

and Retirement Modernization Commission recently released their recommendations. They are far-reaching and would fundamentally change military personnel benefits. They did so with the idea of improving the benefits available to many of our forces. They did it with the idea of insisting that our recruitment and retention efforts continue to be successful because we are a volunteer force. Their focus was really on the troops, but one of the effects of the recommendations was to make these costs sustainable over time.

As Secretary of Defense, Dr. Carter will have to work with Congress to carefully consider these recommendations to ensure that the Department has the resources to properly train and equip its fighting men and women.

The other major cost driver in the Defense Department is acquisition. To put it succinctly, defense acquisition takes too long and costs too much, but the Defense Department has undertaken significant reforms in recent years and many of these were personally led by Dr. Carter.

As Under Secretary of Defense for Acquisition, Technology and Logistics, Dr. Carter oversaw implementation of the Weapons System Acquisition Reform Act of 2009, and again, I must commend Senator McCAIN and Senator Levin for their leadership in this effort. The largest restructuring of DOD acquisition policies in more than two decades resulted from this initiative.

He also oversaw and contributed to improvements in a number of major acquisition programs, including the major restructuring on the Joint Strike Fighter program, the largest DOD acquisition program; efforts to reduce the cost of the Virginia-class submarine program and to improve contract performance, which has allowed the Navy to begin a two-per-year procurement program for these submarines, which are under budget and ahead of schedule—a remarkable achievement; improvements to the littoral combat ship program, which was experiencing major costs increases and delays, with Dr. Carter's participation DOD shifted to competitive fixed-price contracts in 2011; restructured procurement for the Air Force's KC-46A strategic tanker program, which led to a competitive procurement, incorporating a firm fixed-price development production contract for buying up to 120 tanker aircraft; and canceling of the VH-71 program, an out-of-control program to replace the current Presidential helicopter fleet.

Clearly not all acquisition problems have been fixed and the Defense Department can and should do more to streamline and improve the system. I believe, from what I have just indicated, that Dr. Carter as Secretary of Defense will do just that. He has already demonstrated he can do it and he will do it.

Finally, and most importantly, as Senator McCAIN indicated, if confirmed

as Secretary of Defense, Dr. Carter will be leading 1.3 million Active-Duty military, 820,000 Reserve and Guard, and 773,000 civilians. They are under strain after over a decade of war and years of fiscal uncertainty. They are wrestling with many of the same issues as civilian society—issues such as sexual assault and suicide. Yet they are committed to protecting this Nation and remain the finest force in the world.

Every decision Dr. Carter makes, I know he will make it thinking ultimately about what is in the best interests of the men and women in uniform and the DOD civilian workforce who give so much to this country every day, and that, I think, is one of the factors that compels all of us to support this nomination.

Dr. Carter has proven time and time again his commitment to the men and women who serve this Nation. I believe he is the right leader at the right time for the Department of Defense, and I urge my colleagues to support his confirmation.

SECRETARY OF DEFENSE CHUCK HAGEL

Mr. President, I would urge them also at this time to commend and thank Secretary Chuck Hagel for his service. It began decades ago as a young sergeant in Vietnam where he was wounded twice, where he fought in close combat against the enemies of the United States. He took this ethic from his own experience of understanding that ultimately the decisions made here in Washington are carried out by young men and women across this globe. In his tenure, he brought principled leadership, he brought a dedication to the men and women of the Armed Forces, and he also looked ahead in many different ways. One notable approach was his complete review of the nuclear establishment, the triad, not only in terms of its effectiveness but its security and its ability to respond to the threats not just of the Cold War but of the new world we face.

So for many reasons, he has done a remarkable job, and at this juncture, it is an opportunity to salute his efforts.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. President, I have concluded my remarks with respect to the nomination of Dr. Carter, but I wish to speak for a moment on a different topic.

We are in the midst of trying to provide appropriations for the Department of Homeland Security. It is an action we must take and we should take and we should do it without extraneous policy provisions.

Over the past few weeks, the State of Rhode Island has been beset by a series of snowstorms. In fact, the State could face another foot of snow this weekend. In coordinating a response to a disaster such as this, my State depends upon the Rhode Island Emergency Management Agency as well as local emergency managers. Those agencies, in turn, depend on Federal funding through the Department of Homeland Security, particularly the Emergency

Management Performance grant and Homeland Security grant programs, to build the capacity they need to respond to snowstorms, to hurricanes, and to natural disasters of all forms.

However, uncertainty about Federal funding makes it harder on my State to plan and prepare. It is harder for every State to plan and prepare. It is one of the many reasons we ought to pass the bipartisan bill that was negotiated by Democrats and Republicans on the Committee on Appropriations without the provisions added by the House regarding immigration.

