

SAVE OUR SEAS ACT OF 2017—  
Continued

The PRESIDING OFFICER. The Senator from Colorado.

Mr. GARDNER. Thank you, Mr. President.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 4123.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. GRASSLEY. Reserving the right to object, I would like to explain my—make a point before I object.

This amendment is inconsistent with current Federal law and would allow States the right to break existing law. If there is an attempt to legalize across the country, we should have that debate and let the Congress decide the issue instead of creating a back door to legalization.

Furthermore, the amendment would allow financial institutions to bank marijuana distributors. This is inappropriate to consider in the context of a criminal justice reform bill. Criminal justice is not a vehicle through which we create reform for banks to create more business.

The Senator from Colorado is very much an advocate for the people in his State. I understand that. I respect his position. He works hard on this, and he may be ahead of the time when there will be a real debate on this, and maybe there will be, at that point, an opportunity to consider his approach as something lesser than the legalization of marijuana generally.

For those reasons, I will object to what the Senator from Colorado is trying to accomplish.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. GARDNER. I thank the Presiding Officer and Chairman GRASSLEY. After much debate, disagreement, and compromise, this week the Senate is going to be taking up a bill that he has worked very hard to see through to this day, a criminal justice reform package.

The package that is on the floor today that we are debating and talking about amending shows the American people that bipartisanship remains alive in the U.S. Senate. Leaders on both sides of the aisle, as well as the White House, should be commended for their admirable and persistent cooperation and determination on this legislation.

I believe the package's goals are noble. It is right to help those who have paid their debt to reenter society with the best possible chance to be productive contributors. It is right to take steps to ensure that sentences are fair and appropriately tailored to the defendant. It is right to calibrate the way we treat those in custody based on the risk they pose to society.

But being from Colorado, it is hard to think about Federal criminal justice reform without thinking about the big-

gest problem the Federal law creates for Colorado—the refusal to respect the will of Coloradans when it comes to their decision on marijuana. That is exactly what I am trying to do, is to create a debate so that we can address the conflict between State and Federal law.

Every day, Coloradans of good faith follow Colorado law to a T. Yet they are still criminals in the eyes of the Federal Government. Cancer patients who are using medical marijuana to control their pain and veterans who are using marijuana to alleviate the post-traumatic stress they suffer because they served their country—Federal law says they are criminals, even though they are perfectly legal within their rights under State law. The attempt we are making today is to fix the inconsistency between Federal and State law, to begin the debate, because the people don't think that they are criminals when they follow the law in Colorado. So we should change Federal law.

This disconnect doesn't affect just the industry's patrons or even the growers or retailers, for that matter; it also makes criminals of those outside of the industry. As we are talking about criminal sentencing reform, we should be thinking about plumbers, electricians, bankers, landlords, real estate service providers, employment and advertising agencies, insurance companies, and HR services. All of the everyday businesses that interact with the marijuana industry—like they do any other part of our economy—are affected by Federal law too. That is because when they take money from a marijuana business, Federal law considers them money launderers, putting them at risk for both criminal liability and civil asset forfeiture.

That means the mother who moved to Colorado to treat her child who has epileptic conditions—severe epilepsy, thousands of seizures a month—moved to Colorado to treat her child with CBD oil, derived from the work we are doing on marijuana, which reduces those seizures from 1,000 a month to a few—6, 7, 8, or a dozen a month—that is illegal in the eyes of the Federal Government, putting her at risk for criminal liability and civil asset forfeiture.

The disconnect forces Colorado's \$1.5 billion market back into the pseudoshadows, where business is in hard-to-track cash—\$1.5 billion in cash—inviting dangerous robberies and hindering law enforcement efforts to ensure that legal marijuana sales benefit legitimate businesses rather than illicit cartels. This is an effort to bring that \$1.5 billion in Colorado alone out of those shadows. It also means that researchers can't test marijuana for medical efficacy to help better understand impairment, because those researchers fear the loss of Federal funding.

All of this flies in the face of what the Colorado people have chosen to do for themselves. Indeed, it flies in the face of the 33 States that have legalized some form of marijuana, including 10

that allow regulated adult use. This year alone, Oklahoma, Missouri, and Utah have passed laws establishing medical marijuana programs, and Michigan and Vermont have passed laws permitting regulated adult use. Wisconsin voters in 16 counties overwhelmingly passed advisory referenda supporting legalization.

Here is the chart. Look at this chart. Green on this chart represents the States that have legalized some form of marijuana, whether it is recreational, whether it is medical, whether it is CBD, or some kind of hemp product, cannabis. Look at the green on this map. Over 95 percent of the population in this country live in a State that have made legalization happen in some way, shape, or form.

Let's go to the list of the States. It is almost every State. Here are the States allowing some form of marijuana: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida—it goes on and on.

It is easier to say the three States that have not allowed it: Idaho, Nebraska, and South Dakota. They are the only three States that have not.

Recent polling from Quinnipiac shows that more than 60 percent of the American people support legalized marijuana, and 93 percent support medical marijuana. The American people have made up their minds. This is happening. Let's be clear. This isn't just happening in blue States, like California or Massachusetts, or purple States, like Colorado. It is happening in bold, deep red States like Utah, Oklahoma, and West Virginia. It is happening in swing States like Florida, Ohio, Pennsylvania, Michigan, and Missouri. The bedrock principle of our government expressed in the Declaration of Independence is that governments derive their just powers from the consent of the government. As the Federal Government continues to ignore the will of the people, the people lose respect for the law. The Congress must respond because, one way or the other, the people of this country are having their say.

That is why Senator WARREN and I are offering the STATES Act as an amendment to this criminal justice package before the Senate. The act is a simple, straightforward plan. Within certain basic Federal guardrails, conduct and compliance with State marijuana law will not violate the Controlled Substances Act. This legislation is the embodiment of federalism our Founders envisioned. It allows each State to move—if at all—at their own pace. It lets States like Colorado be the laboratory of democracy that American people have come to expect. But most importantly, it lets Colorado be Colorado, South Carolina be South Carolina, and Florida be Florida—and they all will have Federal prosecutors backing up whatever decision they make with respect to this decision.

The people of Colorado have made their decision already. I did not vote

for legalization in 2012. I did not support legalization, but I respect my State's decision. Its people know what is right for the State of Colorado. The decision that Colorado makes may not be right for the people of South Carolina or Florida. But their decision should be respected and supported by the Federal Government just like the decisions in every other State.

I am all for helping those who have paid their debt to society, but there are many for whom there should be no debt. That is why the STATES Act should be included in Federal criminal justice reform.

Let's close with this map. Over 95 percent of the population of the United States lives in a State where they have legalized some form of marijuana. Every State in green is a State that has legalized some form of marijuana. By the year 2022, this industry will be over \$20 billion—all of which can't be in the banking system because it is against Federal law. And what happens when you force a \$20 billion all-cash economy? I guess that is what we ought to be dealing with here today. This isn't just about banking; that is a side effect of the STATES Act. The STATES Act recognizes that Federalist principle that a State can decide this issue for itself. This amendment at this time recognizes that you shouldn't go to Federal prison for following State law. That, in its essence, is sentence and reform. If we had a chance to vote on this amendment today, the amendment would be germane. It would have a 50-vote threshold—a simple majority, up or down.

I know this amendment has the support of this body on both sides of the aisle to fix this conflict and allow the States to make their own decisions without the heavy hand of Washington telling them what to do.

I yield my time and will not give up this fight.

The PRESIDING OFFICER. The Senator from South Dakota.

TRIBUTE TO LAMAR ALEXANDER

Mr. THUNE. Mr. President, before I begin, I would like to say a couple of words about Senator ALEXANDER.

I was very sad, as many of us here were, to hear that he will be leaving the Senate in 2 years—in other words, not running for reelection when he comes up in 2020.

While I am sure he will enjoy having more time to relax at home in his beloved Tennessee, his gain is our loss. Over the course of his 16-year career in the Senate, he has been a leader and a model for many of us, including me.

As a former Secretary of Education, he has, unsurprisingly, been a leader on education issues. He has also been a tremendous leader on healthcare. He combines an impressive knowledge of the issues with an ability to bring together Members of both parties to get things done.

He and I share the unusual distinction of having both been congressional staffers before becoming Members of

Congress. We also both served as chairmen of the Senate Republican conference. I have to say that LAMAR was definitely a tough act to follow.

I will miss his presence in the Senate, but I am glad we have 2 more years to work together to improve the lives of the American people. I expect that in his last couple of years, he will get a lot done around here because there isn't anybody in the Senate who is a more effective or a more results-oriented legislator.

I look forward to the things we can get done together in the course of the next 2 years. But like many in this Chamber, I am going to be very sorry to see Senator ALEXANDER leave.

TRIBUTE TO JON KYL

Mr. President, I also want to mention Senator KYL, who announced he is retiring from the Senate for the second time.

Senator KYL initially retired at the end of the 112th Congress after a distinguished Senate career but stepped up to fill in after we lost Senator McCain earlier this year.

Senator KYL is rightly renowned in this body for his statesmanship and his deep knowledge, and it has been a pleasure having him back in the Senate, even if that was just for this brief time.

GOVERNMENT FUNDING

Mr. President, the 115th Congress is drawing to a close, and it is time to finish up our work. More importantly, of course, we need to fund the government.

While this year's Senate was the most efficient in two decades in terms of passing appropriations bills, we still have a significant amount of funding left to pass this week.

A critical part of this funding is border security. As all of us know, protecting our border is protecting our Nation. When we can't control the flow of goods and people across our borders, dangerous individuals and products enter our Nation without our knowledge.

The fact is, our borders are not sufficiently secure. As we have recently seen with the migrant caravans, they are a target for illegal entry.

Over the past year, illegal border crossing apprehensions shot up by more than 30 percent. A porous border leaves us susceptible to illegal entry by gang members, human traffickers, drug dealers, and weapons traffickers. Federal agents have seen a substantial increase in seizures of deadly drugs, including a 115-percent increase in the amount of fentanyl seized between ports of entry. Fentanyl is one of the most dangerous opioids out there and a major contributor to the opioid crisis raging in this country.

In 2017, opioids were involved in the deaths of almost 50,000 Americans. Roughly half or more of those deaths involved fentanyl. If this is what is being caught at legal points of entry, we know more is coming over our uncured border.

Then there is human trafficking. Every year, between 14,500 and 17,500 individuals are trafficked into the United States—predominantly women and children. Then they are sold into domestic slavery or, more frequently, forced into pornography or prostitution.

Of course, there is the ever-present and very real danger that members of terrorist groups will exploit loopholes in our border security to enter our country and endanger our citizens.

I don't need to explain this to Democratic Members of the Senate. They know all of this, and they have supported measures in the past to protect our borders. In 2006, the Democratic leader and the ranking member on the Senate Judiciary Committee voted for legislation to authorize a border fence. They were joined in their vote by then-Senators Biden, Clinton, and Obama.

In 2013, every Senate Democrat supported legislation requiring the completion of a 700-mile fence along our southern border. This legislation would have provided \$46 billion for border security and \$8 billion specifically for the border wall. Nothing has changed. Border security is still a national security imperative, and it still needs to be funded. So I hope that Democratic support for border security will not change either.

In 2013, NANCY PELOSI said that a shutdown was "an unthinkable tactic to use in the political debate." I have to agree that it is unthinkable that Democrats would jeopardize government operations and services to block funding to secure our border.

The American people are certainly not interested in a government shutdown. They made that clear back in January when Democrats shut down the government over illegal immigration. I know Democrats and Republicans in Congress are not interested in shutting down the government for Christmas.

I hope that an appropriations bill will pass this week. It is time to get the government funded.

NATIONAL DEFENSE STRATEGY COMMISSION

While I am on the issue of national security, I would like to take a few minutes to discuss the recent report from the National Defense Strategy Commission. The report is sobering, and it should give our work to restore military readiness a new level of intensity.

I would just like to highlight a few excerpts from that report:

The security and wellbeing of the United States are at greater risk than at any time in decades. . . . The U.S. military could suffer unacceptably high casualties and loss of major capital assets in its next conflict. It might struggle to win, or perhaps lose, a war against China or Russia. The United States is particularly at risk of being overwhelmed should its military be forced to fight on two or more fronts simultaneously. Additionally, it would be unwise and irresponsible not to expect adversaries to attempt debilitating kinetic, cyber, or other types of attacks against Americans at home while they seek

to defeat our military abroad. U.S. military superiority is no longer assured and the implications for American interests and American security are severe.

Those are all findings from that report. I would say that the threats to our national security are many, and they are growing in complexity by the day. But it is not our strength that tempts our adversaries; it is our weakness.

The best way to ensure our security and that of our allies is to project strength, and the best way to project strength is to make sound investments in our men and women in uniform and the right investments in sustainment and modernization.

I hope that this report will be a wake-up call, and the Democrats will come to the table to continue the work of rebuilding our military in this next Congress. We need to continue the momentum led by President Trump in restoring our military readiness so that bad actors will rethink their actions.

If I can remind my colleagues, providing the Pentagon funding certainty allows it to leverage its greatest asset, and that is the men and women of our military. Investing in our national defense is an investment in the men and women who are currently standing watch around the world this holiday season, forgoing the comforts of home so that we can celebrate with our friends and family.

This last weekend, I had the honor of attending an activation ceremony of the Bravo Battery of the 1-147 Field Artillery of the South Dakota National Guard. Those in it are deploying in support of Operation Atlantic Resolve and demonstrating, yet again, America's commitment to security in Europe at a time of heightened tensions.

We thank them for their service, and we wish them a safe deployment. May we think of Bravo Battery and extend our thanks to all of the men and women in uniform who are defending our freedoms at this time of year. May we return in the 116th Congress with a renewed commitment to supporting their mission and needs.

I yield the floor.

The PRESIDING OFFICER (Mr. HOEVEN). The Senator from Louisiana.

#### FIRST STEP ACT

Mr. KENNEDY. Mr. President, I want to spend a few minutes talking about the so-called criminal justice bill that we will soon be voting on in the U.S. Senate. I want to make it very clear that I don't believe there is a single, solitary Member of this body who would do anything intentionally to jeopardize public safety. I don't believe that for a moment. I do believe, though, that there will be some sharp divisions over the merits of this bill. I don't intend to vote for the bill, but I recognize that sometimes fairminded people disagree. What I want to do today is to just share with you my perspective on this legislation.

There are some things in this bill I really like—the provisions to try to

give prisoners job training and mental health counseling, and, in some cases, give them the opportunity to obtain a GED—the so-called anti-recidivism provisions. I support them. For years, I have argued that there is no reason, with technology, that we can't give every prisoner in State and Federal prison the opportunity to get a GED. I support the part of the bill that would house inmates, when we can, within 500 miles of their homes, so they can receive visits from family. I think that might help them not to recidivate.

There are other things in the bill that I like, but let me explain why I am not going to support—not going to vote for—the bill, although I will have some amendments to try to make it better.

My objection is to the approach of the legislation. I think it is backward. I believe the primary goal of a criminal justice system is not deterrence. It is an important goal, but it is not the most important goal. Neither is retribution nor rehabilitation. Rehabilitation, deterrence, and retribution are important goals of a criminal justice system, but they are not the most important. For most Americans, the most important goal of a criminal justice system is justice. Again, that is not to say that deterrence and rehabilitation aren't important, but they go to the effectiveness of your penal system. They have nothing to do with justice, which is what we try to do here in the U.S. Congress when we establish rules for sentencing criminals.

What is justice? It has been talked about, debated, and discussed through the ages. I can tell you what justice means to me and what it means to many people who are smarter than I.

Justice exists when people receive what they deserve. For example, justice exists when the people of Tibet are allowed to worship the Dalai Lama, because they deserve freedom of religion. Justice exists when a rapist receives a penalty that is proportionate to his crime. That, to me, is justice. I will say it again. Justice exists when people receive what they deserve. I didn't say that—not first. I agree with it. C. S. Lewis did in an essay called "The Humanitarian Theory of Punishment." Before C. S. Lewis said it, Immanuel Kant said it, and before Immanuel Kant said it, Saint Augustine said it. I will say it again. Justice exists when people receive what they deserve, and that is what the American criminal justice system is about. It is not supposed to be primarily about deterrence and rehabilitation, though those are important goals. The ultimate goal is justice. That is why I think this bill is backward.

This bill says our sentencing provisions, as established by the U.S. Senate and the U.S. House of Representatives, are unjust. That is the assumption in the bill. Rather than try to fix them, we are going to give almost unfettered discretion—if you read the 150-page bill carefully, and I have—to the bureau-

crats in the department of corrections to fix our mistakes. If you follow the logic of the proponents of this bill, it is like putting paint on rotten wood. The sentences are unjust, they assume. Therefore, we are going to give the wardens and the Director of Bureau of Prisons the authority to let out whom-ever he or she wants to.

I know there are checks and balances, supposedly, built in there, but read the bill carefully. In the final analysis, this is going to be a subjective call as to who gets out early and who doesn't.

If you wanted a debate on this floor of our sentencing provisions and whether they are just, I would pounce on it like a ninja—I would be here all day and all night—but I am not going to vote to pass the buck to the bureaucracy and trust it to do the right thing. That is our job. If the sentences are unjust, then, by golly—by God—let's fix them, but let's not just give our authority to the Bureau of Prisons and expect it to fix our so-called mistakes.

