences for Drug Smugglers." According to the New York Times, the sentencing changes that the administration has already pushed for are "raising questions of whether the pendulum has swung too far." "Some prosecutors say that couriers have little to no incentive to cooperate anymore."

Border patrol officials grumble that they are working to catch smugglers, only to have them face little punishment. And judges who once denounced the harsh sentencing guidelines are now having second thoughts.

Today I point out another perhaps less understood effect of the bill which puts our national security at increased risk.

According to the Drug Enforcement Administration, terrorists are increasingly funneling illegal drugs into America, raising large sums of money to fund their activities while simultaneously harming our communities. Undoubtedly, the Obama administration's unwillingness to control our border—which we have seen recently—contributes to the problem.

Derek Maltz, Director of the Special Operations Division at the Drug Enforcement Administration, called this a two-for-one deal for terrorists: "Poison gets distributed in the West, and they make millions in the process."

According to a DEA spokesperson, "Most people talk about the drug issue as a health issue, a parenting issue, an addiction issue. But the truth is, it's really a national security issue."

In 2006, Congress took specific action to address this issue. When it reauthorized the PATRIOT Act, Congress also

made it a separate crime to manufacture or distribute illegal drugs to benefit terrorists or terrorist organizations. The law is codified at title 21, section 960(a) of the U.S. Code. It is often called the narcoterrorism law.

Just as important, Congress created mandatory minimum sentences applicable to narcoterrorism. Those sentences are set at “not less than twice the minimum punishment” applicable to the underlying drug trafficking offenses which are codified in title 21, section 841. However, the Smarter Sentencing Act would drastically cut the mandatory minimum sentences that apply to these underlying drug trafficking offenses. What this means is that by slashing in half the mandatory minimum sentences for the local drug dealer down the block, the Smarter Sentencing Act also slashes in half the mandatory minimum sentences for members of the Taliban, Al Qaeda or Hezbollah who deal drugs to fund their acts of terrorism.

For example, terrorists who currently face a mandatory minimum sentence of 20 years in prison for narcoterrorism would instead face only 10 years if the Smarter Sentencing Act were to become law. By cutting the mandatory minimum sentences for trafficking drugs to fund terrorism, the Smarter Sentencing Act weakens a very important tool that can be used to gain the cooperation of narcoterrorists facing prosecution. This cooperation leads to more arrests, more drug seizures, more terrorists off the streets, and more intelligence that could help prevent further attacks.

Indeed, law enforcement authorities have been supportive of the mandatory minimum sentences that apply to the narcoterrorism statute for this very reason. For example, the Assistant Administrator for Intelligence at the Drug Enforcement Administration testified before Congress that “the robust sentencing provisions in these statutes provide incentives for defendants to cooperate with investigators, promoting success in investigations.”

The last thing we should do is weaken the leverage law enforcement currently has to win a terrorist defendant’s cooperation, but that is what the Smarter Sentencing Act would in fact do.

Indeed, in opposing the bill, Federal prosecutors wrote that “mandatory minimums . . . help gain the cooperation of defendants in lower level roles in criminal organizations to pursue higher-level targets.”

The same principle is true—and even more important—when our national security is at stake. These threats to our safety and security are not theoretical, they are very real, and the narcoterrorism law is not just a statute on the books, it is a tool that is actively used by prosecutors to protect our Nation.

For example, in 2008, Khan Mohammed, a member of the Taliban, was convicted under the narcoterrorism law of distributing heroin and opium to

finance attacks against American troops in Afghanistan.

Chillingly, Mohammed was just as concerned with killing American civilians with drugs as he was with financing rocket attacks against our troops. The opium he agreed to sell was to be processed into heroin and imported into the United States. As a result, Mohammed was caught on tape exclaiming “Good, may God turn all the infidels into dead corpses.”

He later expounded on his deadly intentions:

May God eliminate them right now, and we will eliminate them too. Whether it is by opium or by shooting, this is our common goal.

Similarly, the narcoterrorism law was used to prosecute Afghan heroin kingpin Haji Bagcho in 2012. He was also trafficking heroin to America and funneled the proceeds to the Taliban. The evidence at trial showed that in 2006 his drug trafficking organization produced almost 20 percent of the world’s opium and, similar to Mohammed, he targeted Americans. He reportedly encouraged Afghan farmers to “grow opium so we can make heroin to kill the infidels.”

Perhaps it is little wonder, according to the Drug Enforcement Administration, heroin overdoses resulting in death in the United States increased 45 percent between 2006 and 2010.

It should go without saying that these are not individuals whose mandatory minimum sentences should be cut in half. But the authors of the Smarter Sentencing Act apparently think otherwise because that is what the bill says or maybe they don’t understand what they are doing. Either way, the American people should be extremely concerned about this bill that unbelievably was reported out of the Judiciary Committee.

Some may assume that the Department of Justice has other tools to go after defendants such as these, but the only other charges that Mohammed and Bagcho faced were for unlawfully importing these illegal drugs into the United States. Unbelievably, the Smarter Sentencing Act cuts the mandatory minimum sentences for that crime in half as well.

In addition to these two cases, the Department of Justice has brought prosecutions against other narcoterrorists. Many of these individuals were linked to Hezbollah, one of the most notorious terrorist organizations in the world. In at least one instance associates of Al Qaeda were also brought to justice for their role in drug trafficking schemes.

In many of these cases, the narcoterrorism law and the ban on importing illegal drugs played a vital role in their prosecution. We should not be weakening these laws at this critical time by cutting the penalties associated with those acts of crime. Of course, if possible, I would rather these terrorists be treated as enemy combatants and not be subject to the civilian criminal

justice system at all, but on those occasions when they are prosecuted in our criminal justice system, I want authorities to have the strongest tools available to address the threat these criminals pose.

According to the U.S. attorney for the Southern District of New York, who has brought many of these cases, “there is a growing nexus between drug trafficking and terrorism, a nexus that increasingly poses a clear and present danger to our national security. Combating this lethal threat requires a bold and proactive approach.” Cutting the mandatory minimum sentences for narcoterrorists is moving in precisely the opposite direction of what the U.S. attorney for the Southern District of New York said and I just quoted.

Trafficking in illegal drugs has long been understood to be a way that these terrorist organizations raise funds, but it is now equally clear that this activity is also a way for them to target our fellow citizens directly. In effect, drug trafficking is a method of waging war against the United States. It is a way to terrorize our communities with poison without firing a shot. It is a way to threaten the lives of Americans just as surely as using a bomb, a gun or a hijacked plane.

Terrorists are wielding another tool in their efforts to destroy and defeat our country. This is not the moment to weaken one of the tools we have to actually stop them. This is no time to let down our defenses. It is no time for the Senate to take up the misnamed Smarter Sentencing Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KING). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RONNIE L. WHITE TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI

Mr. REID. Mr. President, I move to proceed to executive session to consider Calendar No. 850.

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

The motion was agreed to.

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Ronnie L. White, of Missouri, to be United States District Judge for the Eastern District of Missouri.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented