and threaten to shoot if they didn't leave. Jonathan barely had time to react before the man opened fire, but somehow he managed to jump in front of his friend Ruby Sales, a 17-year-old African-American girl. He saved Ruby's life, but Jonathan was killed by the close-range shot that was intended for her. He was just 26 years old.

The shooter called the murder in to the sheriff's office himself. He said: I just shot two preachers. You better get on down here. An all-white jury later acquitted the man, taking just 2 hours to find him not guilty. While Jonathan was sacrificing his life for civil rights in Alabama, here in the Senate debate raged over the Federal Government's role in protecting the voting rights of disfranchised American citizens.

Since 1870 the 15th Amendment to the Constitution had prohibited State governments from denying a citizen's right to vote based on race. However, in precincts throughout the South, Black Americans were subjected to discriminatory poll taxes, literacy tests, and other forms of voter intimidation. In many places, town clerks outright refused to register Black voters.

Just 2 weeks before Jonathan was killed, Congress finally passed the Voting Rights Act, which outlawed electoral practices that discriminated against minority groups. Well, 2015 marks the 50th anniversary not just of that march in Selma but of this landmark law. While this anniversary presents an obvious time for reflection, it is also a time to look forward and address the challenges still facing our country.

The impact of the Supreme Court's 2013 ruling in Shelby County v. Holder, which struck down a critical section of the law requiring Federal approval for electoral law changes in districts with the history of discrimination, is particularly troubling. This ruling now allows States to implement restrictive voting requirements that will make it more difficult for voters to cast their ballots. In fact, since this ruling, almost all of the affected States have already begun attempts to restrict voting, targeting seniors, students, minorities, and threatening their access to the polls.

The right to make your voice heard as a citizen of this Nation is a fundamental principle of our democracy, and it should never be infringed upon. We have a responsibility to protect this right and address these injustices.

While our Nation has made a lot of progress since the 1960s and 1970s, the struggle is far from over. Inequality and racism remain in our society. As long as discrimination and racial disparities exist, the full protections of the Voting Rights Act are necessary to guarantee the rights of citizenship for every American.

Jonathan Daniels should be turning 76 years old in March. He is widely recognized as a martyr of the 20th century. In Keene, his hometown, an elementary school bears his name. As we mark the 50th anniversary of his passing, as well as the passage of the Voting Rights Act, we must strive to honor his legacy by ensuring that all current and future American citizens can exercise the rights he died to protect.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

MANDATORY MINIMUM SENTENCES

Mr. GRASSLEY. Mr. President, on a number of occasions I have had to take to the Senate floor to note my opposition to the so-called Smarter Sentencing Act. Does that mean I am against all sentencing reform? No. But there are some issues that are particularly wrong with the suggestions that have been put in bill form so far.

My speeches on this issue have been necessary because there are so many misconceptions about that legislation and Federal drug sentences and prisoners. Before addressing them, I want to let my colleagues know that I do believe there are some inequities in the criminal justice system, and the Judiciary Committee will be looking at ways to address them. I will set out that part of the committee's agenda after discussing sentencing.

The Smarter Sentencing Act would arbitrarily cut in half the mandatory minimum sentences which are imposed on a host of serious—very serious—drug offenses. Those offenses include the importation, manufacture, and distribution of serious drugs, such as heroin, PCP, LSD, and meth.

As an example, the Governor of Vermont devoted an entire state of the State address to the heroin epidemic. The Governor of Maryland just launched an anti-heroin initiative following the near doubling of heroin overdose deaths in that State in the 2 years between 2011 and 2013.

The Smarter Sentencing Act would cut mandatory sentences in half for importing, distributing, and manufacturing heroin. It would cut the sentences for the same activities with respect to LSD, a drug that causes psychosis and suicide. It would reduce sentences for the drug trade that two of President Obama's appointees in the Drug Enforcement Administration and in the Justice Department have warned that the world's most dangerous terrorist organizations are engaged in this trade to fund their operations. It would harm the ability of prosecutors to obtain cooperation from lower level offenders to obtain intelligence regarding terrorist-planned attacks.

As President Obama's own U.S. attorney for the Southern District of New York has warned, ''[T]here is a growing nexus between drug trafficking and terrorism, a threat that increasingly poses a clear and present danger to our national security.'' The threat should determine the response. It would be foolhardy to meet the threat of narcoterrorism by cutting drug sentences.

Under Federal sentencing law, those who are low-level offenders avoid mandatory minimum offenses. Just under half of all drug courier offenders were subject to mandatory minimum sentences, but fewer than 10 percent received mandatory minimum sentences. One reason for the difference is that offenders who cooperate in prosecuting high-level drug conspirators avoid the mandatory minimum sentences.