Now, I am not conceding that we have made mistakes. I don't know because we haven't focused on the sentencing part. I am not sure that this body has the courage. I am just not sure we have the courage, and that disappoints me. That is why I am against this bill. We have talked a lot about rehabilitation, and we have talked a lot about deterrence, which are both important things. Yet we have talked very, very little about justice, and in the final analysis, that is what the American people expect from us.

I am going to offer two amendments that, I think, will improve this bill, and if my glasses had not fallen off, I would have read them to you. Instead, I am going to tell you about them, but I wrote them down carefully so I could try to be precise. They are very simple amendments. Senator COTTON and I are offering these amendments together. I am going to let him explain his amendment. Here is what my two amendments would do.

My first amendment would say that victims count, that victims matter. It would direct the Director of the Bureau of Prisons, before he releases an inmate early—a rapist, for example, because the warden or the director thinks he is nonviolent—to contact the victim of that rape and say: Hey, I have made the decision to let this guy out early, and I wanted to tell you about it, and I wanted to give you the date that he is going to be released. I want to give you a chance to write me a statement about how you feel about it, and I promise to read it.

It doesn't give the victim veto power. I wish it could. All it says is that before a warden lets a child molester or a pedophile or a rapist or a fentanyl dealer go, he has to call the victim, and if the victim is dead, he has to call the victim's next of kin and say: Hey, I have made the decision to let this person out. I wanted to tell you about it.

Here is the date I am going to let him out. You have the right to write a statement about it, and I promise you I will read it.

Some of our colleagues call that a poison pill. I call it fairness to the victims. I call it common sense. I call it justice.

The second amendment is equally simple. It just says to the Director of Bureau of Prisons: You are going to be letting these criminals go. Once a quarter, you have to make available to the public, without naming the inmates names—we are going to keep them anonymous—a list of the people you let out of prison early. You have to publish the crimes for which they were in prison. You have to publish their rap sheets so we can know what else they served time for, if any, in prison. You also have to tell the public whether they have been rearrested and, if so, what for.

That is it. Some of my colleagues call this a poison pill. I call it transparency, and I call it common sense.

I deeply regret—and I will conclude on this note—that I cannot support this legislation, because I think there are ways we can improve our penal system. In my opinion, if we want to do justice in a piece of legislation, let's not do it by giving our discretion and our law-making authority to the bureaucracy to decide who gets to stay in prison and who gets to go home early. We make those decisions ourselves on the floor of the U.S. Senate, in front of God and country and the voters. We don't hide behind a bureaucracy. That is why I am going to oppose this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. KENNEDY. Certainly, I will.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, I rise on behalf of S. 756, the FIRST STEP Act. It is a first step, and it is a mighty important first step. Hopefully, this bill is going to pass later today.

This revised FIRST STEP Act is long overdue. I am proud to see that the House, the Senate, and the President are all working together, as they should, to pass this important bill. This country of ours incarcerates more people than any other country in the world. The Federal prison population has grown by over 700 percent since 1980, and it consumes one quarter of the Department of Justice's budget. No one questions that some people deserve to go to prison for the crimes they commit—sometimes for a long time. Yet it is time to bring some common sense back into our criminal justice system.

This legislation will allow judges to do the job that they were appointed to do—to use their discretion to craft an appropriate sentence to fit the crime. There are numerous stories of judges who are forced, by strict mandatory minimums, to sentence people to decades in prison for low-level drug of-

fenses. How many times have we heard of a judge who says, "I don't think that this sentence ought to be imposed, but I have no other choice for this is what the sentencing guidelines say"?

We have seen examples of people who have been sent to prison for more than 50 years for selling \$350 worth of marijuana—a drug that is now legal in some States. In my State of Florida, the use of marijuana for medical purposes is legal. It was passed by three-quarters of the people in a constitutional amendment. These rigid sentences that do not fit the crimes ought to be turned around, and that is exactly what this legislation does. If we don't start this first step of turning it around, it will be so wasteful, so unfair, so costly. It is not how our criminal justice system was intended to work. I am sure the senior Senator from Illinois has already told you about the wide swath of groups, people, and organizations from across the political spectrum who understand that the system is broken and want it to be repaired.

In addition to the much needed sentencing reform, this legislation includes prison reform ending cruel and inhuman practices in our Federal prison system. It is Federal juvenile solitary confinement, a practice that now the psychiatrists tell us gives long psychological damage. It also prohibits the shackling of pregnant prisoners. Doctors have told us about the harm that can come to a pregnant female and serious harm to the fetus if she is not appropriately looked after, and shackling can interfere with that appropriate medical care. The American Medical Association and the American College of Obstetricians and Gynecologists strongly oppose the shackling of women who are pregnant.

This FIRST STEP Act also requires prisoners to be incarcerated closer to their home so family members can visit them. After all, don't we want to rehabilitate prisoners?

It provides opioid treatment to inmates that suffer from addiction—something that probably led to their incarceration in the first place.

There is more to do certainly. That is why this is just a first step. It is a bipartisan first step. It is a concrete improvement of our current system.

I am proud to support this legislation. This Senator gave his farewell address last week, but because of this very important legislation, which this Senator has wanted to see come to life and be enacted into law for such a long time, it was important for me to come to this floor and to speak on its behalf, as well as to thank the managers of the bill who have brought it through this long and torturous path.

It is finally going to become a reality. This, indeed, is an example that when people of goodwill put their minds to it and come together in a bipartisan fashion, in fact, you can get something done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I wanted to thank the Senator from Florida for his kind words of encouragement on this criminal justice reform bill that is pending before the Senate. I thank him. I know his personal interest in this subject. I am going to miss his service and his friendship here in the Senate Chamber. I want to thank him for his many years of serving the people of Florida and for standing by me in many causes. It is rare that one of these causes is so bipartisan, and this one is.

I heard the testimony or the statement earlier by the Senator from Louisiana, Mr. KENNEDY. I count him as a friend. We have cosponsored bills together, and I like him. We disagree on some issues, but we do it in a very positive way, and in the comments I am about to make, I want to be as positive as possible.

Senator KENNEDY brought a chart to the floor and suggested that there was no support by national law enforcement for the bill that is before us, and he said that most of the State and local law enforcement groups were opposed to it as well. I beg to differ with him.

I would like to submit for the record that currently we have the support on this Grassley-Durbin bill from the American Correctional Association, the American Federation of Government Employees, the AFL-CIO, and the Council of Prisons. The very prison guards whom Senator KENNEDY referred to on his chart are in support of our position. The Association of Prosecuting Attorneys, the Association of State Correctional Administrators, and the Fraternal Order of Police supports our bill, and, in addition, the International Association of Chiefs of Police.

I ask unanimous consent to submit for the RECORD the remainder of these law enforcement, corrections, and government groups.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FIRST STEP ACT SUPPORTERS  
LAW ENFORCEMENT, CORRECTIONS &  
GOVERNMENT

American Correctional Association;  
American Federation of Government Employees, AFL-CIO, Council of Prison;  
Association of Prosecuting Attorneys;  
Association of State Correctional Administrators;  
Fraternal Order of Police;  
International Association of Chiefs of Police;  
International Community Corrections Association;  
International Union of Police Associations AFL-CIO;  
Law Enforcement Leaders to Reduce Crime and Incarceration;  
National Association for Criminal Defense Lawyers;  
National Black Prosecutors Association;  
National Organization of Black Law Enforcement Executives (NOBLE);  
National District Attorneys Association;

National Governors Association;  
United States Chamber of Commerce;  
United States Conference of Mayors;  
Veterans of Foreign Wars of the United States;

172 former federal prosecutors and senior government officials including former Attorneys General Michael B. Mukasey and Alberto Gonzales.

Mr. DURBIN. Mr. President, at the heart of the amendments being offered by Senators COTTON and KENNEDY is an effort to provide notification to crime victims. I spoke to this early this morning, and I think it bears repeating.

It is interesting to note that they are arguing that their amendments are necessary for the sake of crime victims. At the same time, virtually every leading organization in America representing crime victims supports our bill and opposes the amendment being offered by Senators COTTON and KENNEDY. Why do they oppose it? Because we already have a law. The law says if you are a victim of crime, you have certain rights written into the statute—some 10 specific areas where you have the right to be consulted or notified if you are a victim and you want to know what is going to happen to the person who is accused of the crime of which you were a victim. It is only right that we do that, and we have done it for a long time.

We also have regulatory provisions where the Bureau of Prisons will not release someone without notification to the crime victims. So there is a healthy pattern established by law that victims of crime in the United States have the right to receive all of this information and, in some cases, can actually participate in the proceeding. We voted on that on a bipartisan basis years ago. That is the way it should be.

So what does the Cotton-Kennedy amendment add when it comes to crime victims? It adds something that the crime victims organizations oppose. Let me tell you what it is. You have a right as a crime victim to be notified, but you are not mandated and required to be notified. That is your call. It turns out that 10 percent of crime victims over the last 5 years—over 160,000 American crime victims—have chosen not to be informed. They don't want to be notified. Why? Why would they not want to be notified? What if the victim is a child in your family who was the victim of a crime at an early age and you have decided, for the sake of that child or our family, that you want to put this behind you? Don't put me on the list, then, to notify me about what happens with a criminal defendant. We want to put that chapter behind us. We want to move forward as a family.

Or perhaps as a crime victim you are dealing with psychological trauma—understandable. You are going through counseling, and you believe that constant reminders about the criminal defendant don't help you get well and don't help you move forward. You can

make an individual personal decision—you have the right to make it—that you don't want to be notified.

Then, comes the amendment that will be on the floor tonight or tomorrow. The amendment by Senators COTTON and KENNEDY says: Forget that; you are going to be notified whether you want to or not.

I think that is wrong.

Don't take my word for it. Go to the crime victims organizations and ask them what they think. They think this mandatory notification will retraumatize many crime victims. They respect the right for a crime victim to say: I don't want to learn this. I don't want to know about it. Don't send me these notifications.

They respect the crime victims and the circumstances, and the Cotton-Kennedy amendment does not. So at the heart of their amendment process, in an effort to "help crime victims," they have drafted a provision that the leading crime victims organizations oppose. No Senator of either party should vote for the Cotton-Kennedy amendments in this bill and believe they are helping crime victims. They are not. The existing law gives all crime victims the right to know and the right to be informed, as well as the right to say: I don't want to know. Don't contact me anymore. I want to put that behind me.

That is up to the individuals. The Cotton-Kennedy amendment, unfortunately, moves into new territory and forces this information on people who are not looking for it.

In addition to that, they have a list of crimes, if you have committed these crimes and have been convicted—a list of crimes that would be ineligible. You couldn't get the prison reform package that we are talking about, the possibility of early release, if you commit certain crimes. Well, we tried to take care to create a process that was sensitive to this, and we started with a challenge. There were 5,000 Federal crimes. You wouldn't believe how many there are. We had to go through and pick those that clearly should disqualify you from getting any special treatment when it comes to your prison sentence. We came up with a list that was 20 pages long of specific crimes—over 60 crimes—and after we produced the list, Members would come to us and say: Well, what about this crime? Well, if we thought it was a legitimate concern, we added it to the list. So we tried to be as inclusive as possible and to cover the most serious crimes, whether they involve violence or harm to an individual, and to be sensitive to them.

Along the way, Senator TED CRUZ of Texas produced a list that he wanted included. We took a good-faith look at it, and we agreed with him on about 8 or 10 of the provisions he made. We said: We will include these in our list. If you committed the crimes that Senator CRUZ came up with, you would be ineligible for this prison recidivist program.

So we started to put it in the bill, and we thought it was in the bill, incidentally, and we learned it had not been included. We asked for unanimous consent to amend our own bill to include these new categories and, unfortunately, the Republican leadership and Senator COTTON objected. They wouldn't let us include a new list of crimes which would make a person ineligible. That is unfortunate.

Sadly, the provision of one of the amendments from Senator COTTON is now attempting to include some of those crimes in his list. We made a good-faith effort to do this on a bipartisan basis, and we will continue to do that.

I see the Senator from Pennsylvania has come to the floor.

The last point is that there is a provision in one of the Cotton-Kennedy amendments that redefines the crimes that would make you ineligible to participate in this program. It is a new definition. It includes a reference to something that you don't see often—violence to property. I am not sure what that means. The use of physical force on property is in the law in many places, but the terms "violence against property" is something that I am not sure what Senator COTTON is trying to achieve with this. It is going to create confusion.

Unfortunately, if you add every crime that might involve some damage to property, you can see that it would expand the list dramatically and go way beyond what we are trying to achieve. We are trying to give those incarcerated who truly want to turn their lives around and who truly want to have training and be ready to move forward the opportunity to do just that.

So at this point I am going to conclude my remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. TOOMEY. Mr. President, I rise today to speak about the FIRST STEP Act. I think this is a very important bill and important legislation. A lot of people have worked very hard on it, and there are only good intentions behind this legislation. I know it is an attempt to improve our criminal justice system generally, to reduce recidivism among offenders, and to increase public safety. Those are the goals. I am sympathetic to all of those goals, and I am seriously considering supporting this act. I want to see how this amendment process plays out, but I recognize that a lot of good work has been done here.

I want to begin by saying that I am also sympathetic to the legitimate concerns that have been raised about this legislation by law enforcement officers. I have spoken with people across

Pennsylvania who protect us every day who have some concerns about this. I am glad to see there were changes made along the way—changes that address some of the serious concerns I and others have raised. I think there is still room for more improvement. That is why I support the three modest amendments Senators COTTON and KENNEDY have proposed.

One of the amendments will simply ensure that all violent felons—such as carjackers and criminals who assault law enforcement officers and sex offenders—will not be eligible for the earned time credit. That is a good amendment, in my view.

A further feature is to notify victims of crimes before the prisoner who committed the crime is released. I think that is a reasonable provision for victims, to give them a chance to have their voice heard before the perpetrator is released.

Finally, another feature is to simply require the Department of Justice to track the outcomes. Let's make sure we know a few years from now, if this passes and is signed into law, whether we have reduced the recidivism rate. We should have that information.

These are commonsense amendments. I support them and urge my colleagues to do likewise. My real purpose is to highlight one of the amendments I have filed and hope I am going to be able to get a vote on. My amendment concerns especially victims of crime but specifically victims of child abuse, sexual assault, domestic violence, and other violent crimes, and the need to end Congress's longstanding injustice to these victims.

The FIRST STEP Act does a lot, especially for people who have committed crimes. Unfortunately, it doesn't do anything that I am aware of for the victims of crimes. These two things are not mutually exclusive. We have an opportunity here with this amendment to address something very substantive we can do for crime victims. Specifically, Congress should stop what I think is an unconscionable annual raid on the Crime Victims Fund. Since fiscal year 2000, Congress has diverted literally billions of dollars from the Crime Victims Fund by using a budget gimmick to withhold money from victims and the organizations that help victims. Here is how it works:

Every year, the Crime Victims Fund collects money from Federal criminal fines and penalties. There is no taxpayer money involved. These are criminal fines that result from convictions.

The fund was created in 1984 with a very simple principle in mind; that is, the money the Federal Government collects from those convicted of a crime ought to be used to help those who are victimized by the crime. Under the Federal statutes, the money collected in 1 year is supposed to be disbursed to victims of crime the next year. Unfortunately, starting in 1999, Congress began to systematically with-

hold some of the money that is supposed to go to the victims, effectively shortchanging the victims—people who, through no fault of their own, were victims of a crime.

You might ask, why would people do a thing like that? The reason it is done is because the Federal Government has bizarre and ridiculous budgetary rules. One of them holds that when you shortchange victims of crime this way, when you refuse to allocate the criminal penalties to victims as you are supposed to, you get to pretend for budgetary purposes that you are saving taxpayer money. It is totally untrue. It is not factually saving taxpayer money at all, but you get to pretend that it is. So in pretending that those savings have been achieved, it allows you to spend more money elsewhere, and there are few things Congress likes better than spending money. So this money, which is supposed to go to victims of crime, is instead spent on completely unrelated discretionary items in appropriations bills year after year.

How much, you might ask, does this matter? Does this actually add up to anything meaningful? Astoundingly, over the last two decades of this practice, Congress has used this gimmick to add \$82 billion in unrelated Federal spending that has all gone to increase our deficit and our debt, all because every year they withheld money that was supposed to go to victims of crime.

Where did it go? The money could go to anything that Congress decides to spend it on, anything in the Commerce-Justice-Science approps bill. I will give one example. In 2014, Congress gave victims less than 6 percent of the money they were supposed to give to victims of crime—again, not taxpayer money; criminal penalty money. It used the remaining \$11.8 billion for other spending. That year, the CJS bill funded \$360,000 for a NASA study that paid individuals \$18,000 to lie in bed for 70 days, \$1.75 million for a PBS documentary to promote a New York Times bestselling book, and \$150,000 so that a game designer could develop a zombie-fighting web game. These are just a few examples. This is beyond egregious.

Because of this disgraceful behavior on the part of Congress, it has been much more difficult for victims of crime to receive the services they are supposed to get. A lot of the Crime Victim Fund goes to people who are helping some of the most vulnerable in our society. Now, in part because this money is not fully allocated as it should be, abused children sometimes have to wait weeks before they can receive the full medical and emotional services and care they need. There are rape victims who are not able to obtain the prophylactic medications they need to prevent them from contracting HIV/AIDS. Victims fleeing domestic violence are often unable to find a bed for themselves and their children. This is all because Congress refuses to allocate the money it is supposed to allocate to these victims. We can fix this.

We can fix it. We can fix it this afternoon.

In fairness, in the past few years, the extent of this gimmickry, this terrible practice, has diminished, and I give a lot of credit to Senator SHELBY. The chairman of the Appropriations Committee has decided to increase the appropriations in recent years to something approximating where it should be. But still there are billions that have not been allocated to victims, and there is no guarantee whatsoever that the next year, the year after, or at any point in time, Congress won't resume massively shortchanging victims as it has in the past.

What I think we need is a permanent solution to this, and my amendment will provide the fix we need. It is identical to a bill I have already introduced, which is called the Fairness for Crime Victims Act of 2018. This bill is endorsed by many, many victim advocacy groups. Last year, virtually identical legislation was unanimously passed out of the Budget Committee. Let me say that again. Not a single Republican, not a single Democrat opposed my legislation in the Budget Committee. All it does is returns honesty to the Crime Victims Fund by ensuring a steady stream of funds—the very funds from criminals that are supposed to go to victims and their advocates. It would simply ensure that they get what they are supposed to get.

As the Senate considers the FIRST STEP Act, I think we should take this opportunity to end this unconscionable raid on the Crime Victims Fund. If we are going to do something to help criminals, we should also do something to help victims.

All I am asking for is that we have a vote on this. If people disagree with me and they think we should continue this practice, OK, vote no, but let's have a vote. At a moment when we are doing so much for criminals, I think it is reasonable to do something for victims.

UNANIMOUS CONSENT REQUEST—AMENDMENT  
NO. 4120

Mr. President, I ask unanimous consent to set aside the pending amendment and call up amendment No. 4120.

The PRESIDING OFFICER. Is there objection?

The Senator from Illinois.

Mr. DURBIN. Mr. President, reserving the right to object, when I spoke to Senator TOOMEY about this issue, it personally struck a chord with me. I recognize that we have had this same debate in the Appropriations Committee. Its champion in the committee is Senator JAMES LANKFORD of Oklahoma, who has at least for 2 years, or maybe longer, suggested the change the Senator from Pennsylvania brings to the floor. I think he made a compelling argument, and I voted with him for the change he wished to see in the law. We did not prevail in the Appropriations Committee—at least didn't prevail in changing the budget rules—but Senator LANKFORD, with his effort in the committee, has prevailed in changing the allocation of funds.



The amendment Mr. TOOMEY, the Senator from Pennsylvania, offers creates a new point of order against any CJS appropriations bill if it doesn't spend at least the 3-year average of collections in the Crime Victims Fund. There is good news. Because of Senator LANKFORD's effort and the support of Senator SHELBY, which the Senator from Pennsylvania noted, the amendment is not necessary. Since fiscal years 2015 through 2018, the CJS appropriations bill has spent at least the 3-year average of collections—a total of \$12.4 billion—which has been returned to crime victims. So we have, in fact, changed the budget policy that governs how the Crime Victims Compensation fund is distributed.

What I would suggest, though, is that this good, worthy issue and battle, which I would be happy to join, does not belong on this bill. In fact, the result could complicate this bill and its passage. We have been working to put this measure together for 6 years, Democrats and Republicans. There were some 82 or more Senators—I know the Senator from Pennsylvania was not one of them—who voted for cloture on this bill because we felt we should move forward in this debate.

I might say, some of the amendments the Senator from Pennsylvania said he is going to support for this bill are not helpful. They are opposed by those who are behind the bill. Let's save this budget debate for another day. On behalf of myself and the ranking member of the Senate Appropriations Committee, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I am not shocked, but I am extremely disappointed. One of the things that is so disappointing and frustrating about serving in this body is, it was once a body where a difference of opinion would be litigated on the Senate floor, including culminating in a vote, and we would decide as a body whether we wanted to proceed in a certain direction. Now, our friends in the minority are refusing to even allow the vote to occur.

I am not asking for a guaranteed outcome. I am not asking for any outcome. I am simply asking that we have a chance to debate and vote on whether victims of crime across America are going to get the allocation they are supposed to get.

In recent years, the situation has improved. If that is the commitment of my friends on the other side, they should be willing to enshrine that improvement in law, but they are not, which might speak volumes about where this is headed.

I am very disappointed that we are not going to get a vote on this amendment today. I do, however, hope we will be able to vote on and pass the Cotton and Kennedy amendments.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I want to finish up where Senator KYL and I started off this morning and elaborate a little bit more about what responsibilities are concerning the nuclear modernization program.

Defending America should be our No. 1 priority. In most all of the administrations throughout the years, it has been our No. 1 priority. Today we are talking about the need to modernize our nuclear forces.

The reason I think this is important, there are a lot of people who say the nuclear forces are a relic of the past. This is not true. Some in Washington believe we don't need to modernize forces or that we can cut off one of the three legs—the three legs being the ICBM, bomber, and the submarine. It is not true. Our nuclear triad has to be kept intact.

The arsenal is aging, and most of it has not been modernized since it started in the 1960s. In the 1980s, the last modernization actually took place during the Obama administration. They had a bet. They believed if we reduced our role in the number of nuclear weapons, the other countries would come along and do the same thing. That didn't work out. In fact, they have done just the opposite.

As the Nuclear Posture Review said, very clearly, "Since 2010 no potential adversary has reduced either the role of nuclear weapons in its national security strategy, or the number of nuclear weapons it fields."

There is a comparison. The lighter color there is in development. In fact, Russia and China are both way ahead of us in that. In terms of fielding a system, we haven't even fielded a system. We are clearly behind in that respect.

Russia is modernizing every leg of the nuclear triad, but it is not just that. They are also building a vast arsenal of tactical nuclear weapons in addition to their triad.

We heard Putin talk about some of these things last spring, like the nuclear-armed hypersonic weapons. Those are the hypersonic weapons that react not like six per minute but many per tenth of a second. He claimed he is ahead of us in that respect; that they have a nuclear-powered cruise missile and nuclear-armed missiles and defenses. We are talking about in both offensive and defensive capability. That is what Putin has been doing.

What is more, Russian doctrine emphasizes using nuclear weapons to coerce the United States and NATO. Putin threatens NATO allies with nuclear strikes. This is interesting. You have to keep in mind, we are a nuclear NATO ally. In fact, that is about the time Putin made the statement that if they were to declare war on NATO—and that includes us and Western Europe—they would win. That is how things have become more and more serious and how they are very proud of themselves that they have been putting together a program faster than we are.

Meanwhile, there is China. They are also further along in modernizing its nuclear arsenal. I think they claim or others claim that soon they will have a complete nuclear triad, including an ICBM, a bomber, and a submarine.

I suggest that they very well have that already. This doesn't even get to North Korea's capabilities, Iran's nuclear ambitions, or the threats from terrorism. It should be clear, looking at all of these, that nuclear weapons are no Cold War relic. We need to modernize them for the current threat of the environment we face.

Some of the critics say nuclear modernization is too expensive. I will not say it is going to be cheap, but it is going to be affordable. At its peak, in 2029, nuclear modernization will cost about 6.4 percent of the military budget, the DOD budget. On average, over the next two decades, it will be about 5 percent of the DOD budget. I think that is a pretty good price, especially when you consider that we haven't been investing in it for over two decades.

This investment will get us a new B-1 bomber with modernized cruise missiles and a Columbia-class submarine. With this necessity to increase our capabilities comes some good news and helps us with our buildup. It will also bring command control to the 21st century and will help revitalize the infrastructure, including the Department of Energy. Some critics also say we have to choose between nuclear forces and conventional forces; that we can't modernize both at the same time.

This report we talked about this morning is the best report I have seen in showing where we are right now, where the other side is, what their capabilities are. They make it very clear that the nuclear and conventional forces are both indispensable to a balanced, effective defense. The Nation should not hollow out one set of capabilities to pay for another.

I think we are in a position now to go forward, and people will recognize what we are now trying to do and keep up with what our adversaries are doing.

In the past, there are some who have had very bipartisan support for our nuclear deterrent. In fact, some of the current modernization programs were started under the Obama administration when all the other parts of our national defense were deteriorating.

Secretary Mattis said last year, it is not possible to delay modernization of our nuclear forces if we are to preserve a credible nuclear deterrent, ensuring that our diplomats continue to speak from the position of strength on matters of war and peace.

I couldn't have said it better myself. We need to keep our deterrent credible. Let's keep in mind, though, that, yes, this is true. The only reason we are bringing up and emphasizing at this point the necessity for a nuclear modernization is that we have been neglecting it for so long. While we have been neglecting it, the other side has

been paying attention to their capabilities.

This book we talked about this morning—I didn't mention some of the highlights in the book that I think are important because we in the United States have to understand that we don't have the capabilities some of our adversaries have.

Here are some of the highlights in this manual that has been lauded as probably the most accurate bipartisan manual on defense we have ever analyzed. It says, and these are quotes, "assesses unequivocally that the NDS"—that is the defense system—"is not adequately resourced." Another quote: "America is very near the point of strategic insolvency." Further, it says that "America's military superiority has eroded to a dangerous degree" and that "America's combat edge is diminishing or has disappeared." That is all in this manual. But we knew that. We saw this coming.

Remember, back in the early days of the Obama administration when Chuck Hagel was the Secretary of Defense, he said—and I read this to more people around the country back when the quote actually came out, which was 2014. This is a quote from our Secretary of Defense under the Obama administration: "American dominance of the seas and the skies and in space can no longer be taken for granted."

Mark Milley, the Army Chief of Staff, said: "In terms of artillery, the Army is outgunned and outranged by our adversaries."

The Vice CNO of the Navy, Admiral Moran, said that for our entire Hornet fleet—F/A-18 fleet—we have 62 percent that are not flyable today.

So we are rapidly recovering right now. In fact, we are entering into a defense authorization bill, and one of the commitments we made is that we are going to have a defense authorization bill that will come up currently so that we will have it done well before the new year starts. That being the case, that will allow us to then go in with appropriations. One of the problems we have had before is that we are depending on renewing the previous year, and that is not going to work in this case.

So I think we are coming out ahead. I think we have pretty much convinced most people who are making the decisions that we are going to have do something to renew our nuclear modernization and get on with the rebuilding that is taking place at this time.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TRIBUTE TO GOVERNOR NATHAN DEAL

Mr. ISAKSON. Mr. President, knowing that we are in morning business, I

would like the recording folks to divide my remarks in two separate places at the appropriate time in the RECORD.

I am here to do something every Senator does at one time or another in their career, and that is pay tribute to another politician, one back in my home State of Georgia who is retiring at the end of this year after serving two terms as Governor of the State of Georgia.

I am going to say great things about him because he is a great guy, he is a personal friend, and he has done a wonderful job, but I will tell you what else I am going to do. I am going to do something a little different.

When we elected Nathan Deal in Georgia, we had no idea at the time that it was a three-for-one. When Nathan, his wife, Sandra, and his chief of staff, Chris Riley, came, the three of them were a new A-Team in Georgia. Do you remember the A-Team on television? When you had a real disaster coming and you needed real help, you would call these guys, and they would come in from nowhere and solve your problem. They were tough. They were smart. Well, Nathan is that way too. He is tough, and he is smart. He is also crafty enough to realize that your wife always knows better, and he gave her a role in education in Georgia, and she has improved it a lot.

Chris Riley, his chief of staff and his pilot and a good friend, did a tremendous job and was a great liaison to all of government, whether it was other States or Congress, the Senate and the House.

Nathan has been a great Governor of our State. Georgia is now the No. 1 place in the country to do business. We have been elected I think 6 consecutive years or 6 out of the last 7 years as the best place in America to do business.

Georgia is thought of—by many people who think about it—as "Gone With the Wind" and the Old South, but Georgia is now the 8th largest State in the United States of America, having moved under his administration from 10th to 8th. Our votes in the electoral college are now prized, our role in politics is rising, and our influence in the country is rising—all because of that.

He has also brought new jobs to Georgia—not just repeat jobs or old jobs where we have added on but new jobs. Nathan was smart enough to realize that—when America started investing in cyber technology and when we found out that Fort Gordon, which is in Augusta, GA, was going to be the Cyber Command of the United States of America, our Governor didn't sit there and say "Isn't that great?" and go brag about what we were doing in the Federal Government; he established a cyber center in Augusta, GA, and invested \$50 million initially to get it started.

Today, there are young people who are starting careers in Georgia in cyber technology, which is going to be a proving ground for jobs in the future, all because of Nathan's realization that

if you build it, they will come. And if we built Fort Gordon, which the Federal Government did, and if the Cyber Command represented by the U.S. Army and the Signal Corps is going to be our cyber watchdog, then if we have cyber educational tools, like STEM subjects, in our elementary and high schools in our State, we will be so much better off.

Nathan did something else that very few Governors do—he built on another Governor's success and made it even better. Zell Miller, a former Member of this body and the person I succeeded after he left, created the HOPE Scholarship of Georgia, which everybody has heard about.

In Georgia, most of our kids who enter—from our State—a college go on a full scholarship paid for by the Georgia Lottery. It is called the HOPE Scholarship. Running for Governor on that proposal, Zell beat me, and he made me a big believer.

It has worked great, but Nathan said: You know, that is not good enough. We don't want to just help the top students who have B averages or better; we ought to bring up the bottom students so they have a chance to go and grow and maybe one day go to college. So he created something called REACH. REACH is a program he designed to reach out and bring in those who were not getting the help they should get. It stands for Realizing Educational Achievement Can Happen, and it is scholarships that go to kids who had no chance of having it happen, who subscribed to building themselves up and making themselves better.

Now, in Georgia, we have a lot of kids on the HOPE Scholarship, but 1,800 of those on the REACH Scholarship are kids who would have never been in college under a scholarship otherwise. His wisdom, his knowledge, and his ability to bring that REACH Program together is building future contributors who otherwise might have been future wards of the State.

Ironically, we are now debating the criminal justice system in the Senate. We are going to have some votes later on today on that and big debates about it all day long. We have been talking about both sides of the issue. Are you letting them out too early? Are you not letting them out too early?

Nathan Deal was the originator of reform of the criminal justice system to see to it that those who were getting ready to get out anyway—let me repeat that—those who were getting ready to get out anyway had an opportunity that when they got out, they would have more of an education or better preparedness for work because of the programs created by Governor Deal so that they could volunteer in prison if they wanted to, not just as a bribe for them to study or do something well but to give them a chance and sell them on the promise of a job and a future rather than just being a recidivist on early release.

By doing so, there are some amazing statistics that have happened in our



State in terms of the number of people who have gotten released who are getting jobs who weren't before and the increase in the number of African Americans in prison who are getting out and going to work rather than going back to prison. People he has reached out to in our prison system—we have had a decrease in our population not because we didn't convict them, not because they aren't serving their time, but because those who, when they got out—under the REACH Program and under the other programs we have, they got an education in their last couple years in prison and got out and made something of their lives.

That is the way you do things. It is easy for any of us to take the easy thing to do, but the hard thing to do is something a lot of politicians won't reach out for, but Nathan Deal has.

Something else hard to do is getting kids to read. I have three children and eight grandchildren. I was chairman of the board of education in my State, and I know some kids love to read, but a lot of them hate it. I used to always tell kids: You know, if you can't read, you can't do anything. If you can read, you can do everything.

Nathan's wife, Sandra, who is one of the most wonderful women you could ever possibly hope to meet, dedicated her services as first lady to reading comprehension for kids. In 8 years, she visited 1,000 schools in our 189 school systems and 159 counties. The reading scores in our State have gone up, not down. The focus on reading has gone up in our schools. Because of Sandra's leadership and her example, because she got in and did it, they are doing wonders.

When the Federal Government came out with our program on parks—you know the little passbook you get now when you go to a Federal park and you get it stamped, kind of like a passport—she did the same thing for our State parks, partnering with the Federal Government to increase the use by our kids and our families of the parklands they pay for as taxpayers.

I could go on and on and on, but to do so might be to talk too much. But you can't say too much about somebody who has contributed 8 years of their life to their State and brought home so many things—first in economic development, first in job creation, first in really making a difference in education, first in reforming the criminal justice system, first in getting cyber technology as the main heart and soul of Georgia's focus in the future—all those things. And his two partners on the A-Team—Chris Riley, his chief of staff, and his wife, Sandra—deserve equal credit with Nathan. I know I am supposed to brag about just Nathan, but I want to brag about all of them because I know them and worked with them daily. Those three as a combination make a great team.

Mr. President, I would like to go to the second subject I was going to talk about and ask the clerk to divide this in the RECORD at the appropriate place.

#### THE BLUE WATER NAVY

Mr. President, I want to talk about the blue water Navy for just a second.

Everybody in this room, everybody in the Senate knows that is an issue we had last week on the floor for a UC. We lost by one vote. We had 1 objection out of 100. One Member objected to its being adopted by unanimous consent, so it has not been adopted. It is going to be pending—another UC—sometime in the next few days, and the people working on the bill—I as chairman of the Veterans' Committee and others on the committee—are doing yeoman's work to try to get it through.

There are those who had some concerns who are looking for any information they can find to maybe knock the legs out from us in terms of the momentum we have gotten on the bill. Most recently, as of 2 o'clock this afternoon, CBO decided all of a sudden, in the middle of the night, to issue a new correction on its last estimate of what the program was going to cost, and in that estimate, they doubled it from \$1.2 billion to \$2½ billion. Of course, on that estimate that they before said they weren't going to make another estimate on—they decided to do it at the last minute—it is whatever figures they came up with, and I am not going to argue with their figures because they are as made up as any figures I might want to make up. I could make up as good figures as anybody else that show the cost of that to the taxpayer.

But I know this: There are somewhere in the area of 60,000 Americans who fought in Vietnam in the U.S. Navy, on the forces that used the water, who are not eligible for napalm- or Agent Orange-based cancers they developed because they didn't serve on the land. Blue water is those who served in the Navy and not on the land. The rest of those—the soldiers on the land—got it. So today we have soldiers who served in Vietnam, fought, risked their lives—some of them have already died—who, if they get cancer, if they get non-Hodgkin's lymphoma, or if they get some of the other cancers that have been conclusively proved that this is a derivative or a contributor to, they get a benefit, but if they only served in the Navy and they never put a foot on the ground, the VA uses that to separate them from being eligible. It is just like what some of these insurance companies do when they want to lower their cost—they lower their benefits.

Well, the VA did this as an agency under their authority to do so. It wasn't passed by the Congress. What we are trying to do is take something that has been taken away from them and give it to those soldiers who have earned it, deserve it, and ought to get it. Is it going to cost a little more? Sure. But it always costs a little more to do what is right rather than perpetuate what is wrong.

So when you have the chance today, Members of the Senate, or tomorrow or the next day to vote on the blue water

Navy UC that we are going to try to offer, if you have a question, if you have read the CBO letter, if somebody is lobbying you, come see me. I won't hurt you. I can't. I am not smarter than anybody, so I won't intimidate. But I will tell you the truth, because as chairman of the Veterans' Committee, I care about our vets. We owe them everything. They risked everything to be here today, and they deserve, if we made a wrong in the past, for us to fix it.

The VA deserves to be pointed out when they make a mistake, as they did in this, so they never make it again.

Together we can be a great team, but separated, we have veterans who lose, and we are never the great team we ought to have.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### TRIBUTE TO KAY RAND

Mr. KING. Mr. President, before coming here, I used to teach a course at the college level on leadership. At the time, what we tried to do was establish, over the term of a semester, the qualities of good leadership. One of them was that in any complex job, any difficult job, any challenging job, nobody can do it alone. Nobody can do it alone.

That description certainly applies to our job here in the U.S. Senate—complex, challenging, and difficult—and we don't do it alone. In fact, all of us have staff. We might let the public think we are doing all of these good works on their behalf, but the truth is, we are supported by wonderful people who work long hours, are creative and able, and really enable us to do the people's work to the extent that we are successful. That is what I want to talk a little bit about today.

We don't talk about staff very much, but they are really essential to the operation of this institution, whether it is the people here on this floor who allow us to do our daily work on the floor, whether it is committee staff or, particularly, the personal staff of each Senator, both in our home State and here in Washington.

I rise today in sadness because this week—or actually the first week in January—marks the end of a 25-year association for my chief of staff, Kay Rand, and me. Kay is a young woman from Northern Maine—Aroostook County—in the most northern part of our State. She grew up on a potato farm, learned the value of hard work, went to a public college in the southern part of the State, and she and I have worked together off and on for 25 years. She was my chief of staff when I

was Governor, and she has been my chief here in Washington.

Anything I have achieved in my public life has been in many ways attributable to the work of Kay Rand. She meets all those criteria, and I was just sitting down and going through the list that we used to come up with at the end of each semester about the qualities of leadership: vision, teamwork, empathy, management, communication, optimism, decisiveness, doing homework, integrity, and character.

Staff members are so important to our functioning here. They are in many ways our ambassadors. They do research. They give us background. I call them the ball bearings of the legislative process. They allow it to function.

Kay is certainly one of those people. She is a superb manager. She manages not only the office here in Washington but the staff back in the State—manages personnel matters, encourages, supports, provides empathy and listening, and she does it like no one I have ever met.

She also has a vision. She is not just a functionary or somebody who says “Well, we are just going to do this, this, and this” or “We are going to hire that person.” She has a vision of public service. She has a vision of what we can be and what we can do as public servants. And she never lets me forget that is my job to be a public servant, not simply an officeholder.

She is a sounding board. She is the person I go to for advice, and she always has good advice.

By the way, one of the things we used to talk about in my classes was if you have staff or people who work with you who only tell you what you want to hear, that is a disaster for your leadership. You have to cultivate and value and enable people who are willing to tell you when you are wrong. Indeed, Kay has never had any trouble doing that with me.

In fact, when I was first elected Governor of Maine, we had the whole staff and cabinet, including me, do a personality test; you know, what are your strengths and weaknesses? I don't remember the specifics, but I do remember that Kay scored 0 on the respect for authority scale. I know it was a good scale because the chief of police and the adjutant general both scored 100. That is so important. You have to have somebody who will tell you when you are on the wrong track, when you are not following what you said you were going to do, when you are not really thinking about what the proper issues are or what the proportion is for those issues. That is why Kay has been so valuable to me over these 25 years. I could always count on her to tell me the truth. That is an essential function for someone in a position of that kind of responsibility with a public official.

She also is a perennial optimist. She always—it is amazing, of all the years we have been together and the discussions we have had and all the issues we have talked about, I always felt better

at the end of a conversation with Kay Rand than I did at the beginning, with one exception. The one exception was when I was in the car, driving from Bangor to Augusta when I was Governor, and she called me to tell me that there was a \$75 million shortfall in the State budget because of the recession of 2001. That was not a happy conversation; there was no way to feel better. Other than that, Kay always had a way of making me feel better leaving a conversation than I did entering into it.

She also listens, which is an essential part of leadership. By the way, when you talk about a chief of staff, you are talking about a leadership position. She listens, and listens empathetically, and everyone feels that they are valued. That is one of the major things she has brought to my office and to my life over the past 25 years.

She listens, she shares, and she is empathetic. She has no respect for authority. She is honest, and she has made an enormous difference in my life and, I believe, in the life of the people of Maine. She has never lost her passion for public service, her deep affection for and understanding of the people of Maine, and the responsibility that those of us who have been entrusted with the public charge, the public trust—with the responsibility we have to remember who sent us here, to remember what the values are, what the issues are, what we can do to represent the people of Maine. Kay Rand has always reminded me of that because that is who she is.

Facetiously, I have often said that my standard for leadership can be summarized in one sentence: Hire good people and take credit for what they do. I have been doing that for 25 years.

Kay Rand is an extraordinarily able, devoted, and serious public servant. She is leaving—well-deserved—going back to Bar Harbor, ME. That is not a bad place to be going back to. I understand it fully.

I just want this Senate to know and the people of Maine to know that an important public servant is leaving us but has left us and left me with an everlasting legacy of leadership, integrity, and character. She, in many ways, has taught me how to lead.

I will miss her. I will miss her as a friend. I will miss her as a leader in my office. I will miss her as a person who has made such a difference in my life, in my family's lives, and in the lives of the people of Maine.

Kay Rand is an extraordinary person. She has done an amazing job for the people of Maine, for the Senate, and for me. Personally, I will make it, but it is going to be difficult. It is going to be difficult. Kay Rand is a very special person, as all of us who know her can attest.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, I want to thank the Presiding Officer and acknowledge my friend, whom I deeply

admire, sitting in the chair. It is great to give this short speech in front of him. It is good to see the Presiding Officer, my friend.

I want to say good afternoon to everyone, and this is a moment in which I want to give a sense of gratitude.

I want to thank my colleagues for their incredible work and leadership and, especially, recognize the chairman of the Judiciary Committee, Senator CHUCK GRASSLEY. I want to thank Senator DICK DURBIN, who has been a hero of mine on the issue of criminal justice reform, as well as MIKE LEE, who has been a champion, all of their staffs, everyone who is involved in the tireless work and effort that has been going on in what is the pending bill on the floor before us now, the FIRST STEP Act.

I also want to recognize the incredible people—many of them advocates, many of them citizens, many of them activists. So many of the groups have been pushing, challenging, demanding that we have criminal justice reform in this country. A lot of these groups have been organized and working for years and years—years before I came to the Senate—to try to bring forward criminal justice reform. They brought insight, wisdom, and they helped to shape this legislation. Their advocacy has made this a better bill.

It is because of the work and the diversity of voices that have been involved in this process that we stand poised today to pass this bill, to begin to deliver some reforms to our savagely broken criminal justice system.

I am proud of this coalition. I am proud that the coalition has people all across the political spectrum. I am proud that the coalition has people from diverse backgrounds. This is how change has been made in this country for generations.

I want to return to the fact that we are poised to pass this bill because of the deeply, savagely broken criminal justice system that we have.

Since 1980 alone, our Federal prison population has exploded by 800 percent. There has been an 800-percent increase in our prison population. This is because of failed policies by this body that created harsh sentencing, harsh mandatory minimum penalties—three strikes and you are out. These are the bills that caused this exploding population of prisoners to become the largest in terms of percentage on the planet Earth.

America is now the preeminent incarceration Nation. We are the incarcerating capital of the planet Earth. Even though we only have 5 percent of the world's population, one in four of the incarcerated people on the planet are in the United States of America. One in three of all incarcerated women on the planet Earth are here in the United States of America.

Today, close to one-third of all adults in the United States have a criminal record. We have criminalized the United States population. About one-third of Americans have a criminal record.

After decades of failed Federal policies and after decades of going in the wrong direction, we now have an opportunity to reverse course in a significant way.

Our criminal justice system, as it stands right now, is an affront to whom we say we are as a nation. We profess—we swear an oath to the flag that we are a nation of “liberty and justice for all,” but our criminal justice system violates those values.

I believe you can tell a lot about a nation—not by its buildings, not by its structures or its wealth, but you can tell a lot about the true character of a nation by looking at its prisons and seeing whom they incarcerate. You can go to countries with authoritarian regimes and see how they imprison their political opposition. You can go to some countries and see they actually incarcerate members of the media. We don’t do that in the United States.

In this country, if you go into our prisons and our jails, you see, overwhelmingly, that we incarcerate those who are marginalized in our society, those who are vulnerable in our society. Overwhelmingly, in the United States, our prisons and jails are full of those Americans who are already hurting and struggling and often need more help than a system that hurts them. Our prisons and jails have become warehouses for people who are struggling with trauma, struggling with disease, struggling with illness. Right now, our prisons and jails are filled overwhelmingly with people with mental illness, overwhelmingly with Americans struggling with addiction, overwhelmingly with Americans who are survivors of sexual assault, and also overwhelmingly, it is full of Americans who are low-income, poor folks and people who are disproportionately people of color.

This is a system in our country that feeds upon certain communities and not others. The War on Drugs—which has fueled so much of the explosion of our prison population—has really been a war on certain people and certain communities and not on others. I am the only Senator who lives in a majority Black and Brown community. It is low income, but I can tell you right now, my community does not mistake wealth with worth. I live in an inner-city community, and when I go home at the end of most weeks, I draw strength from my community. I see evidence of the incredible growth that has occurred. These are good people in a city. They pull together, work together, and can accomplish more things than other people who are disrespecting, disregarding, and just plain dissing them don’t think is possible. I am proud of my community.

Despite all the work that has been done in the city of Newark, I still live in a community that is both overcriminalized and underprotected because of Federal policies—because of policies in this body that mistake severity of a punishment with the actual

security of a people. We know there is no deeper proclivity to commit crime among people of color, but there is a much deeper bias in the way our drug laws have been and are being applied, which disproportionately target people of color and low-income communities.

We have a system that for over a century, we as a nation have overcome slavery—decades of Jim Crow—but author Michelle Alexander calls our criminal justice system “The New Jim Crow” because of its disproportionate impact on people of color. We now have a criminal justice system where there are more African-American men under criminal supervision than there were enslaved in 1850. This is a punishing reality that I have seen with my own eyes, where people in certain privileged communities don’t face the kind of scrutiny, the kind of arrests that you do in other communities in our country.

The truth about human beings is that all of us make mistakes. That is an inevitable part of life, but the way our country’s drug laws are designed and applied, a kid in a more privileged community or on a college campus gets a chance to stumble—to learn a lesson. There is a wide margin for error, but a kid living in a community that is low income or a community that is Black and Brown, gets trapped by a system that disproportionately impacts their lives more than it does others.

Bryan Stevenson said we live in a nation “that treats you better if you are rich and guilty than if you are poor and innocent.”

In the USA, we see Americans getting trapped in a system where the data is clear. There is no difference between Blacks and Whites for using drugs or selling drugs in the USA. There is no difference, but if you are Black, you are almost four times more likely to get arrested for selling drugs and almost three times more likely to be arrested for possession of drugs. This is one of the things that has led to such a dramatic racial disparity in incarceration in the USA. People right now in our country are sitting in prisons for doing things that two of the last three Presidents admitted doing, but they encounter a different type of justice system. The scales of justice in America are not balanced. This is a system that hurts people, and it hurts people who are often already struggling, often already hurt.

What we do to people in this country with a nonviolent drug offense is like getting a life sentence for the rest of your life. Even after you have come out of a prison sentence or even if you received no time served at all, once you are convicted of a nonviolent drug offense—again, like people in this body and in the White House have done before, potentially in this body; I am making no accusations—but once you have been convicted of a crime, for the rest of your life, if you are one of those folks who has been convicted of a non-violent drug offense, you have to check

a box that says you are going to have difficulty being hired, you are going to have difficulty getting housing. You can’t get many business licenses. You can’t get food stamps. You can’t get a loan from the bank. The American Bar Association points to 40,000 collateral consequences that come with a criminal conviction in this country—40,000 collateral consequences that follow you for life for a criminal conviction.

We are debating a funding bill that is dominating the news, but we are already throwing an exorbitant amount of taxpayer dollars into the black hole of mass incarceration. That is not making us safer, and it is not making us stronger. In fact, it is making us a more vulnerable community.

We have been using more government resources—not to offer more support for law enforcement, not to offer more opportunities for Americans to get mental health care, not to help more folks get access to drug treatment, not to rehabilitate people, but we have been spending more and more money actually hurting more Americans by putting them into a system that actually harms them more often than helps them with their addiction, with their mental health issue, with their trauma. We are using our resources to compound hurt and harm that people have already endured to incarcerate more Americans than ever before in our history, which ultimately makes our neighborhoods and communities one that is like mine: less safe, not more.

Despite the fact that our infrastructure in this country is crumbling—that our trains and roads and bridges are in desperate need of repair—we have been investing in a different type of infrastructure. Between 1990 and 2005, a new prison in this country has been opened every 10 days. We spend billions of dollars for the construction of prisons and jails to warehouse human potential: folks who often need help, need counseling, need mental health care, need rehabilitation. We have been taking the far more expensive way and warehousing human beings in our prisons and jails instead of helping them.

We call this system a justice system. It is not meant to be a system of retribution; it is meant to be a justice system. It is not meant to be a system of punishment only; it is meant to be a justice system. We are Americans. We have ideals of restoration and rehabilitation. Ultimately, in the United States of America, we all believe this is a nation where redemption is possible.

One of our former Senate colleagues who stood in this same well got into a lot of trouble in his youth. He was convicted of multiple crimes—crimes like arson and assault. He attacked a police officer. He actually became one of the most serious outspoken advocates for restoring this broken system. It was Senator Alan Simpson. This is what he once wrote. He said:

I was lucky that the bullets I stole from a hardware store as a teenager and fired from

my .22-caliber rifle never struck anyone. I was fortunate that the fires I set never hurt anyone. I heard my wake-up call and listened—and I went on to have many opportunities to serve my country and my community.

When a young person is sent “up the river,” we need to remember that all rivers can change course.

He went from an arsonist, a person who attacked police officers, and a person who was admittedly guilty of crimes to a Senator because we are a nation that believes in redemption. The fact is, when most people go to prison, 95 percent of those folks right now in State prisons will come back to our communities. The question is, Will they come out further harmed by the system or better able to start again, better able to avoid more criminality or will they be people who actually help to make us safer and stronger, to be elevated toward that ideal of full citizenship?

Those of us in this body who proclaim Christian faith know the story of the prodigal child, that child who did wrong, but yet when he came back, his father embraced him. That story is held in the Christian community as an ideal, but what do we do in America? Is it the story of the prodigal child? It is not because this is a system that right now inflicts harm on those incarcerated rather than trying to rehabilitate them.

This is a system that still subjects young people to what other countries and human rights activists in this Nation call torture: juvenile solitary confinement. This is a system that, in some places, still denies women access to basic sanitary products. This is a system that, in some places, still allows the shackling of pregnant women during birth.

This is a system that burdens families, hurting them economically and fracturing entire communities like the one I live in. It is a system that inflicts poverty by concentrating its attacks on low-income neighborhoods. In fact, according to a study from Villanova University, the poverty rate in all of America would be 20 percent lower if we had incarceration rates in line with our industrial peers. This system, as a whole, is a cancer on the soul of our country, and it is hurting every single American.

Today we have an opportunity to do something about addressing the ills of this system. That is why I am proud this is a bipartisan compromise bill with extraordinary leadership on both sides of the aisle, saying: Hey, there are things we need to begin to correct for this system. There are ways to make this system more fair. There are ways to make this system better reflect our collective values and ideals.

