

The PRESIDING OFFICER (Mrs. CAPITO). Without objection, it is so ordered.

SENTENCING REFORM

Mr. DURBIN. Madam President, there are many stories written in the last months about the dysfunction of Congress, why can't they get along, why can't they produce something, why can't they address the issues and challenges of our time. It is easy to get into that mindset and believe that something has happened on Capitol Hill that cannot be repaired. For those who are about to give up hope, I hope they are reflecting on what I left just a few moments ago. It was a press conference held up in the radio and TV Senate gallery.

Attending this press conference were Senator CHUCK GRASSLEY, who is the chairman of the Senate Judiciary Committee; Senator JOHN CORNYN, the Republican whip; Senator MIKE LEE of Utah; and Senator TIM SCOTT. On the Democratic side: Senator PATRICK LEAHY, the ranking Democrat on the Senate Judiciary Committee; Senator COREY BOOKER of New Jersey, a relatively new Member of the Senate; Senator SHELDON WHITEHOUSE; and Senator CHUCK SCHUMER.

We were there to announce what we think is a historic achievement, a historic agreement. We have been working now for years, literally for years, on both sides of the aisle to make significant and meaningful criminal sentencing reform and reform to the corrections system of the United States of America. On that stage, from MIKE LEE to PAT LEAHY and DICK DURBIN, was the entire political spectrum of the Senate. Within that spectrum, there are a lot of differences of opinion. There were times a year ago that I did not think that meeting and that announcement would take place.

But today we came together, on a bipartisan basis, to announce that we had reached an agreement, a historic agreement, on the Sentencing Reform and Corrections Act of 2015. We knew we had a problem in America, a problem of incarceration. A nation with 5 percent of the world's population has 25 percent of the world's prison population. What is going on in America? Why are so many people in prison, and has it made us any safer? We asked those hard questions and came up with what we think is a good response.

We took a category of crime, drug use, that does not involve violence or a gun or gang activity and said: We are going to give to the judge in that case, that category of cases, more flexibility when it comes to sentencing. The minimum mandatory requirements can be changed by the judge based on the defendant before him, the crime they committed, and what that judge believes to be the best for our society.

It is such a change. For the longest time, years and decades, our goal was to incarcerate as many as possible, and

we did, some of them for extraordinarily unfair and unjust periods of time. The worst vote—the worst vote I ever cast as a Member of Congress was in the House. It goes back more than 20 years ago. A basketball player at the University of Maryland named Len Bias died from a drug overdose. We were called on to stiffen the penalties for crack cocaine in America and we did, dramatically: 100 to 1 for crack cocaine versus sentencing for powdered cocaine—100 to 1. The net result of that in several decades of sentencing was to send away primarily African Americans for incredibly long sentences. Eugenia Jennings of Alton, IL, a teenage mother and a crack addict was selling crack cocaine, a handful of it, to buy clothes and food for her children. It was her third offense.

When she was convicted, the mandatory minimum sentencing guidelines gave Judge PATRICK MURPHY no choice but to hand down a sentence of 23 years in prison. Judge Murphy said at the time: This country, this government, has done nothing for you, Ms. Jennings, through your tortured life, and now at this moment in life we are going to kick you hard.

The judge knew it was the wrong sentence. Fortunately, Eugenia Jennings' sentence was commuted after a dozen years. She was released from prison to be with her children, only for a short time. She passed away from cancer. But that is just one statistic, one story, and it can be repeated thousands of times.

This bill tries to avoid that type of injustice. We were not going to be a safer State, a safer nation if she served 23 years instead of 12. It made no sense. So we address it with this bill. With this bill, we go after a new approach in sentencing on this narrow category of crimes, which we believe can result in many serving shorter sentences.

Secondly, for those who are still in prison subject to that 100-to-1 ratio on sentencing, we give 6,500 inmates in the Federal prison system a chance to petition for reconsideration of their sentence on an individual basis, so they can be judged by judges, prosecutors, and people in the community as to whether their sentence should be changed.