As a Federal Law Enforcement Officers Association wrote:

> [A]ny change in the mandatory minimum sentencing standard does a disservice to the brave men and women who are asked to put their lives on the line to protect us from terrorists and criminals.

Currently, the system in place allows Federal law enforcement agents to infiltrate and dismantle large-scale drug trafficking organizations and to take violent armed career criminals off of the street. In turn, this allows progression up the scale of criminal organizations from low-level subjects to higher ranking members through the effect of the mandatory minimum sentencing act.

A second reason mandatory minimum sentences are not imposed on many eligible drug couriers is the so-called safety valve. Defendants can qualify if they have no or a very light criminal history. That means those who are convicted but are not violent do not serve mandatory minimum sentences.

The average sentence for a Federal drug courier offender is only 39 months. The offenders who qualify for the safety valve are drug couriers and drug dealers. They are not people who are in prison for the possession of drugs. That is because drug possession does not trigger Federal mandatory minimum sentences, and it is also because, according to the sentencing commission, almost no citizen is in Federal prison for mere drug possession.

Eighty-eight percent of the drug possession prisoners were apprehended along the Southwest border, and the median amount of drugs in their possession was 48 pounds. I wish to emphasize ''48 pounds.'' These, then, with 48 pounds are not low-level, casual offenders. Only 270 mere Federal drug possession cases were brought anywhere else in the country in the most recent year for which the sentencing commission has statistics. And the average sentence for drug possession for citizens is

1.3 months. That is months, not years. Most citizens convicted of Federal drug possession charges receive probation.

The proponents of the bill say there are too many people in prison and that the bill would save the taxpayers money. Well, it turns out that is not true. The Congressional Budget Office estimated that the bill, even while releasing hundreds of thousands of prisoners earlier than under current law, would increase direct spending by about $1 billion and would reduce revenues by $42 million over 10 years.

The supporters of the so-called Smarter Sentencing Act do not even attempt to contest my points in opposition—and I have made these points more than once before the Senate. The supporters do not say there is not a heroin epidemic. They cannot say citizens are serving Federal mandatory minimum sentences for possession. But they do say this: Their major ploy is to paint a picture that poor, innocent, mere drug possessors are crowding our prisons.

They do not argue that Obama administration officials did not warn of the link of drug crimes to terrorism and national security threats. They don't challenge the statistics from the sentencing commission or the existence of the safety valve or the effect of mandatory minimum sentences in enhancing prosecution of very serious drug offenders. They won't take on the Congressional Budget Office's cost estimates. They do cite CBO's discretionary cost savings of $3 billion, but, in the long run, entitlement spending can be more costly because entitlement spending must be paid.

They don't do any of these because they simply can't. They are committed to a bill as a matter of ideology. The facts simply do not matter to the supporters. They try to change the subject. All they can do is resort to rhetoric. In fact, the supporters of that legislation are even Orwellian in their rhetoric. I mean that literally. George Orwell wrote a famous essay called ''Politics and the English Language.'' He said: ''In our time, political speech and writing are largely the defense of the indefensible.''

The arguments for the Smarter Sentencing Act are merely a weak attempt to defend the indefensible.

What I have called the leniency industrial complex refers then to the people who are sentenced to drug mandatory minimum sentences as ''nonviolent.'' They use that term even though any truly nonviolent offenders would qualify for the safety valve. They gloss over the fact that even if an offender was not violent in a particular case, he may have committed a prior violent offense that would make him, in fact, a violent person. And, of course, many drug-related crimes occur through force or the threat of force, or are conducted by people in a criminal enterprise that relies on violence.

The bill's supporters even refer to some drug offenders as ''nonviolent,'' and these people are serving mandatory minimum sentences for carrying a firearm in the commission of a crime. Few Americans would call someone who carries a gun while committing a drug crime nonviolent. And the leniency industrial complex wants people to think that people who are sentenced to mandatory minimum sentences are somehow low-level offenders. They neglect to mention that the true low-level offenders receive the safety valve and avoid mandatory minimum sentences and that many others avoid them by providing substantial assistance to law enforcement.

Many of the cases they cite involve repeat offenders. Repeat offenders are not low level. Lenient sentences did not stop them from dealing dangerous drugs, and another lenient sentence won't stop their next drug deal.

When it comes to terms such as ''low level'' and ''nonviolent,'' again quoting Orwell, the bill's supporters have their own private definition, but allow the hearer to think they mean something quite different.

Their political language has to consist largely of euphemisms, question-begging, and sheer cloudy vagueness.

I regret to say that the elements in the media have uncritically accepted the Orwellian rhetoric surrounding this bill. A recent New York Times editorial swallowed the ''low-level'' rhetoric whole hog. It challenged my well-supported conclusion that high-level offenders would benefit from enactment of the Smarter Sentencing Act, without even mentioning the serious crimes and drugs the bill applies to. It editorialized that my opposition to the bill ''defies . . . empirical data,'' even though my sources are the sentencing commission and the Obama administration appointees.

When the Times attempted to back up its support for the bill, it linked not to any authoritative evidence but to the report of an ideological advocacy group. This is the so-called empirical data that the Times finds worthy.

Why should taxpayers fund the sentencing commission if the self-proclaimed paper of record shuns its statistics in favor of those offered by lobbying groups? The Times said the Federal policymakers should rely on State experience in reforming sentences, so I would like to do that.

Only 270 citizens are prosecuted for drug possession in the Federal system each year, and most receive probation. The States have many drug possession offenders in prison, so the actions they take for that class of offenders do not bear on Federal prison populations, nor do the States prosecute anyone for importation of heroin or LSD or meth or cocaine. But the Federal Government does, as my colleagues know. So State drug sentencing changes are not relevant to those prisoners as well. And it is the Federal Government, much more than the States, that uses lower level offenders to take down the most serious drug offenders.

Meanwhile, I have offered to consider legislation that would lower some mandatory minimum sentences if others could be imposed or raised. For instance, the sentencing commission has identified child pornography and financial crimes such as insider trading as areas where Federal judges are particularly lenient and where no mandatory minimum sentences exist. But it is the proponents of the Smarter Sentencing Act who refuse to take me up on that good-faith offer. Their ideology does not include compromise.

The White House says they want to work with this Senator on these issues, but then invites other Members of Congress, but not the chairman of the Senate Judiciary Committee, to a meeting to discuss the subject. Since then, I have had a discussion with the President inviting me to come down there and visit with him some time.

But in the New York Times' Orwellian world, this Senator is a roadblock to sentencing reform. That is upside down and backward. Problems do exist in the criminal justice system. I plan to have the Judiciary Committee address some important ones. But rather than marking up ill-considered and dangerous legislation such as the so-called Smarter Sentencing Act, we will take up bills that can achieve a large measure of consensus. I would like to take this opportunity to address some of the committee's criminal justice agenda, which will show my commitment to real problem solving through consensus. The first area we will address is reform of asset forfeiture.

Asset forfeiture can serve a valuable purpose for law enforcement and society by helping to deprive criminals and criminal organizations of their money—money from proceeds of their crimes and the instrumentality of that crime. It also helps to compensate victims who are injured or who suffer as a result of criminals' wrongdoing. It can also return that money to law enforcement, which can use it to continue to combat serious crime and put more bad guys behind bars.

But current law provides perverse incentive that have led to abuses. Law enforcement can sometimes directly benefit from property that they seize, sometimes contrary to State law. Those whose property is taken often do not have access to fair procedures or law enforcement to help them get that property back. These processes and procedures need real structural reform. Innocent property owners must be able to challenge seizures and protect their property from government abuses.

I am also looking into reversing a Supreme Court decision that denies property owners the opportunity to use their very own money to hire a lawyer to help defend them against the government. Even though the administration has made some administrative changes to these practices and policies in response to widespread criticism, I believe real legislative reform is needed. I look forward to working with my

colleagues in a bipartisan way to make those necessary changes.

Second, as a way of looking at reform, I am very concerned that too many times in America equality under the law is not a reality; that the poor do not receive the same justice in many instances. For more than 50 years, the Supreme Court has ruled that indigent people accused of felonies must be afforded counsel. And for more than 40 years, starting with the decision of Argersinger v. Hamlin, the Supreme Court has found that the Sixth Amendment of the Constitution requires that Federal, State, and local governments provide counsel to indigents who are accused of misdemeanors if their convictions could potentially lead to imprisonment.

I regret to say that although I am aware of instances where the Federal Government is responsible, it is particularly at the State level where the Sixth Amendment is violated numerous times on a daily basis. I cannot think of any Supreme Court decision that has ever faced such resistance in magnitude and time as that Hamlin case.

Indigent misdemeanants are being pressured to waive counsel. Sometimes they are threatened with imprisonment if they seek to have counsel appointed. There are other ways the decision is violated. Then there is the question of the competence of the counsel actually appointed, given how many cases are assigned to an individual lawyer and how quickly judges resolve them.

I fear some innocent people are being sentenced to prison. There are other consequences as well. We should make sure there are collateral consequences imposed on people who are guilty of domestic violence misdemeanors, for instance. We do not want collateral consequences imposed on people who did not actually commit misdemeanors.

If people later get in trouble with the law, we don't want them to qualify for the safety valve because some of their previous convictions were for misdemeanors in which they did not receive the right to counsel. We don't want people to have criminal records when they seek employment when they did not have counsel who could have prevented a conviction.