Because of this collection of work done over the last years, this bill includes critical sentencing reform that will reduce mandatory minimums and give judges discretion back—not legislators but judges who sit and see the totality of the facts.

Thanks to the work of Senator DURBIN, the racially biased crack cocaine sentencing disparity has already been negotiated down from 100 to 1 to 18 to 1. It should be equal. It should be 1 to 1, but we made progress. The problem was the change wasn't retroactively applied. Because of that, there are people sitting in jail right now for selling an amount of drugs equal to the size of a candy bar who have watched people come in and leave jail for selling enough drugs to fill a suitcase. We never made this change retroactive. That is not justice. Making this fix in this bill alone will mean that thousands of Americans who have more than served their time will become eligible for release, and it addresses some of the racial disparities in our system because 90 percent of the people who will benefit from that are African Americans; 96 percent are Black and Latino.

The bill includes a provision that I have worked on for the past 4 years that will effectively end the use of juvenile solitary confinement among young people under Federal supervision.

This bill also takes an important step but still an incomplete step in reforming the way women are treated behind bars. This bill will ensure that incarcerated women will have access to free sanitary products, and it will ban the shackling of pregnant incarcerated women. Last year, I introduced a bill that includes this reform, among others, and I am happy to see it now as part of this legislation.

Can we do more? Yes. This legislation is the product of compromise. This legislation is just one step in the right direction. If we pass this legislation, it will be a step in the right direction and I hope will be the momentum for greater, urgently needed reforms that will be supported by conservatives in this country and progressives.

Let's make no mistake. This legislation, which is one small step, will affect thousands and thousands of lives. Those are not just some people. When you affect the lives of some Americans on issues of justice, you affect the lives of all Americans because we as a people cannot fall into that trap of separateness, the insidious idea that we think that there are some throwaway people whose dignity we can assault without assailing our own.

Dr. King said, “Justice is indivisible,” and he was right. We cannot separate a system of oppression in our country and think that it won't affect us all as a whole. It could not be further from the truth. You cannot deny justice, deny dignity to any American without its affecting us all. You cannot cheapen justice for some without its cheapening the justice of us all.

As a man much greater than anyone in this body once said, “Injustice anywhere is a threat to justice everywhere.” We are all caught in an inescapable network of mutuality that is tied in a common garment. We cannot

suffer the illusion of separation when we think this criminal justice system that is so punishing of some is not hurting this country as a whole. Our criminal justice system, as it stands right now, is a gaping, self-inflicted wound. This bill is a step—a step—towards healing.

It has been perhaps one of the greatest honors of my life—easily one of the greatest honors as a Senator—to have worked in a bipartisan coalition over the last 5 years to get to this point. I have had the opportunity to sit down with people in common cause—from Republicans on the far end of the conservative spectrum to individuals with whom and organizations that on most other issues, I often disagree. Yet we have found common ground because this system is an affront to our most fundamental common values on both sides of the aisle—the value of freedom, the value of liberty, the value of equality, the value of fairness, and the value of justice. We share those common values because we still live in a nation in which the ties that bind us are stronger than the lines that divide us.

This bill is a recognition of the fact that we are bound together as a people by the most precious ideals and humanity—the ideals that were put forth by our Founders, which have been aspired to in every generation and have been worked on in every generation to make us a more perfect Union.

We know that our Nation's history—the bills and debates we have seen in this very body—is scarred by many wretched injustices—slavery and the denial of universal suffrage, Jim Crow and segregation. Like people—individuals who have done wrong in the past—our Nation has demonstrated the capacity to change. We as a nation have demonstrated the capacity to improve. Like people, we have demonstrated as a nation the capacity to redeem ourselves. None of us should ever be judged by the least of what we have done but, instead, by our ability and our capacity to find redemption.

Every generation has worked to make our ideals more true and real, which makes the dream more accessible to us all. We have stood for each other and have worked with each other. We have sacrificed with each other despite our differences in race and differences in color and differences in religion and creed. Every single great gain in this country has been made by multiethnic, multiracial, broad-based coalitions because we recognize the ideal that is above the President's desk, written in stone here, which is the ideal of *E pluribus unum*—“out of many, one.” We know that it is not just a slogan, that those aren't just words; it is a calling to the people of this country.

I want to see more than the bill we have today. I know we can do more than just this bill we have today, but this is a first step. It is a necessary step. For the sake of thousands of Americans whose lives will be directly

affected, this is a step in the right direction. I hope that we all come together and make this first step our momentum on the journey. We have work to do in this country, and I am proud to have been a part of what can be an historic step in the right direction. May our work continue.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Ohio.

Mr. PORTMAN. Mr. President, I ask unanimous consent to the engage in a colloquy with two of my colleagues.

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

#### RESTORE OUR PARKS ACT

Mr. PORTMAN. Mr. President, I am here on the floor to talk about legislation that helps our national parks, which is something that everyone on this floor has been supportive of over the years.

I am here with a couple of my colleagues who have spent a lot of time and effort being focused on that issue. One is Senator ANGUS KING, who is an Independent, although he organizes over there with the Democrats. He and his colleague, Senator MARK WARNER—a Democrat from Virginia—have been very involved in this issue and have introduced legislation to address the unmet needs in our parks, which is a critical issue right now.

There is a \$12 billion deferred maintenance backlog for our national parks. Many of our roads and bridges and water systems and railroads in my home State—where we have a railroad running through a national park—are crumbling, and we need to address it. So we are going to hear a little from Senator KING about that.

The other colleague I want to talk about is Senator ALEXANDER. He has been a champion for the parks over the years. In fact, my recollection is that a few decades ago, President Ronald Reagan named him to a commission on the outdoors. It was probably when he was the Governor of Tennessee—one of the many jobs he has had, including being the Secretary of Education and the president of the University of Tennessee. Through all of his jobs and throughout his lifetime, he has been a huge supporter of the national parks and understands as well as anybody else—given that he is from Tennessee, where they have lots of unmet needs—the desperate need, right now, for us to figure out a way to address this maintenance backlog.

I mentioned \$12 billion. That is a big price tag, and it is more than the funding that we give the parks every year could possibly accommodate. Again, it is about long-term capital costs. I think it was Senator ALEXANDER and others who said it is almost like we have a debt unpaid, and that debt needs to be paid in order for us to continue to have our national parks be the shining example for our country and, really, for the rest of the world. There were 330 million visitors last year at our national parks. Think about that. Visita-

tion is up; yet you have this crumbling infrastructure and huge issues that must be addressed.

We have come up with a creative way to deal with it by taking the revenue from the offshore and onshore Federal energy projects and saying, OK, if it is on Federal land, some of the royalties come to the Federal Government. Let's not take the money that is already going to the Land and Water Conservation Fund and other good purposes; let's take half of the part that has no other allocation currently and use it to address this issue. By doing so, we think we can address half of the backlog—about \$6 billion over the next 5 years.

It so happens that the National Park Service has been asked to look at all of these projects and come up with which ones are of immediate concern, where there is a true crisis—when you have to address it now or the need is going to get much greater and when, by the way, the taxpayers' costs are going to increase dramatically because this is a compounding problem. If you don't fix the roof, then you end up having to repair and replace the entire building.

We believe there is a way to do this, a sensible way for us to use some of this funding. Guess what. So do a lot of other people all around the country. We have support from all kinds of groups that are supporting the parks around the country. There are conservation groups and groups that care a lot about what the experience is of the visitors at the parks.

We also have support from our colleagues in the House, as they have a companion bill that is bipartisan also. Republicans and Democrats alike are supporting it. It has gotten strong support in their committees over there, as this bill has gotten in our committee here. In fact, it got out of the Energy and Natural Resources Committee with a big bipartisan vote.

Finally—and in some respects, maybe most importantly—as a former Director of the Office of Management and Budget, the administration is supporting it. Sometimes the administration is careful about supporting proposals that have to do with this sort of spending—the mandatory spending, so-called—that comes from the revenues of these natural gas and oil resources that are on Federal lands, offshore and onshore.

So we have the Trump administration supporting it, and we have so many colleagues on both sides of the aisle supporting it, and we have so many outside groups supporting it. Why? It is just time to do it. It is a very sensible idea that will actually save taxpayer dollars over the long haul because, again, by fixing these crumbling projects and infrastructure, we will not have the huge additional costs that will be borne otherwise. Let's face it—these parks are our treasures and our legacy, and we need to protect them.

With that, I ask my colleague from Tennessee to say a few words and my

colleague from Maine to say a few words in whatever order they would like to speak.

Let me finally say—and this is on a sad note—that on Monday, I learned that my colleague from Tennessee, who is about to speak, has decided that at age 78, it is time for him to enjoy a more peaceful and enjoyable lifestyle outside the Senate. He will not be running for reelection in 2 years. Yet 2 years is a long time, and we are going to get a lot done together. This bill is one of them.

I am going to miss him a lot. He is the best legislator, I believe, in the Senate. He knows how to get things done, and that is saying a lot, as there are a lot of great legislators here. He can bring together disparate parties, not just Democrats and Republicans but sometimes those within our own party. Of the personalities and so on that are not easy to deal with, he manages to smooth all of the feathers and get things done, and this park bill has been an example of that.

He has been a leader on this issue, and I have had a great experience in working with him already. Again, I hope, in working together, this will be one of the many legacy items about which he will get to talk to his children, grandchildren, and great-grandchildren.

With that, I turn it over to Senator KING from Maine and then to Senator ALEXANDER from Tennessee.

Mr. ALEXANDER. Mr. President, before the Senator from Maine speaks, I thank the Senator from Ohio for his generous comments.

I defer to the Senator from Maine.

Mr. KING. First, Mr. President, I thank the gentleman from Ohio for bringing forth this proposal that makes so much sense and that, as he points out, has bipartisan support. In fact, I don't know if I have ever heard the Senator make so much sense twice in the same time of being on the floor—about this bill and about Senator ALEXANDER. He is right on both counts. We are certainly going to miss the Senator from Tennessee, but like the characters in "The Adventures of Tom Sawyer," when Tom and Huck were in the attic of the church during their own funerals, he is still here. He is going to be here for another 2 years, and we are going to get a lot done.

I had a very formative experience as the Governor of Maine. Every year, we used to go to New York to talk to the rating agencies about our bond issues and the bond rating. Of course, the desire of any Governor of any State is to have a good bond rating so that you will pay less interest.

At one point, I was making a presentation to the bond council and the rating agencies in New York, and I said: We have low debt, and we don't take on much in bonds, and we pay them off in 10 years. We are really keeping the bond indebtedness down.

Then one of these green eyeshade guys stopped me. He said: Governor,

when you are not fixing things, it is debt just as if it is on your balance sheet.

That is what we are talking about here. We are talking about a debt that is going to have to be fixed sooner or later, and we will have to come up with a method of funding it that will be very creative and that won't take funds for another purpose. It will be symmetrical because it will take funds from the utilization of Federal lands to provide the maintenance and support of other Federal lands for the National Park System.

The Senator from Ohio mentioned that 330 million people visited our national parks last year. That happens to be the entire population of the United States.

We have a wonderful park in Maine—Acadia. We had 3.5 million people last year at that park. The problem is, I have seen leaky roofs and roads that need repair, and if we don't do that, we will not be serving the public, and we will not be serving the next generation of Americans that wants to enjoy the parks. Now we will have an opportunity to do so.

It is supported on a bipartisan basis in this body, in the other body, and by the administration. This is something we ought to be able to do, and it is a responsibility we have. I would say maintaining what we have is one of our most fundamental responsibilities, and this is a bill that will enable us to do that in a way that is responsible fiscally.

I emphasize that if we don't do this, we will be adding to the national debt. We are adding to the national debt, and that is going to have to be paid. Construction costs always go up. So, in effect, it is going to have to be paid with interest.

Now is the time to take this step in order to maintain the national parks in the condition that our American public deserves. They expect us to meet this responsibility. So I want to compliment and thank the Senator from Ohio, the Senator from Tennessee, as well as our colleague MARK WARNER from Virginia, for bringing this bill forward. We have now added cosponsors from both sides of the aisle, and we are ready to make this happen. There is no reason that we can't move forward, hopefully in this Congress, if not very early in the next Congress.

This is one of those things that is not all that glamorous, repairing roofs and doing trail maintenance at national parks, but it will mean something to the people who come. Someday, years from now, a family will walk through Acadia National Park or Yosemite or the Great Smokies or the great parks in Ohio, and they won't know who fixed that trail. They won't know who repaired that visitors' center. They will just know that they have had one of the most memorable experiences of their life, and somebody helped that to take place. I just hope that that somebody is us because we are able to do it.

We have the means. We have the vehicle. Now is the time to move this bill, to do something to pay a debt that we all have to the American people.

I yield to my esteemed colleague from Tennessee.

Mr. ALEXANDER. I thank the Senator from Maine and the Senator from Ohio. I often say to my constituents in Tennessee that they might look at Washington, DC, as if it were a split-screen television. On one side, for example, we had in September all the mudslinging back and forth during the Judge Kavanaugh hearings, but on the other side of the screen, at the very same time, in the very same Senate, in the very same Capitol, we had 72 Senators working together on opioids legislation. Senator PORTMAN played a major role in that. We had the songwriters bill that Senator HATCH and I had been working on for 15 years. We had appropriations bills with a fourth year of biomedical funding. And we had, coming out of the Interior and Energy Committees in our Senate by a vote of 19 to 4 in the Senate and unanimously in the House, a piece of legislation sponsored by Senator PORTMAN, Senator WARNER, Senator KING, and me—and others—that will do more for our national parks system than has been done in 50 years.

I don't know how often my colleagues here—someone says: Well, why don't you guys ever do anything? Why don't you stop arguing with each other? Just on the floor a moment ago, I heard the Senator from New Jersey talk about a prison sentencing bill that the Senator from Utah was talking about at lunch in the Republican caucus, and then President Trump was talking to me about it on Sunday night. They are all for it. It is a huge change in prison sentencing.

I mentioned a number of bills. So on the side of the split-screen television, which is the problem-solving part of the U.S. Senate, there is the Restore Our Parks Act, the Portman-Warner-King-Alexander bill that will do more for the national parks system—the 418 units of it—than anything in a half century. It not only has our support, it has in the House of Representatives 228 bipartisan supporters. It has in the U.S. Senate 37 of our 100 Members already, and I suspect it will have more, and it is strongly supported by President Trump. It has 100 conservation groups for it.

Let's think about that for a minute. What else can you think of that has President Trump, 100 conservation groups, 228 House Members, and 37 Senators in favor of it that is such a good idea? I can think of nothing else. For example, in the Smoky Mountains—and Senator PORTMAN and his family have been there, at our home, more than once; he is a great outdoorsman, he is a great leader for the national parks in many areas—there is a Look Rock Campground that has been closed for several years. We would have 5,000 families visit it if it were open. The

problem with it is the roof leaks and the bathrooms don't work, so it is closed. We are going to fix that, but it is true all over the country.

So I guess the logical question is, Why don't we go ahead and pass it? The problem is the way we pay for it. Senator PORTMAN is a former Budget Director, and Senator KING discussed the funding of the issue. It is because we paid for it with something we call mandatory funding. But it is not the kind of mandatory funding that we usually worry about in the Senate. That is when we borrow money and use it to pay for Medicaid, Medicare, Social Security, other entitlements, and that is running our debt way up. All of us are worried about that. This is different in three ways. The Senator from Maine talked about it. This is really debt that we are reducing. Deferred maintenance is debt, and this is the backlog that we intend to fix.

The second issue is that we are using real money. We are not borrowing money to spend; we are taking money from drilling for oil or for gas or for other energy on revenue, paying for other needs, and then we are using some of that money—up to \$6.5 billion, I believe—to pay for about half of the deferred maintenance needs of the national parks system. That is not a budget gimmick; that is real money to reduce debt.

Then it is, in one other way, not the same as the mandatory funding we often talk about here; it is authorized only for 5 years. It is a limited, targeted program using real money to reduce debt. It is supported by Republicans and Democrats, the Senate and the House, the Office of Management and Budget, the Trump administration, and the President himself.

So I agree with the Senator from Maine, and I congratulate the Senator from Ohio. He and Senator WARNER of Virginia were the two Senators who came up with this idea, working with conservation groups. Senator KING and I had a similar idea, and we put the bills together. We thought the right person to be the principal sponsor is the former Budget Director, Senator PORTMAN, because we are talking about spending money, and Senator WARNER, who has been such a leader in the area, and Senator KING.

So I agree that we ought to pass it this week with that kind of support. It is a terrific idea that almost all Americans will support. But if it doesn't pass this week, it ought to be the first order of business in the first month we get back. I look forward to working with the Senator from Ohio and the Senator from Maine to help accomplish that.

Mr. PORTMAN. Mr. President, I appreciate the comments of both of my colleagues from Maine and Tennessee. They are both absolutely right. This legislation is ready to be passed. We have done the hard work and the research. We have looked at a number of creative ways to handle this backlog that everybody wants to get at.



Everybody agrees that our national parks are the jewels of our country, and we need to address them. Everybody knows that if you don't fix the roof and the building ends up falling down, you have to pay a lot more. So if this is to the point where this is a debt unpaid, it is also a debt that grows because it compounds over time. These are two former Governors who just spoke, and they did this in their own States, capital budgeting; in other words, not just looking at your annual expenses—in this case, park rangers and naturalists—but actually looking at how to take a building that is about to fall down and put an enormous amount of expense into that to ensure that you save money over time.