So this, in a way, is a sweeping bill when it comes to the population of our prisons. I believe—many agree—it would be far better to take the \$25,000, \$30,000, \$35,000 a year it costs to house an inmate and put it instead into community policing, making our neighborhoods safer, giving our prosecutors the resources they need to not only come down with the right sentences but variations in sentencing like drug courts, veterans courts, and things that are working around America which will make us safer at a lower cost. We will have more money available to the Department of Justice and across the board to go after the seriously threatening criminals we still have in America whom we can never ignore.

Senator CORNYN and Senator WHITEHOUSE took a look at those in prison to determine ways they could earn an earlier release or better terms of release. They did extraordinary work. Senator Corey Booker of New Jersey stepped in on an issue that all of us who serve with him know he feels so passionately about, the African-American incarceration rate and particularly the impact it has on young people in that part of our population. He made some valuable contributions to this bill.

It is our hope we can bring this bill to the Senate Judiciary Committee soon. Senator GRASSLEY gave his word that would happen, and then bring it to the floor and send it to the House.

For those who say, "What is going to happen over there, with all of the changes taking place?" I would make one observation: Our spectrum of political support for the bill we had at the press conference represents the spectrum in the House as well. All of us came together. All of them can come together too. They may not agree with every word in this bill. Having served in the House, I am sure they won't. But if they will make the same good-faith effort at finding reasonable compromise, then we can reach a historic achievement, a historic outcome in this process.

I wish to commend one member of my staff in particular who has devoted more hours than I could ever count to make this a reality. His name is Joe Zogby. He is my lead counsel on the Senate Judiciary Committee. Time and time again, Joe Zogby has performed so professionally and with such determination, from my point of view and I am sure from other Senators' points of view. We wouldn't be here today if we didn't have staffers like Joe who have given so much of their time and their heartfelt dedication to finding a solution to an American problem.

So before we walk away from the Congress and say there is no hope, take a look at this bill and this effort. This is how the Senate is supposed to work. This is how the House is supposed to work. It is how Congress is supposed to work. It is how America expects us to work.

The President is anxious for us to come up with this work product. Let's not disappoint him and the millions of Americans who count on us to solve the problems facing America.

Madam President, 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. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

9/11 HEALTH PROGRAM

Mr. SCHUMER. Madam President, I rise today to mark a sad occasion. Yesterday, parts of the Zadroga 9/11 Health

and Compensation Act expired. Specifically, the authorization of the 9/11 health program—one of the two critical programs in the Zadroga act—came to an end last night and will have to start winding down. Thankfully, Dr. Howard and his team, who run the program, have responsibly managed their funding, so they can continue to support health services and benefits for several months on into the future, perhaps another year.

To be clear, our brave heroes are still able to get health care from this program today. That fact, however, should diminish in no way our responsibility in Congress to reauthorize the program as quickly as possible and permanently—forever. In truth, it is a black mark on a Congress that the program was ever allowed to expire, regardless of its ability to continue operations in the short term.

The firefighters, police men and women, construction workers, and first responders from 9/11—many of them injured, many of them sick—traveled to Washington a few weeks ago to lobby Congress, to petition their representatives and their government to continue supporting basic health services they need to treat cancers, respiratory ailments, and other illnesses directly linked to 9/11.

I wish to thank my colleague from New York, Senator GILLIBRAND, for her valued work on this issue. It has been a passion for her. She took the torch Hillary Clinton first lit when she was here as Senator and has run with it hard and well. I am proud to be her partner in trying to make sure that Zadroga, in both its parts, is extended permanently.

People would think it would be easy to get this done considering all the legislators who say they will never forget, who make promises each anniversary to honor the heroes of 9/11. We should not need them to walk the Halls of Congress to win support for basic services for those who walked undaunted through dust, fire, rubble, and ash, who risked their lives to save their fellow citizens. The first responders who ran to the smoldering towers on 9/11 are just like our veterans—they volunteered and risked their lives for our safety. These folks didn't have to do this. They volunteered. They knew the dangers, but they care about our safety. We should not forget them.