In some situations, a misdemeanor will automatically become a felony if the accused has committed it repeatedly. We don't want a misdemeanor conviction to render a later crime a felony if questions of innocence surround the earlier crime.

Third, I want to address databases for criminal records. Those databases can serve useful purposes, such as enabling background checks, background checks on people who are being considered for a job or for volunteering to work with children. There are proposals to expand the purposes for which the databases can be used, but I am concerned about the quality and the completeness of the records in the database. If the database contains erroneous or outdated material, then the people being checked may unfairly lose out on a job or the ability to help children.

There are procedures at the Federal level to challenge the information in the database if the person knows their records are inaccurate, but that is a very steep climb. The States have their own procedures for people to challenge the accuracy of criminal records, but success there may be even harder and may cost more than people can afford. Records are also sometimes not expunged, even when the law said they must be expunged.

I do not want to see the arrest record turn up in a background check and deny someone the ability to work, deny the economy the benefit of that productivity, and deprive the government of tax revenue from that work because a background check turned up a record of an arrest from long ago that never resulted in a conviction.

This is a widespread problem. According to press reports, when arrests are included, 32 percent of adults in this country have criminal records that are contained in databases. I am sure we can reach bipartisan agreement on legislation to address this problem in some form.

There are dangerous and poorly considered proposals to change the criminal justice system that are divisive, are not based on reality, and will never become law. There are also problems in the criminal justice system that are clear, widely recognized, have serious consequences, and can be the subject of effective bipartisan legislative efforts. I will do what I can to make sure the Committee on the Judiciary devotes its energy to the second category.

I yield the floor.

PASSENGER RAIL REAUTHORIZATION

Mr. NELSON. Mr. President, the House of Representatives recently passed H.R. 749, the Passenger Rail Reform and Investment Act of 2015.

I am pleased to see the House take bipartisan action on this bill. Intercity passenger rail is a critical part of our transportation infrastructure. People in many regions of the country are in desperate need of better ways to travel between fast-growing cities, and passenger rail is our best hope at relieving congestion on highways and runways that don't have additional room to expand.

The House bill is a good step forward. H.R. 749 would maintain current levels of Federal support for Amtrak to operate routes that connect the country. It would also authorize some additional funding to invest in passenger rail projects and improve a Federal loan program that can be used for rail infrastructure. This is a productive place to start.

The authorization levels in this bill are too low to get our passenger rail network where it needs to be, let alone to keep up with the rest of the world by bringing high-speed rail to the United States. H.R. 749 also fails to address critical rail safety priorities or even reauthorize funding for the Federal Railroad Administration's safety oversight activities.

We can and must do better than a flat-funded authorization bill that turns a blind eye to safety and to the growing needs of our country. I look forward to working with my colleagues in the Senate to improve this bill and make some real progress toward developing modern, safe, and efficient passenger rail options that America deserves.

ADDITIONAL STATEMENTS

● Mr. BLUNT. Mr. President, I wish today to honor Bob Hufford, an icon in the Missouri food industry for the past 63 years. He announced his retirement from the Associated Wholesale Grocers, AWG, board of directors after four decades of service with the last 11 years having served as its chairman. AWG is a retailer-owned cooperative serving over 2,300 retail member stores with a complete assortment of grocery, fresh meat, fresh produce, specialty foods, health care, and general merchandise items.

During Bob's tenure as chairman, AWG sales grew from $4.5 billion in 2004 to almost $9 billion in 2014, while patronage paid to members grew by 155 percent. Bob helped direct the addition of the Fort Worth division in 2007, the replacement of the Oklahoma City distribution center in the same year, and the addition of the gulf coast division in 2013. During the same period, Bob grew his own company, Town and Country, in Fredericktown, MO, to be one of the largest employers in southeast Missouri with over 10,000 employees.

Bob's passion for the food business was sparked early in his life by his father's work for a meatpacking company. Bob's first job was working in a local supermarket, while going through high school and later college. He became a sales representative for the National Biscuit Company, otherwise known as Nabisco, in 1958. While working for Nabisco, Bob called on two grocers, Max Penner and Wayne Gott, who recognized his leadership skills and work ethic. In 1970 they invited him to become a third partner in a new 5,000-square-foot store in Fredericktown, which Bob accepted.

From that modest beginning Bob grew his business to 44 stores currently operating. Recently, Bob converted his company into an employee-owned company, allowing his employees to share in the store's profits. Today Bob serves as the CEO of the company, which operates stores in Missouri, Arkansas, Tennessee, and Kentucky. He and his wife Marsha have a wonderful family of five children, eight grandchildren, and two great-grandchildren. Many of his family members have worked in the business next to Bob.