I will say that I have been all around my State. We don't have parks that are quite as big as Acadia or the Smokies, but we do have a lot of new parks in Ohio. One is Cuyahoga Valley National Park, which is actually number 13 in the country now in visitation, between Akron and Cleveland, OH. It is a fantastic opportunity for young people—school kids—to come every year. By the way, there is lots of volunteer work going on at all of these parts, including in Cuyahoga Valley. So we are not talking about displacing the volunteer work that is being done. It is very effective at building the trails and ensuring that young people can be involved in helping our parks if they have an opportunity to do so.

There are also a lot of friends groups out there. The friends group at the Cuyahoga Valley National Park happens to be headed by the national president of the Association of Friends Group. All of these parks have great groups of private citizens who give their money, private foundations who give their money for our national parks. That is all needed, but they cannot afford the \$12 billion maintenance backlog that is the responsibility of the Federal Government.

So \$47 million is an example of what is needed at the Cuyahoga Valley National Park to fix that railroad I talked about, to fix the bridge I saw that is about to fall down, to fix the roof at a visitors center that is about to fall down.

It is also \$47 million, roughly, for a monument off Lake Erie, the Perry Monument. Some of you know the story about how there is a seawall there to protect the Perry Monument and the interpretive center there. That seawall is crumbling, and it is a huge expense to repair a sea wall, as a coastal Governor like Governor King will tell you. So that is a maintenance backlog issue that has to be addressed in this kind of a capital bill.

So I am very excited about the opportunity to get this done. I think Senator ALEXANDER is right. It is going to be difficult to get it done this week because we are up against the end of the year and we have so many other priorities. On the other hand, this one has not just bipartisan support, but I would

say nonpartisan support and bicameral support. It is one of those bills—I think Senator ALEXANDER is exactly right—we ought to put it at the top of the agenda. It will be a great win.

I think the American people are looking for wins right now. I think they are wondering, how can a divided government work? Here is an example of how it can work. We have Republicans and Democrats alike saying that this is a problem—long in the making, by the way. It didn't just happen recently; it has been years and years of our delaying these expenditures, these capital improvements that are needed—and wouldn't it be great.

So we are going to hit the ground running. Come January, we will reintroduce our legislation. Senator ALEXANDER, Senator KING, Senator WARNER, and I are going to be out there getting cosponsors from staff who happen to be listening. We want to talk to you and your Member because you ought to be on this bill if you are not one of the more than one-third of the Senate who are already a part of it.

I just can't thank my colleagues enough for showing up today to talk about this. I know Senator WARNER is busy with other meetings right now, but speaking for him, I will just say that he came up with this very creative idea. I want to thank him for his hard work on this. I know that in his home State, with the Blue Ridge and other great national parks, he has the same sense of urgency that all of us have, which is that if we don't address this now, we are going to see the visitor experience be diminished, and we are going to see a lot of higher costs for taxpayers.

This is the time that we have the organizations behind us. Senator ALEXANDER talked about 100 conservation organizations. I didn't know there were 100 conservation organizations, but they are all on board, and they understand that this is the opportunity to do something very significant.

I think Senator ALEXANDER is right; probably in the 100-year history of our national parks, there has never been a single bill that could make such a big difference—maybe not since Teddy Roosevelt started acquiring the land to protect our national treasures.

So we need to get this done. I thank my colleagues and I welcome them to make any final comments.

Mr. KING. My only final comment is to suggest a friendly amendment as to how to allocate these funds. I suggest alphabetically, and the fact that Acadia is in Maine is a mere coincidence.

Seriously, I think my two colleagues have made the case. Hopefully, we are going to be able to move this again through the committee. As Senator ALEXANDER reported, it has already been considered and reported favorably by the committee and, hopefully, it will be one of the first items of business in the new year.

As Senator PORTMAN has said, this is a win. It is a win for the American peo-

ple, and I think it will be reassuring that we can, in fact, find ways to work together on important national problems. Senator ALEXANDER listed the things that have been done. The only one he didn't mention was the farm bill that passed last week, I think 87 to 13—heavily negotiated, entirely bipartisan, makes a real difference for rural America. Here is a chance to make a difference for all of those who love and treasure our national parks. I look forward to working with my colleagues to make it happen.

Mr. ALEXANDER. I thank my colleagues. I will conclude the colloquy, if that is all right with Senator KING and Senator PORTMAN, and then I ask unanimous consent for 10 minutes to speak about Senator HATCH.

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

Mr. ALEXANDER. Prior to doing that, I want to join Senator PORTMAN in acknowledging the leadership of Senator MARK WARNER of Virginia, along with the conservation community, in developing the bones of this bill. We had competing bills; he and Senator PORTMAN were out there first, so we did what we should do. We put them together, and look at the result. That happens a lot more than people notice. When an airplane lands safely, it is not news; when it crashes, it is. This is an example of one landing safely. My prediction is that if all of those 100 conservation groups and all of those Senators in Congress who already support this will sign up with this quickly in January, we can get this train moving, and we can begin to fix the roofs and repair the bathrooms and build the roads and take America's best idea—our national parks—and make it what the American people expect it to be.

I thank Senator PORTMAN and Senator KING for their leadership as well.

Mr. WARNER. Mr. President, I rise today because our national parks have been neglected for far too long.

Due to years of chronic underfunding, the Park Service has been forced to defer maintenance on thousands of assets, including trails, buildings, and historic structures, as well as thousands of miles of roads and bridges.

Today, the National Park Service faces a deferred maintenance backlog of nearly \$12 billion. Incredibly, more than half of all Park Service assets are in dire need of repairs. Every member of this body has a national park in their State with a maintenance backlog of over a million dollars.

I will give you a few examples from my home State of Virginia.

At Richmond National Battlefield, the deferred maintenance backlog tops \$6.5 million. At Petersburg Battlefield, one of our most historic national battlefields, the backlog is nearly \$12 million, with well over half of these costs associated with the maintenance of historic buildings and landscapes.

Look at Shenandoah National Park, which is truly one of the crown jewels

of the National Park Service. Unfortunately, Shenandoah has accumulated over \$79 million in deferred maintenance, which can impact the ability of visitors to take in the breathtaking sights along Skyline Drive or explore the historic Appalachian Trail.

The Blue Ridge Parkway, "America's Favorite Drive," has over \$460 million in deferred maintenance needs. That is almost \$1 million per mile of the parkway. Over \$186 million is needed in Virginia to address the parkway's backlog and ensure visitors can continue to enjoy the beauty of the Appalachian Highlands.

I will give one final example: Colonial National Historical Park, which is home to Historic Jamestown and the Yorktown Battlefield. At that park alone, we have deferred maintenance needs totaling over \$420 million.

In just the last year, the maintenance backlog at Park Service sites in Virginia grew by \$250 million, to over a billion dollars. Virginia now ranks third among all States in total deferred maintenance, trailing only California and the District of Columbia.

We hear lots of talk in Washington about rebuilding our infrastructure, but sometimes, we forget that a great way to begin is by revitalizing our national parks, an investment which can generate \$10 in economic activity for every public dollar invested. A recent study found that fixing our national parks would create over 100,000 jobs nationwide. In Virginia, we could create nearly 10,000 jobs just by clearing the maintenance backlog.

To that end, last year Senators PORTMAN, KING, ALEXANDER, and I introduced the National Park Service Legacy Act, which would utilize otherwise unobligated Federal mineral revenues to reduce the backlog over a 30-year period.

Since then, we have worked with a broad coalition of stakeholders, including the administration, to produce this bipartisan consensus bill to reduce the maintenance backlog at the Park Service.

Like the Legacy Act, the Restore Our Parks Act would create a fund at the Treasury Department, which would be used exclusively to address high-priority deferred maintenance needs. This fund would receive 50 percent of all unobligated annual Federal mineral revenues.

It is important to emphasize that the fund would only receive unobligated mineral revenues, meaning that allocations for other programs, such as the Land and Water Conservation Fund, would not be affected by this legislation.

In total, the bill is expected to raise \$6.5 billion over 5 years, enough to address more than half of the current deferred maintenance backlog and completely fund the highest priority deferred maintenance projects.

This represents one of the most significant investments in the infrastructure of our national parks in the 100-

year history of the Park Service. That is one reason why it has gained the support of over 100 organizations, including the Pew Charitable Trusts, the National Parks Conservation Association, and many others.

More importantly, a recent poll found overwhelming support for this legislation among the American people; 76 percent of Americans support the Restore Our Parks Act.

While this legislation will not address all of the funding problems plaguing the Park Service, it is an important first step to addressing our deferred maintenance backlog.

Again, I want to reiterate my appreciation to Senator PORTMAN, Senator ALEXANDER, and Senator KING for their work recognizing the importance of properly funding and maintaining our National Park System. I also want to thank the administration for its support and willingness to advance this important legislation on a bipartisan basis.

I think we all agree that the time for action is now. Congress cannot continue to deny the Park Service the resources it needs to properly maintain these national treasures for future generations.

I look forward to working with my colleagues to pass this commonsense legislation.

#### TRIBUTE TO SENATOR HATCH

Mr. ALEXANDER. Mr. President, in 1976, it was not a particularly good time in the Republican Party. Watergate had decimated the Republican Party in 1974, and the hangover still existed in 1976. But one good thing that happened was the election of ORRIN HATCH from Utah to the U.S. Senate.

He was a boxer as a kid. He grew up the hard way. He joined the labor union, moved to Utah, and won the Senate race that he wasn't supposed to win.

I happened to be here in 1977, in January, as an administrative assistant to Howard Baker, who was the newly elected Republican leader of the Senate. There were then only 37 or 38 Republican Senators, but I was impressed with their vigor and enthusiasm. No one impressed me more than the young Senator from Utah.

Here is what he was doing by 1978. I want to read a paragraph from the "American Senate" by Neil MacNeil and Richard Baker, which I think is the best history of the Senate.

In the spring of 1968, Utah's Orrin Hatch and Indiana's Richard Lugar, both freshmen Republicans, undertook a sophisticated filibuster to defeat organized labor's prime legislative goal, a complex bill to revise the nation's labor laws. First, they relied on traditional tactics—much talk, quorum calls, and all the other dilatory maneuvers. They copied the Southerners' old strategy of creating three platoons, each of a half-dozen senators, to spell each other over the next several weeks. Next they adopted Senator Allen's post-cloture strategy, introducing more than 1,200 amendments with which to continue their filibuster indefinitely. Robert Byrd [who was the majority leader] tried six times to invoke cloture and failed.

This victory by conservative Republicans was the most notable that they had so far achieved, and the editors of the Congressional Quarterly concluded that Republican filibustering had changed the dynamics of the Senate's legislating. The Republicans, they said, "had retrieved for themselves a weapon of enormous legislative importance," so important that now, for practical purposes, the Senate could not approve any controversial measure without producing a sixty-vote super-majority.

So when we say you have to get 60 votes to get anything important passed around here, we can thank ORRIN HATCH because, when he came to the Senate, in his first couple of years, along with Senator Lugar, he took on a task that nobody thought he could win—the primary objective of organized labor in a Democratic Congress, with a Democratic President, when Republicans had only 37 or 38 votes in the Senate, and he stopped it. That is typical of Senator HATCH's persistence.

He later became chairman of three important committees in the Senate in his 42 years here: the Health, Education, Labor, and Pensions Committee; the Judiciary Committee; and the Finance Committee.

Like many Senators, he realized not long after he was here that it is hard to get here, and it is hard to stay here, so you might as well try to amount to something while you are here. Amounting to something means getting a result, and getting a result means, if you have to get 60 votes to do it, working with people on the other side of the aisle.

He formed an important alliance with Senator Ted Kennedy, who was the leading liberal Member of the Senate. HATCH had proved himself to be one of the most partisan Republicans. But when they could agree, they passed some very important legislation.

There was the Hatch-Waxman Act. There was legislation about religious freedom. I won't try to list all of the legislation. I think it is accurate to say that no living Senator has passed more legislation than ORRIN HATCH.

He also did me a personal favor. In 1991, I came back up here as President Bush's nominee to be U.S. Secretary of Education. I should have known better, but I sold my home and put my kids in school. I forgot that I had to be confirmed and that anybody might object to it.

I went before the Democratic-controlled HELP Committee. Senator Metzenbaum of Ohio said: Governor ALEXANDER, I have heard some very disturbing things about you, but I don't think I will bring them up here.

Nancy Kassebaum said: Well, Howard, I think you just did. She was a Senator from Kansas.

For 2 or 3 months, I twisted in the wind, wondering whether I would be confirmed by the Democratic Senate. Late one night, somehow ORRIN HATCH came to the Senate floor and got me confirmed by unanimous consent. I spent 22 months as President Bush's Education Secretary. I think he was a

consequential education President, with his America 2000, his summit of Governors on education, and his advocacy for start-from-scratch schools, which we now call charter schools. But I have ORRIN HATCH to thank for that confirmation.

Of all the bills that Senator HATCH has worked on, my favorite is the Music Modernization Act. We call it the Hatch-Goodlatte Music Modernization Act because of his role in it. He likes it, too, because it is a bill that helps songwriters, mostly. We have thousands of songwriters in Tennessee, all around Nashville—Nashville is Music City. Memphis has a lot; upper East Tennessee has a lot; other places in America have a lot. Songwriters are typically taxi drivers, music teachers, waitresses, all sitting there, not making much money, but with the idea of writing a No. 1 song.

The problem is that as the internet arrived, more than half of the money in the music industry came from songs played online, and songwriters, No. 1, weren't getting paid often and, No. 2, weren't getting paid a fair market value. So a number of us took that on, and the result was the Music Modernization Act.

By the time it passed the Senate by unanimous consent and the House almost unanimously, too, it had 80 sponsors here. But it was a very complex bill, a once-in-a-generation copyright law change, and the principal sponsor was ORRIN HATCH. It is right that he should be. He was chairman of the Finance Committee. But more than that, he is a songwriter himself. He has had a gold record and a platinum record. We think of him in Nashville as our third U.S. Senator. He is welcome to come back any time in his retirement after January and sit down and write some more songs because his Music Modernization Act, the Hatch-Goodlatte Act, is going to help thousands of songwriters and make this a more joyful country with more good songs.

So I come to the floor today simply to express my respect and appreciation for our Senator who is retiring, ORRIN HATCH, who served 42 years—longer than any other Republican in the history of the U.S. Senate—and to say that if he decides he is running out of things to do when he goes back to Utah, the door is open in Nashville. He can come and write a few songs.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

#### SECOND CHANCE ACT

Mr. PORTMAN. Mr. President, I want to talk today about the criminal justice reform legislation before the Senate. This is legislation that deals with two huge issues in our criminal justice system. One is important to sentencing reform.

A lot of this is to level the playing field—for instance, between crack cocaine and powder cocaine, what kind of sentencing ought to be used, something that has been talked about for many

years. There is, in our view—many of us—an injustice with the levels of sentencing. That is important.

Second, this legislation deals with an issue that many States are finally figuring out, which is that we need to do something to keep people who are leaving our jails and prisons from coming right back into the criminal justice system again.

These numbers are just amazing. Ninety-five percent of those who are incarcerated will be released someday. We all know that. When people are released from prison or jail, over a 3-year period about two-thirds of them are rearrested. Some call it a revolving door. There is a fancier word for it. It is called recidivism, and it is a huge issue.

Think about it. If two-thirds of the people are back in the prison system or the criminal justice system, that means they have committed another crime. That means our communities are less safe. It also means that the taxpayer ends up picking up the tab—both the cost of prosecution again and, also, the cost of incarceration, which can go from \$25,000 to \$40,000 a year, depending on which system prisoners are in. It is a huge cost. Frankly, this is what has driven the push toward doing something about it in many of our States. State budgets have been overwhelmed with the cost of criminal justice.

We have committed ourselves here in Congress to deal with that, to try to reduce crimes, bring families back together, and help people be able to live out their purpose in life. God's purpose in life for all of us may be a little different, but it is certainly not to be someone in the revolving door of the criminal justice system.

One thing we have focused on is this: How do you give people the tools to be able to be more successful when they have left prison and reentered society? I have worked on this for the past 15 years. One thing we came up with was legislation called the Second Chance Act. The Second Chance Act was put into law about 11 years ago. It is an idea that George W. Bush talked about in his speech to a joint session of Congress about 14, 15 years ago. What he said was: Let's give people a second chance. We believe in redemption in this country. Many of us believe in it, as it is from its Biblical roots, but it is something that George W. Bush believed in.

He also said that it makes no sense because people are costing their communities more and more in crime, costing taxpayers more in prosecution and incarceration.

Let's do something about it. Let's not hold people back because of their mistakes in the past but, instead, give them the tools to be able to lead a better life, a more productive life.

The Second Chance Act has worked well over the years. It has provided this onramp to help ex-offenders reenter society appropriately. However, it needs to be reauthorized.

The criminal justice reform we have before us deals with this issue of rehabilitation and deals with this issue of giving people the tools to be able to succeed by job training, by mental health treatment, by drug treatment, and that is important. But once they get out of the system, that is where the Second Chance Act is so important.