But their voices and the impassioned advocacy of folks like John Feal and Jon Stewart have had a real impact. On September 16, when these first responders visited Congress, the majority leader graciously said he would meet with them personally and said: “We do plan to extend the program and the committees . . . in the House and the Senate are actually working on the details now.” It was a real breakthrough.

The first responders who pled their case, the advocates who supported them each step of the way, and champions in Congress such as Senator GILLIBRAND here and Representatives

NADLER and MALONEY in the House, who passionately led the fight for this bill for years now, deserve much of the credit. They are the reason we have so many cosponsors—56 here in the Senate, including 12 Republicans. I wish to thank the Presiding Officer for being one of those recent cosponsors.

That is why I was so troubled to hear earlier this week, when again asked if the Senate would consider the extension of the Zadroga act before the deadline, the majority leader said he would “have to check and get back on that.”

When the towers were hit, the firefighters and the EMS workers and cops who rushed into those burning buildings did not stop and say “I have to check on that and get back to you.” When the towers came down and there was a hellhole of twisted steel and smoldering plasterboard, with our brothers and sisters trapped within, the smell of burning flesh still in the air—I was there; I vividly remember it—and thousands with anguished faces holding signs that said “Did you see my mother, Mary? Have you seen my brother, Bob?” because people didn't know where people were—maybe they were still alive but trapped in the smoldering towers—the first responders so bravely rushed in to see if they could save any lives. They did not say “I have to check on that and get back to you.” No, they rushed right to the towers. They rushed in even before they were asked. They did their duty. They did more than their duty. Many died. Many more are suffering. We don't need to check on things and get back to them. We need to write the check to fund their health care for the injuries they sustained in selfless service to their Nation when we were under attack by a foreign enemy. Period. End of story.

So what changed so much over the course of 2 weeks? When the first responders were here in DC, the majority leader committed to passing the legislation they need and so richly deserve for their heroism. A few weeks later, when the eyes of the world aren't watching quite so closely, he said: I will have to check and get back.

I would plead with the majority leader to help move this legislation forward and move it forward quickly. Let's not have to have these first responders, many of whom have all kinds of cancers they acquired on those fatal days after 9/11, come back here again and again. Let the doctors who are bravely working for the program not have to worry whether they will have a job. And let the program itself, which has been done without an iota of fraud—all the claims of “Let's do it for 5 years because we are not sure it will work”—those are the things we negotiated, Senator GILLIBRAND and I with Senator Coburn—those worries are gone. It is working exquisitely well, and there has not been an iota of fraud or misspent money.

So we shouldn't have to check on it; we should just move forward. I plead,

plead, plead with our majority leader, who was genuinely moved by the first responders when he met them, to make sure the bill moves forward. And let me say the same to the new leaders—whoever they may become—in the new House, in the new elections that are coming.

We cannot leave these heroes in limbo. We cannot leave them wondering if their health program, now expired, will be there for them if and when they get sick. As John Stewart said so well, cancer doesn't expire.

I only ask one thing this morning—one thing: that the majority leader and the Speaker honor their commitments to put this bill on the floor of both Houses. I implore them to move quickly to pass the Zadroga 9/11 health reauthorization act.

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.

Ms. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION, THE DEPARTMENT OF VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 2029, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 98, H.R. 2029, a bill making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Madam President, I am here this morning to speak about the issue that is before this body, the motion to proceed to H.R. 2029, or what we refer to as the MILCON-VA appropriations bill.

I certainly intend to support closing off debate on this and moving to take up this important appropriations measure. This is important for a host of different reasons, not the least of which is that we need to get to the substance of this issue. We need to get back to a regular order process in order to advance the appropriations bills that we on the Appropriations Committee have spent a considerable amount of time and effort drafting.