A clean Department of Homeland Security bill would probably pass in this Chamber by an overwhelming majority in a matter of minutes. We all understand the security of the United States—not just with respect to natural disasters but with respect to many of the issues that are handed off, if you will, from the Department of Defense to the Department of Homeland Security. When we are worried, as we all are, about the lone wolves who may be in combat zones but coming to the United States, that is quickly a Department of Homeland Security responsibility. I don't think we want to confuse the issue of defending the homeland and protecting communities from natural disasters with other issues.

This is commonsense legislation. We have done it before. We have to move I think with alacrity to get this done. It is about protecting the American people from natural disasters as well as, unfortunately, in this world we live in, the potential for terrorist activities that emanate elsewhere but are directed against the United States.

Issues that are unrelated to funding the Department of Homeland Security I think should be put aside. We can deal with them. We can deal with them through the authorization process, but let's get this Department fully appropriated so it can continue.

I thank the Presiding Officer.

Mrs. FEINSTEIN. Mr. President, I support Dr. Ashton B. Carter to be our next Secretary of Defense.

I have known Dr. Carter for many years, both inside government and out, and especially as members of the Aspen Strategy Group. I have found Dr. Carter to be deeply thoughtful and extraordinarily competent. I am confident he will serve with distinction as our next Secretary of Defense, and I urge my colleagues to support his nomination.

It is vital to swiftly confirm Dr. Carter because we face countless threats around the world, many of which know no simple resolution. On all these national security issues, I strongly believe we need someone in charge who brings leadership, experience, intellect and a strategic lens. Dr. Carter possesses all of these things, and I fully expect he will put his expertise and counsel to good use in tackling our Nation's pressing challenges.

First and foremost, Dr. Carter will need to lead the Pentagon in confronting and ultimately defeating the Islamic State of Iraq and the Levant, ISIL.

ISIL is an unconscionably evil terrorist organization. Its barbarity knows no bounds. ISIL has burned alive Jordanian Capt. Moath al-Kasasbeh, beheaded American journalists and aid workers, and inflicts daily savagery on the people of Syria and Iraq, including the murder of civilians, women, children, and minorities. To marshal international support to sustain the global coalition and ensure ISIL is ultimately eliminated, I trust Dr. Carter to serve his country well.

At the same time, Dr. Carter will need to focus on our drawdown in Afghanistan. The Taliban is resurgent, ISIL is attempting to establish itself in the country, and the Afghan National Security Forces need our continued support. In 2011, the United States fully withdrew from Iraq only to see that country fall apart due to sectarian violence and undue foreign influence. We cannot afford the same in Afghanistan.

I have discussed with Dr. Carter my view that our drawdown in Afghanistan should not be linked to an arbitrary timeline, but rather to the needs on the ground and the necessity of an orderly transition.

Dr. Carter's deep history with nuclear nonproliferation issues will also be important in the coming years. Unfortunately, many of our nonproliferation programs with Russia have gone dormant due to our worsening bilateral relationship. We cannot let this continue to happen.

For decades the United States and Russia have worked together to secure nuclear materials and reduce our nuclear arsenals because doing so is important not only for U.S. security, but for global security. Finding a way to work constructively with Russia on securing and eliminating nuclear material, despite its invasion of Ukraine and continued support for the Assad regime in Syria, is clearly a most difficult assignment. I think Dr. Carter is up to the task.

Finally, Dr. Carter will need to deal with the extremely difficult spending limitations created by the 2011 Budget Control Act. If Congress cannot come together to find a bipartisan solution to raise the spending caps, like we did for fiscal years 2014 and 2015, overall security spending will only be allowed to increase by \$1.8 billion this year, that is a less than one-half of 1 percent increase.

At a time when threats to our Nation are increasing, not decreasing, I am deeply concerned that, under current law, our defense budget will not be allowed to rise to meet current threats. Dr. Carter understands this. In his confirmation hearing, he said, "I very much hope that we can find a way together out of the wilderness of sequester." I fully agree, and I urge my colleagues to work together to increase

the spending caps for both defense and non-defense programs.

Dr. Carter is a rare combination of a strategic foreign policy thinker and an expert on the roles and procedures of the Department of Defense. In his time as Assistant Secretary of Defense under President Clinton, he focused on key national security issues like proliferation of weapons of mass destruction and relationships with other major world powers.

In his two recent positions at the Pentagon—as Undersecretary of Defense for Acquisition, Technology, and Logistics and as the Deputy Secretary—Dr. Carter has managed the Department's business functions and ran its day-to-day operations. As Secretary, he will bring his unique experience in both sides of the job to the numerous challenges the Department and the Nation face.

Dr. Carter returns to the Defense Department at a time of immense global upheaval. Leading the Defense Department in such a time is no easy task, but I believe he will prove to be an excellent pick to help our country address these challenges head-on. He has the support of the President, the military, the civilian leadership of the Department, and by virtue of this vote, the U.S. Senate.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

REALITIES OF DRUG SENTENCING IN THE FEDERAL CRIMINAL JUSTICE SYSTEM

Mr. GRASSLEY. Mr. President and Members of the Senate, as chairman of the Committee on the Judiciary, I have mentioned publicly that I am open to certain Federal sentencing, or prison, reforms, and I have tried to make it very clear that I am very opposed to others.

Today I wish to address the realities of drug sentencing in the Federal criminal justice system. I do so because there are many myths that surround this topic.

The myth is that there are thousands of low-level drug offenders, such as people smoking marijuana, in Federal prison for very long terms. This is supposed to mean a waste of Federal tax dollars, overcrowding, and unfairness to people who should not be in prison. These myths are often used to justify lenient and, frankly, dangerous sentencing proposals in the U.S. Senate. One of those proposals is the so-called Smarter Sentencing Act.

It is time to set the record straight, and that is why I am here. It is important to know how many people are in Federal prison for drug possession, who they are, and why they are in prison. Then it will be clear why it is unwise

to make wholesale, one-way lenient changes in drug sentencing. In fiscal year 2013, the most recent year we have statistics, according to the U.S. Sentencing Commission there were 2,332 drug possession cases in the Federal prison. Almost 94 percent involved marijuana, more than 86 percent were against noncitizens, and 88 percent of the cases arose along the southwest border, so it is clear why so many non-citizens were charged. Federal drug possessors were rarely prosecuted for small quantities.

The median amount of drug possession in these southwest border cases, which are 88 percent of the Federal drug possession cases, was about 48 pounds. Understand, we are not talking about a few ounces of possession of marijuana. The average is 48 pounds. Can you imagine being in possession of 48 pounds of illegal drugs? These are not low-level, casual offenders by any stretch of the imagination. Moreover, well over 90 percent of the drug possession cases are along the southwest border. So more than 80 percent of all Federal drug possession cases were brought in the State of Arizona.

In that district, the U.S. attorney will agree to charge a drug trafficker with only drug possession if the offender is a first-time offender who acted only as a courier. Again, the median quantity of the amount of possession is 48 pounds, and many who actually committed trafficking there are charged only with mere drug possession.

Since 88 percent of all Federal drug possession cases derive from the southwest border, only 270 simple drug possession cases arose anywhere else in the United States. Get this, please. The odds of an American being subject to a Federal prosecution for drug possession in any given year are less than 1 in 1 million. It is also imperative to remember that mandatory minimum sentences are not an issue in these cases. The average Federal sentence for drug possession is 5 months; that is, only 5 months—I say that for emphasis—not the years of imprisonment some of the proponents of lenient sentencing would have us believe.

The brevity of Federal drug possession sentences is emphasized by how in the vast majority of these cases the median amount of drugs at issue was 48 pounds. In the 270 cases not along the border, the median amount of drugs the offender possessed was only 4 grams. The average sentence was 1.3 months. Most of those convicted were sentenced to probation.

There is no basis whatsoever to advocate change in Federal mandatory minimum sentencing laws based on drug possession cases since they are not subject to such mandatory minimums. Anyone who raises drug possession as an argument against Federal mandatory minimum sentences is using a stalking horse to lower sentences for much more serious offenders.

There is no separate Federal offense for what is called possession with intent to distribute. Those who possessed with that intent are treated the same as those who distribute. We need to look at drug distribution sentences in the Federal system as well.

Drug trafficking cases are sometimes subject to mandatory minimum sentences. For instance, just under half of all drug courier offenders were subject to mandatory minimum sentences, but under 10 percent were subject to mandatory minimum sentences at the time of their sentencing.

There are two main reasons so few of these offenders are actually sentenced to a mandatory minimum. The first is they may fall within the safety valve Congress has enacted to prevent mandatory minimum sentences from applying to low-level, first-time drug offenders or, second, they may have provided substantial assistance to prosecutors in fingering high-level offenders in a drug conspiracy.

That is an intended goal of current Federal sentencing policy, to put pressure on defendants to cooperate in exchange for a lower sentence so evidence against more responsible criminals can be attained. As a result, even for drug couriers the average sentence is 39 months. That seems to be an appropriate level.

We are not sending huge numbers of nonviolent drug offenders to Federal prison under lengthy mandatory minimum sentences. I want to make it very clear, this is the biggest sentencing myth of them all. When Federal drug sentencing is discussed, we need then to keep in mind the facts. There are hardly any nonviolent drug-offending Americans in Federal prison for mere drug possession. The quantities of drugs underlying the vast majority of Federal possession cases are high and sentences are fair. For drug courier distribution cases, only 10 percent of offenders are subject to mandatory minimum sentences at the time of sentencing.