The message is clear. It tells ex-offenders: If you want to turn your life around and become a productive member of society, we want to help you do that. Rather than incarcerating these repeat offenders, sometimes generation after generation, let's put our tax dollars to use in a more effective way to break this vicious cycle and turn these lives around.

Congress appropriated funding for the Second Chance Program this year at \$85 million, up from \$68 million in some years in the past. So we are actually putting more funding against it. But the program needs to be reauthorized to improve the program, to put more accountability measures into the program. That is what it does. Again, it is part of this broader criminal justice reform that we are voting on today.

I have spent a lot of time going around my State of Ohio, seeing how these Second Chance Act grants are working. One thing they have done in my State, and probably in your State, is create reentry coalitions. To get a coalition grant, it is easier to have a reentry coalition making application for it. You have these comprehensive coalitions—I had only a few in a few of our counties in Ohio; now we have them in over 60 of our counties. It is great. You have the business sector coming together—the private sector—along with the law enforcement folks, along with the treatment providers. I have seen it work all over our State. I have seen so many people who have successfully been able to make that transition from prison and a life of crime and this revolving door into a productive life.

I will tell you about one person who is always on my mind when I think about this. It is someone I met at something called Central Kitchen. Central Kitchen is a reentry program run by the Lutheran Ministry in Cleveland, OH.

Melvin is a gentleman I met there, and Melvin's story is classic. Melvin had been in and out of prison his whole life. For about a decade and a half, he was in prison, out of prison, in prison. He grew up in a rough neighborhood. He got involved in drugs and alcohol. He couldn't get out of the cycle. He couldn't get out of the revolving door. One day he heard about this program and said: I will check it out.

It is a faith-based program. They have been particularly effective, in my view. It is one that is supported by legislation like the Second Chance Act.

Sure enough, it has worked. Melvin learned how to cook. He worked at the Central Kitchen, and went on to work

full time at another restaurant. As he said: What better way to be rewarded and what better way to be forgiven?

He has started his own catering business now. He is no longer defined by his past. He is defined by his willingness to take advantage of the Second Chance Act. His eyes are now on the future.

By the way, there is one thing he told me that I will never forget: I finally got a place to live again. I got my apartment back. And most importantly to me, I got my child back.

After 15 years of being in and out of prison, paying some child support—sometimes not—he now has his little girl living with him. He is a role model for her.

I have seen these role models all over our State. I have seen them in factories. I have talked to supervisors in factories who tell me the “second chance employees” I just met with at a roundtable are the role models. They show up on time. They are grateful.

They realize they have been given a second chance, and they take it seriously. I support the underlying legislation of criminal justice reform law that we are now going to take up on the floor. I think it is the right thing to do for our country in so many respects. Our communities will be safer, our taxpayers will be able to spend their money more efficiently and effectively. For these individuals who are now given a chance, given the tools to be able to lift themselves up and lead productive lives, that is their purpose in life. God's purpose in life for them is being fulfilled by this legislation.

I am glad it is being reauthorized as part of this underlying legislation. I encourage my colleagues to support this legislation. I thank Senator LEAHY, who is the coauthor of the Second Chance Act on the other side of the aisle, which has been bipartisan from the start. I thank the President and Jared Kushner for their support of this legislation.

I also thank those Members of the Senate who have been so involved in this, particularly my colleagues on the Judiciary Committee, Senator DURBIN, Senator LEE—I just talked to Senator LEE about this legislation a moment ago, and he has been tenacious—Senator GRASSLEY, Senator FEINSTEIN, Senator GRAHAM, Senator BOOKER, Senator WHITEHOUSE, Senator CORNYN, and others. This legislation will make a difference in my State of Ohio and around the country. I encourage my colleagues to support it.

I yield back.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let me speak a moment about this act. The sponsors, as you have just heard, and supporters like Senator PORTMAN have proceeded with very good intentions. As you just heard, a compelling case for finding ways to help people who have made a mistake or more have an opportunity to turn their life around.

One of the reasons I am concerned about the legislation is, all of the kinds

of programs that have been spoken of here to enable people to learn new skills or change their attitudes about life so they will not commit crimes again, we will not have more recidivism—one of the concerns is, there is nothing to prohibit any of these programs from being done today, and they are being done all over the country in State prisons, in Federal prisons, and the like.

The concern I have is, the effort to provide rewards for people to participate in these programs may have more negative than positive effects, and I think the sponsors of the bill need to look at that in order to persuade some of us that these rewards are necessary, in addition to the programs that are already in existence.

The other thing that concerns me is, there is a forgotten person in this whole equation; that is, the victim of the crime. Ever since I came to the Senate, I have worked on legislation to support crime victims. Finally, I think it was my first term in the Senate that Senator FEINSTEIN and I were successful in getting enacted and signed into law the Federal crime victims' rights bill. This act provides a whole series of rights for victims of crime, starting with the right to be notified—the right to be notified of key events during the criminal justice process and, at appropriate times, the right to speak or participate.

As I said, the crime victim seems to be forgotten in this legislation, which has the good intention of preventing recidivism, but one of the incentives for people to participate in programs while they are still in prison is that they can earn, in effect, some credits to enable them to get out earlier or to go into other kinds of programs before they are released by participating in these programs, but the victims don't have to be notified.

With many of the people who are involved here and have been in prison for a long time, there are reasons for the victims to be concerned about their impending release. Not to notify the victims, I think, would be a grave injustice.

One of the amendments Senator KENNEDY and Senator COTTON have proposed is to provide notification. Some have said: Well, this is redundant because the Crime Victims' Rights Act already requires notification. Yes, the Crime Victims' Rights Act requires notification of court proceedings but not the kind of proceedings that are embodied in the legislation.

Here, the proceedings are before the prison warden, in effect. He or she is the person who makes the decision, adding these credits up, in effect, to determine whether the prisoner is eligible for some kind of early release program. The Crime Victims' Rights Act—and I will quote it in case folks are interested—provides that the victims have the “right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.”

First of all, it has to be public and, secondly, it has to be in court. That is not the proceeding we are talking about in this legislation. That is why the amendment of Senator COTTON and Senator KENNEDY is necessary, to ensure that in this context as well, crime victims are notified of the potential release of the perpetrator of the crime upon them so, if they wish, they can allow their views to be known, presumably in some kind of written correspondence to the warden, which the warden could then take into account or not.

I heard a very odd argument made earlier on the floor in opposition to this amendment. It was, under the Crime Victims Act, about 10 percent of the crime victims don't care to be notified and, in effect, they opt out of the notice procedure. Therefore, because of that, there shouldn't be a notice requirement for this procedure. That is a non sequitur if I have ever heard one.

There are people who undoubtedly choose to ignore the notice they have received. For whatever reason, they don't want to go back into the court or to do anything about the notice they have received. For the other 90 percent, this is a very meaningful proposition. I think it would be a very scary proposition for some people not to be notified that the perpetrator of the crime against them is about to be released, and they don't know about it and will not have any opportunity to say anything about it.

The fact that 10 percent of the people may choose to ignore this notice is no reason not to provide the notice. If you don't want to receive the notice, there is something real easy you can do with it: You put it in the wastebasket or, if you are concerned that maybe you will get notified again and that is a bother to you, you can let the warden know you don't care to receive any more notices.

This is not a very persuasive argument to me; that because 1 in 10 choose not to do anything with the notice, therefore we shouldn't give notice to the other 90 percent for whom it may be extraordinarily meaningful.

To my colleagues, I would say, remember, the only reason people are in prison is because they have committed a crime against someone, and that someone is frequently ignored in the criminal justice process. They shouldn't be ignored anymore.

At least in Federal court, we have provided, by law, a series of requirements for notification and, in some cases, the right to be heard that finally recognizes that the victim should have some right to participate in and, at a minimum, be notified of the proceedings that involve a case that is only there because they have had a crime committed against them.

In many cases, it is very meaningful for them to come to closure and find a sense of justice in our criminal justice system when they are able to participate in that very same system.

In the past, we have seem to have gotten away from this. It is like: Well, it is the prosecutor and it is the defendant and nobody else has any reason to be involved. Yet, of course, the victims have every reason to be involved.

To my colleagues who say: Well, it is redundant—no, it is clearly not redundant. The Federal Crime Victims' Rights Act will not provide a remedy in the case of the bill before us. If you care about crime victims, if you believe they should have a right to be informed and to potentially present their view to the warden if they choose to do so, then I urge you to support the Cotton and Kennedy amendment.

Finally, I heard an argument that—well, there is a victims' rights group—I have forgotten the name of it—that opposes this. I don't know that victims' rights group. I do know this. I have been in touch with a lot of the advocates for crime victims, and they oppose the underlying legislation. One of the reasons is because it doesn't account for the rights of crime victims.

Perhaps the proponents could get a little more support for their legislation if they would pay attention to the people against whom the crime was committed in the first instance and at least notify them that the prisoner is going to be released and give them an opportunity to respond, if they choose to do so.

I urge my colleagues to support the crime victims' rights amendment to the underlying bill.

I yield the floor.

The PRESIDING OFFICER (Mr. RUBIO). The Senator from Ohio.

TRIBUTE TO DEAN HELLER

Mr. PORTMAN. Mr. President, among the colleagues of ours who is not going to be rejoining us in January is DEAN HELLER. Senator HELLER hails from Nevada. He is a good friend. He is also a valued Member of this body, and we are going to miss him.

Dean is a classic servant leader who has dedicated himself to public service. He has served in all kinds of roles in his community, his State, his country, and he has always done it with class and humility.

He grew up in Carson City, NV, with his five brothers and sisters. He says he started working at his dad's auto shop in middle school. Do you know what? I think he brought some of the skills he learned in middle school on the shop floor to the U.S. Senate. Like every good mechanic, he is optimistic. Every mechanic thinks they can fix whatever problem you have. That is DEAN HELLER. He rolls up his sleeves, he gets to work, and he has the determination to make things better. That is as true as when he is working on a car as when he is working on legislative solutions in the U.S. Congress.

He has been devoted to helping his community for a long time. He served for two terms in the Nevada Assembly, representing Carson City, and then he served for three terms as Nevada secretary of state before being elected to

represent the State's Second Congressional District in the House of Representatives, across the way there.

Later, he was appointed to the U.S. Senate, and then he won his election to the U.S. Senate in 2012. I have had the privilege of working with DEAN HELLER a lot on issues. We both serve on the Senate Finance Committee. We have jurisdiction over a lot of things, including tax reform.

During the tax reform process over the last year, we worked hard together, and I saw the hard work and determination he first developed working at his dad's auto body shop. I saw someone who was solutions-driven, someone who wanted to create a better future for the people he represents.

He was effective in a number of ways, with regard to helping others, helping with opportunity. One that he worked with the Presiding Officer on is doubling the child tax credit. It is a provision in the new tax law that puts more money back in the pockets of hard-working families in America.

He also served on the Senate Banking Committee, the Committee on Veterans' Affairs, and the Commerce Committee. He has been involved in a lot of the issues this body takes up. In fact, more than 100 of his bills have become law during his time in the U.S. Senate. That means he has reached across the aisle to help his fellow Nevadans.

His presence is going to be missed, but I know he will keep trying to make things better. I know he will stay busy back home, too, doing some of the things he loves: bailing hay on his ranch, repairing his stock cars—he grew up racing—horse packing, hunting, fishing, and spending time with his great family.

He and his wife, Lynne, have been married for more than 30 years, have four kids and three grandkids. I know he is looking forward to spending more time with them this holiday season. In fact, he told me for one of his holiday traditions he gets out his trombone, and his kids and their spouses all grab instruments and they play music. The Heller band performs some famous well-known Christmas holiday songs. I would love to see that. I am not sure I would like to hear it, but I would love to see it—Dean with his trombone.

Let me say, it has been an honor to serve with DEAN HELLER. He is a great guy. It is a privilege to work with him. I know he has a bright future outside of this place. I look forward to continuing to stay in touch. We will miss him. Knowing his work is not done, we hope to continue to work with him.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

BORDER SECURITY

Mr. UDALL. Mr. President, thank you for the recognition.

I rise on the Senate floor as a Senator from a border State—a State that borders with the country of Mexico—with a message from my State's proud border communities: We will not stand

by as the President threatens to shut down the government in an act of political extortion, as the President tries to force the American people to pay for his border wall—a wall that would run right through New Mexico and through so many of the communities and ecosystems that define our State.

I am joining with New Mexicans all along the border and all across our State who are calling on the President to stop playing politics with our border communities, with the Federal budget, and with taxpayer dollars.

New Mexico and other border States have the most at stake in this fight, and we will be heard.

Last week, we learned of a terrible tragedy along the border. On December 7, a 7-year-old girl from Guatemala, Jakelin Caal Maquin, died from septic shock, fever, and dehydration while in Customs and Border Protection custody. The sadness of the loss of this little girl coming to our country with her father in search of safety cannot be overstated. It is truly heartbreaking.

I have called upon Secretary Nielsen, Customs and Border Protection Commissioner McAleenan, and the Office of Inspector General to immediately and thoroughly investigate the circumstances of Jakelin's death. All facts must be brought to light so that no families ever have this kind of tragedy again.

Jakelin and her father turned themselves in to CBP near a remote port of entry in New Mexico. That port of entry, called Antelope Wells, was closed at the time. By the time Jakelin received adequate medical care, it was too late.

Instead of demanding massive resources for an ineffective wall, the President should direct the Department of Homeland Security to provide border stations and CBP officers with the resources necessary to meet the basic needs of children and other vulnerable individuals.

The Trump administration's cruel policy of delaying immigrants at commonly used ports of entry for weeks and months at a time inevitably results in asylum seekers taking more dangerous routes in remote areas.

Instead of creating a humanitarian crisis at the border by refusing to process asylum seekers, the President should direct DHS to meet the spirit of the asylum laws and begin treating those fleeing persecution and violence with the dignity and respect they deserve.

This administration has failed repeatedly to live up to our values as a nation when it comes to immigration. Sadly, there are tragic human consequences to the administration's inhumane immigration policies.

This week, we in Congress find ourselves in a familiar position. Once again, the President says he will shutter the Federal Government unless we appropriate billions of dollars for his border wall. This obvious political ploy, aimed at his narrowing base, is

the same tired and hateful refrain that he has used since the day he launched his campaign for President.

The President's anti-immigrant attacks are now a staple in his political toolbox. They are no surprise, but Congress should not give in to the President's latest anti-immigration tantrum—a tantrum that is not based in reality and that fundamentally lacks the support of the American people.

There has been a lot of talk about the border here in Washington—a lot of talk about what the border needs from a President that doesn't know the first thing about our border communities.

I proudly represent a border State—a State that shares 180 miles of border with Mexico, a State that is in many ways defined by our border and immeasurably strengthened by our relationships with our southern neighbor, by our immigrant heritage, and by communities and ecosystems that dot every mile along the border.

I know our border communities. I hear the hopes and concerns of New Mexico's families and businesses that form the fabric of those border communities. Let there be no equivocating. New Mexico's border communities emphatically reject the President's unnecessary, ineffective, and offensive wall.

Thirty-six communities across New Mexico, California, Arizona, and Texas have passed resolutions opposing a wall along their borders. Poll after poll shows that the American people from coast to coast and from border to border do not support this wall. People in New Mexico and across the Nation want humane immigration policies, continued community ties and economic activity between Mexico and our Nation, and smart border security that will actually make us safer, not an unnecessary and ineffective wall and not insulting attacks on Mexicans and Central Americans.

The American people reject the President's latest take-it-or-leave-it demand that they pay \$5 billion for his wall—a wall he vowed during his campaign that Mexico would pay for, a wall that will not stop illegal immigration, a wall that would stand before all the world as a symbol of division, fear, and hostility.

There is little disagreement in the Halls of Congress or among the American people that we want smart border security, that our immigration laws need to be reformed, and that we want to stop illegal drugs from coming into the country. But we do disagree—and strongly—on how to effectively achieve those goals with limited taxpayer dollars.

The President would have us believe that hordes of dangerous criminals have our borders under siege. This is one of his countless misrepresentations to the American people. The American people have had enough of misinformation and of blatant distortions.

It is time for some facts. The fact is the numbers of border apprehensions

are down significantly since the early 2000s. Southern border apprehensions have dropped 81 percent. In fact, the number of apprehensions at the end of fiscal year 2017 was the lowest it has been since 1971—the lowest it has been since 1971—and we have the lowest number of undocumented immigrants in our country that we have had in over a decade.

The Pew Research Center released estimates just this month that the total number of undocumented immigrants residing in the United States is far less now than in 2004—a 14-year low, and the numbers from Mexico—people whom the President insults as rapists and criminals—have decreased even more dramatically.

So who are the people coming to our southern border? Apprehensions between ports of entry consist largely of family units turning themselves in for asylum, fleeing the terror in their home countries. They are crossing between ports in part because of DHS's obstacles to asylum at ports of entry, including inadequate resources for staffing and infrastructure at our ports, metering individuals trying to claim asylum, and the ever-increasing Trump-manufactured wait times.

So given the number of southern border apprehensions is at an all-time low and the makeup of our southern border crossings, now is not the time to raid taxpayer-funded coffers for a boondoggle of a wall. Now is the time to begin talking across the aisle about how to meaningfully address the root causes of immigration from Central America—and not only that. Border walls have not been shown to effectively increase security or to reduce smuggling or improper entry.