I hope you will be on notice and be on guard. Don't let anyone tell you Federal mandatory minimum sentences are putting large numbers of non-violent offenders in jail for long periods of time at great taxpayer expense. Don't let anyone tell you such offenders are the reason for the increase in Federal drug prisoners over the years. Don't let anyone tell you harsh mandatory sentences for low-level nonviolent offenders are decimating various communities.

Apart from the clear evidence from the Sentencing Commission regarding Federal drug offenders, I want to draw attention to the responses to questions from witnesses before our Judiciary Committee just this month. Testifying before the committee, Milwaukee County Sheriff David A. Clarke, Jr., stated: "Federal mandatory minimum sentences have struck terror into the hearts of career criminals . . . and have provided longer periods of respite

from the impoverished and crime-ridden communities that can least afford their return."

The sheriff said he feared the effect in his inner-city community of changing Federal drug mandatory minimum sentences. I have told my colleagues I am going to be open to lowering some Federal mandatory minimum sentences but only where specific situations may warrant that and if we can add or raise new ones for such offenses as arms export control violations, financial crimes, and child pornography possessions. Those three categories do not have to be extremely long sentences under present law, but too many judges are systematically sentencing these offenders to probation. Especially when the Supreme Court has taken away any other means of making sure judges do not let these offenders walk, mandatory minimum sentences are the only way Congress can require these offenders serve any time at all.

I am trying to inform my Senate colleagues through the use of facts. In doing that, by looking at the facts, we will not make unwise and dangerous changes to our Federal sentencing laws. I ask my colleagues to stick to the facts and avoid repeating myths. I pointed out those myths. It is a myth to say sentences for drug possession and nonviolent offenders justify the Smarter Sentencing Act. That bill does not apply to possession at all. Many drug offenses necessarily involve violence. Drug conspiracies operate with the threat or the use of force.

Whatever the offense charged, if the offender has a history of violent crime, he is a violent offender, and the sentence will and should reflect that fact. It is a myth to say the Smarter Sentencing Act would save money. All it would do is shift costs from incarceration to the victims who bear the cost of the crimes that earlier released offenders would commit. That is one of the reasons the bill is dangerous.

The Congressional Budget Office also says it would add billions of dollars in mandatory spending, regardless of what upfront discretionary savings there may be. I would ask my colleagues to get this: It is a fact the Smarter Sentencing Act would cut sentences for a range of heroin offenses, including importation and dealing, while the entire Nation is in the midst of a heroin epidemic and a rising number of deaths from heroin overdoses.

I would ask my colleagues to get this: It is a fact from the heads of the FBI and the Drug Enforcement Agency and Federal police organizations that mandatory minimum sentences spur cooperation from defendants and enable the successful prosecution of high-level drug criminals who cause most of the tremendous harm. That includes cooperation from defendants charged with narcoterrorism.

I would ask my colleagues to get this: It is a fact the so-called Smarter Sentencing Act would cut in half the mandatory minimum sentences Con-

gress put in place for distributing drugs to benefit terrorists or terrorist organizations. It would cut in half the mandatory minimum sentences for members of Taliban, Al Qaeda, ISIS or Hezbollah who deal drugs that fund terrorism. That would mean less cooperation to bring charges of narcoterrorism, get terrorists off the streets, and obtain intelligence to help prevent future attacks.

As President Obama's U.S. attorney for the Southern District of New York has remarked, "[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.

So I ask my colleagues to get this: It is a fact that the so-called Smarter Sentencing Act is dangerous not only because of its effect on increased crime and victimization but on national security as well.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. MERKLEY. Mr. President, I rise today to urge our colleagues to come together quickly to pass a clean Homeland Security bill. We are now just 16 days away from a Homeland Security shutdown. The clock is ticking. A shutdown would be wholly unnecessary and, quite frankly, completely dangerous. We know we do not lack for security threats. It was less than 2 years ago that terrorists attacked the Boston Marathon. It was just weeks ago that we witnessed a horrific series of terror attacks on our friends in Paris. We know the brutal destabilizing force known as the Islamic State, or ISIL, is determined to hurt our Nation and our citizens. The world is a dangerous place.

At a time like this, we should be working together on a bipartisan basis to fund and strengthen Homeland Security, but instead we are facing insecurity, instability, and uncertainty because some want to hold the funding for the Department of Homeland Security hostage—hostage to a partisan political debate.

Is it really more important to hold a fight over deporting children who came to the United States and know no country other than the United States, came here through no fault of their own? Is it more important to hold this fight over deporting those children than it is to protect America against terrorist threats?

Although protecting against these threats is reason enough to oppose this misguided strategy, the resulting fallout would not just be limited to national security. This bill includes