In 2017, the Government Accountability Office found that Customs and Border Protection could not demonstrate that border walls had any measurable impact on border security, finding—and this is from DHS—that DHS had “not developed metrics for this assessment.”

As former DHS Secretary Janet Napolitano said, “show me a 50-foot wall, and I'll show you a 51-foot ladder.” Walls are not only offensive; they are ineffective.

While the effectiveness of the President's wall is in question, the extraordinary high costs are not. The Department of Homeland Security estimates the cost would be \$21.6 billion. The Democratic staff of the Senate Homeland Security and Governmental Affairs Committee estimates \$70 billion, and those costs are only to build the wall. Any wall would have to be maintained. Studies estimate maintenance costs would reach \$100 to \$150 million a year.

Just as troubling, GAO concluded that DHS is not responsibly spending the funds already allocated for the wall. GAO reported that “DHS faces an increased risk that the border wall system program will cost more than projected, take longer than planned, and not fully perform as expected.”

In fact, DHS blew past its September 19 deadline to submit a risk-based border security plan as the law requires. There is no accountability here. Worse yet, while the President ups his demand to \$5 billion for a wall, DHS hasn't even spent its funds for border barriers in the previous year's budget. DHS has only spent 6 percent of the funds provided on this boondoggle since 2017. It hasn't even obligated \$900 million of its last \$1.6 billion appropriation.

The President ignores DHS's failure to spend the money it has been given while he demands \$3.4 billion more than his own budget request. This is pure extortion. We should categorically reject the President's demand for \$5 billion for the wall, and we should reject any proposal for a slush fund for the President to use to implement his anti-immigrant agenda.

Of course, Americans are no longer surprised by this administration's utter hypocrisy when it comes to fiscal responsibility, but the President's demand for billions of unnecessary funds for his wall is a particularly galling and offensive example, and it should be called out.

Budget after budget, the Trump administration says: We can't afford to provide for Americans' healthcare, to provide for environmental protection, to provide for quality education for our kids, to provide for those in society who are struggling the most.

But the President says: We can afford to throw billions and billions of dollars on a symbolic and wasteful boondoggle of a wall.

That is billions of dollars that could be spent on the priorities that New Mexicans and the American people actually value—like good jobs, good healthcare, and good education.

“Backward” doesn't even begin to describe this administration's priorities. The Republicans claim to be fiscal conservatives, but time and again they show themselves to be fictional conservatives. They want to spend billions on a wall that doesn't work. They pass tax relief for the wealthy, leaving working and middle-class Americans high and dry. And they create massive deficits the American taxpayer will be paying off in the years to come. This is not fiscal conservatism. This is the epitome of fiscal irresponsibility.

But the wall isn't just wasteful and unnecessary. It would also do serious harm to the border region. While a border wall will not effectively address border security, it will disrupt border communities, hurt international trade, interfere with private property rights, and damage habitat and wildlife.

Much of the land along the border is privately owned, and some for many generations. Approximately 4,900 parcels are at risk. The Trump administration is already seizing private property through eminent domain to build its wall. Homes could be confiscated, farms ruined, neighbors cut off from one another.



To build the wall, DHS has waived almost 50 laws that protect the public and protect the environment, including the Endangered Species Act, the Clean Water Act, and the Native American Graves Protection and Repatriation Act, among others.

This proposed funding targets the border along the Rio Grande, which is home to a biologically diverse and rich environment. I have traveled to this area. Last winter I canoed part of the wild and scenic Rio Grande in Big Bend National Park, along the Texas-New Mexico border.

This month, I saw a new documentary called "The River and the Wall," which showed the stunning Rio Grande Valley and part of our trip.

Adding 65 miles of border barrier through the lower Rio Grande Valley would damage this area of profound environmental and ecological significance. A wall harms ecosystems, disrupts wildlife migration patterns, blocks vital wildlife access to food and water, and fragments wildlife communities.

These photos show the problems posed to wildlife. This is wildlife blocked by a fence. Here is fencing that was previously here that allows the wildlife to get through. Animals can't get over or through the border wall. They are stopped in their tracks. For many animals, fragmented habitat has led to endangerment. Chopping up their territory pushes them closer to extinction. That is the conclusion of career biologists and wildlife managers of the U.S. Fish and Wildlife Service. They warned, in a draft letter to CBP, that the wall threatens already endangered wildlife. According to them, a wall is vulnerable to "catastrophic natural flood events, leaving wildlife trapped behind a wall to drown or starve."

They recommend that CBP consider technology and other resources and mechanisms when possible instead of installing walls. The Washington Post reported last week that Secretary Zinke made it known that Fish and Wildlife needed to "support the security border mission." So Fish and Wildlife higher-ups scrubbed the career scientists' wildlife recommendations in a final letter to CBP on the impacts of the wall.

Science has a hard time competing with politics in the Trump administration.

To sum it up, the President's border wall will not have any effect on the number of migrants showing up at our border daily. It will not deter migrants from making the dangerous journey to cross between our ports of entry when they are fleeing horrific violence and persecutions in their home countries. It is wildly expensive. The wall hurts the communities and economies along our borders. It takes away use and enjoyment of property from private landowners, and it jeopardizes the environment and wildlife.

So why does the President want this wall? Its only discernible purpose is as

a political symbol, an offensive and unpopular symbol, a symbol that America no longer welcomes the tired, poor, and huddled masses; that we close our doors to refugees and asylum seekers, that we fear the world and are shrinking from our position as a beacon of hope for people everywhere.

Since the very beginning of his Presidency, when he issued his first executive order that banned Muslims from traveling to the United States, the President's immigration policies have been inhumane and cruel, and contrary to our fundamental values as a nation. The President's policy of separating children from their parents represented a new low in immigration policy. The images of children housed in cages, toddlers being taken from their mothers' arms, and parents' pleas for return of their children are unforgettable.

The incompetence of how the administration directed the family separation policy is only matched by the sheer cruelty of the policy. They didn't know where parents and children were, could not match families. They deported parents without their children, making it all the more difficult for reunification to occur.

The American people opposed this harsh policy by wide margins. While the courts stopped this illegal policy, we must not forget that there are still 147 families separated. This is unconscionable, and I will not rest until each and every family is reunited.

The President's most recent immigration debacle is his call—just before the November 6 midterms—to send Active-Duty troops to the border. He wanted 15,000 troops to protect Customs and Border Protection officers and Border Patrol agents from migrants, including many women and children, seeking asylum. Retired military leaders have charged that the President's use of troops is "wasteful." They worry that our military is being used for purely political purposes. Former Joint Chiefs Chairman General Colin Powell summed it up by saying, "I see no threat requiring this kind of deployment."

The President's made-up crisis takes our Active-Duty troops away from their missions and preparedness training and away from their families over the holidays.

It is costing the American people. According to the Pentagon, this Presidential stunt will cost us at least \$210 million by year's end for the 5,900 Active-Duty troops and 2,100 National Guard troops who have been there since April. DHS just requested their stay be extended through January.

There is no President in my memory who has used division and fear as a political tool to the extent this President has—not even close.

The President's playbook on immigration is predictable. Every several months he dreams up a new initiative to rile his base, making sure he still has their support, but his policies are wrong-headed, unpopular, and ineffective.

His latest stunt—to shut down the Federal government unless he gets his wall—is a replay. It didn't work the first time.

There is no art in a take-it-or-leave-it deal that shuts down the Federal government, that leaves millions of workers without paychecks just before the holidays, and that shutter critical services that protect the public's welfare and contribute to the economy.

It is not artful. It is inept.

It is clear from the President's public eruption last week, meeting with Leaders SCHUMER and PELOSI, that he will not engage in good-faith negotiation with Democrats and that he is "proud to shut down the government."

Recently, the Nation came together to honor a statesman and an advocate for immigration reform. As President, George H.W. Bush signed the Immigration Act of 1990 into law. He called it "the most comprehensive reform of our immigration laws in 66 years." The act increased the number of immigrants allowed to enter the United States, and it established the Diversity Visa Program and family-based visas—two programs our current President disparages.

Of our immigrant community, President Bush said: "Our nation is the enduring dream of every immigrant who ever sets foot on these shores, and the millions still struggling to be free . . . this idea called America was and always will be a new world."

President Trump's wall is a symbol of division and hostility. It is wholly contrary to our "idea called America," as the late President put it.

We must move beyond the political jockeying of government shutdown threats. The American people don't want the President to shut down essential services—especially over a border wall that will not work, they don't support, and doesn't represent the goodness of our "idea called America."

Take it from a border State like New Mexico. We can't afford a government shutdown, and we don't need the President's wall.

Thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, Thank you very much.

I want to begin by congratulating Senators GRASSLEY and DURBIN on getting such strong bipartisan support for this bill, including support from the President.

I am proud to support it, too.

As I have said in the past: I am not a fan of mandatory minimum sentences, particularly those that are very harsh and allow no discretion to a sentencing judge.

Early in my career, I sat on some 5,000 felony cases as a member of the California Women's Board of Terms and Parole. This board set sentences and granted parole to women sentenced to State prison.

I recall one individual sentenced to more than a decade in prison for three marijuana cigarettes. The judge ran the counts consecutively, and the sentences added up to 15 years—15 years for three cigarettes.

These sorts of cases are the ones that show why judicial discretion is so vital to our justice system and why the bill we are considering today is an important step towards restoring it.

The bill before us makes several changes to criminal law.

Most importantly, in my view, it reduces some of the harshest mandatory minimum sentences.

For example, right now, the mandatory sentence for a third drug offense is life in prison without the possibility of parole. This bill lowers that mandatory minimum to 25 years.

Similarly, right now, the mandatory minimum sentence for a second drug offense is 20 years. This bill reduces that to 15 years.

To be clear, the reductions in mandatory minimums under this bill do not prevent a judge from giving a defendant the maximum allowed under the law, if that is appropriate.

The point is that the judge decides, and sentences are not automatic.

The bill also gives more discretion to judges to sentence below mandatory minimums.

Under what is called the safety valve, when someone has been convicted of a nonviolent drug offense, is cooperating with the government, and has a limited criminal history, the judge, in his or her discretion, can sentence a defendant below a mandatory minimum.

This ability to sentence below a mandatory minimum is important for judges to sentence the specific defendants before them, as the facts of the case demand.

The bill also helps address some of the racial disparities in our criminal justice system. For many years, when it came to sentencing, our Federal courts treated 1 ounce of crack cocaine as if it was 100 ounces of powder cocaine.

Congress addressed this disparity in 2010, when the Fair Sentencing Act became law. That law, which Senator Durbin introduced and I cosponsored, reduced the crackpowder disparity from 100-1 to 18-1. In other words, under the law today, one ounce of crack cocaine is treated as 18 ounces of powder cocaine.

Unfortunately, this new law did not apply retroactively, and so there are still people serving sentences under the 100-1 standard.

The bill before us today fixes that and finally makes the Fair Sentencing Act retroactive so that people sentenced under the old standard can ask to be resentenced under the new one.

Along with reducing sentences that are too harsh, the bill includes prison reforms to help individuals reenter society.

Prison sentences do not end when someone leaves the prison walls, and as a society, we must do more to help people who have served their sentences return as productive members of society. I believe that the job training and drug rehabilitation programs that this bill creates will do just that.

I am pleased to support this bill and would urge all of my colleagues to do so as well. Thank you.

Mr. CARDIN. Mr. President, I rise in strong support of the FIRST STEP Act, which I have cosponsored. This bipartisan legislation, introduced by Senators GRASSLEY and DURBIN, includes positive prison reforms that the House passed by a 360 to 59 vote. The Senate has now combined the House legislation with sentencing reform provisions that passed out of the Judiciary Committee on a bipartisan basis.

Senators on both sides of the aisle agree that our criminal justice system is broken and badly needs repair.

In my own State of Maryland, we passed major criminal justice reform legislation on a bipartisan basis in 2016, which is known as the Justice Reinvestment Act. The Justice Reinvestment Act seeks to reduce Maryland's prison population and use the savings to provide for more effective treatment to offenders before, during, and after incarceration. This is intended to reduce the likelihood of reoffending, as well as to benefit victims and families and reduce costs to taxpayers.

This fall, I visited the headquarters of the Baltimore Ravens in Owings Mills, MD, in Baltimore County. I am a Baltimore resident and live in Baltimore County and, of course, am a proud Ravens fan, but on that day, I had come to discuss criminal justice reform. I wanted to hear directly from the Ravens players about their insights into the criminal justice system, and they shared their stories involving their friends and family with me.

So I am pleased that several Ravens players and team executives wrote a letter on November 26 to Senator MCCONNELL asking him to bring this critical legislation to the floor. The letter reads: "The undersigned players and executives of the Baltimore Ravens write to voice our support for the First Step Act, a bill which has the potential to bring transformative and much needed change to our criminal justice system. Criminal justice is an issue that deeply affects our community in Baltimore, as well as the nation as a whole. Not only will this legislation strengthen our nation's criminal justice system, but it enjoys the backing of an incredibly diverse group of supporters."

Indeed, this legislation is endorsed by both law enforcement and civil rights groups. Law enforcement groups endorsing this legislation include the Fraternal Order of Police, the National

District Attorneys Association, and the National Organization of Black Law Enforcement Executives. Civil rights groups endorsing this legislation include the ACLU. President Trump has endorsed this legislation, which has a growing number of bipartisan Senate cosponsors.

The legislation includes key sentencing reform provisions added by the Senate to the House-passed measure. First, it expands the so-called safety valve, which allows judges to sentence below the mandatory minimum for qualified low-level nonviolent drug offenders who cooperate with the government. Second, it makes retroactive the application of the Fair Sentencing Act, in which Congress addressed the crackpowder sentencing disparity and allows individuals affected by this disparity to petition for sentence reductions. Third, it reforms the two-strikes and three-strikes laws, by reducing the second strike mandatory minimum of 20 years to 15 years and reducing the third strike mandatory minimum of life in prison to 25 years. Fourth, the legislation eliminates the so-called stacking provision in the U.S. Code, which helps ensure that sentencing enhancements for repeat offenses apply only to true repeat offenders. The legislation clarifies that sentencing enhancements cannot unfairly be "stacked," for example, by applying to conduct within the same indictment.

I am pleased that the revised legislation reauthorizes the Second Chance Act. This critical Federal program helps individuals returning to the community from prison or jail and has a proven track record of reducing recidivism and saving money for the taxpayers.

This legislation marks the first time that the Fraternal Order of Police, the largest police union, has ever supported a criminal justice reform bill. At law enforcement's request, the bill prohibits time credits for individuals convicted of a fentanyl trafficking offense, as well as bars time credits for individuals convicted of repeatedly possessing or using a firearm in relation to a violent or drug-trafficking crime.

On the prison reform side, this legislation includes several positive reforms from the House-passed FIRST STEP Act. The bill makes a good time credit fix and revises the good-time credit law to accurately reflect congressional intent by allowing prisoners to earn 54 days of credit per year, rather than 47 days. The bill prohibits shackling pregnant prisoners and requires healthcare products be provided to incarcerated women. The bill requires prisoners be placed within 500 driving miles of their home and provides additional phone, video conferencing, and visitation privileges. The bill expands evidence-based opioid and heroin abuse treatment for inmates. The bill expands compassionate release under the Second Chance Act and expedites compassionate release applications.

The revised Senate bill also includes several prison reforms beyond what were included in the House-passed bill. The bill establishes an Independent Review Committee of outside experts to assist in the development of the risk and needs assessment system. The National Institute of Justice would select a nonpartisan, nonprofit organization with expertise in risk and needs assessments to host the IRC.

This added guardrail will help to ensure the risk and needs assessment system is evidence-based and minimize racial disparities.

It allows the use of earned credits for supervised release in the community, such as halfway houses or home confinement. The bill also would permit individuals in home confinement to participate in family-related activities that facilitate the prisoner's successful reentry.

It effectively ends Federal juvenile solitary confinement, and limits the discretion of the Bureau of Prisons to deny release to individuals who meet all eligibility criteria. The bill expands evidence-based opioid and heroin abuse treatment for inmates.

Let me be clear that this legislation is entitled the FIRST STEP Act, and it is indeed only the first step in reforming our broken criminal justice system.

In my own State of Maryland, we know the importance of criminal justice reform after the death of Freddie Gray in Baltimore Police Department custody in 2015. Baltimore is a good example of the necessary Federal and State partnership we need in order to reform the criminal justice system. When I am talking about the criminal justice system, I am not only talking about the so-called back end of the system, which involves sentencing, corrections, and release from prison; I am talking about the "front end" of the system, which involves relations between the community and police and often the first interaction between our citizens and law enforcement.

In Baltimore, the U.S. Department of Justice initiated a Federal "pattern or practice" inquiry at the request of the city of Baltimore and the Federal congressional delegation. This investigation led to a comprehensive report finding a pattern and practice of unconstitutional arrests and policing in Baltimore that disproportionately affected minority residents, particularly the African-American residents of Baltimore.

Baltimore City and the Justice Department ultimately agreed to a consent decree and are now under supervision by the U.S. District Court for the District of Maryland. This will entail a multiyear process of overhauling the police department to finally give the citizens of Baltimore the police department they deserve, using the "guardian" and not the "warrior" model, as recommended by President Obama's Task Force on 21st Century Policing.

Congress should take up and pass my End Racial and Religious Profiling Act,

S. 411, as racial and discriminatory profiling is wrong, counterproductive, and a wasteful use of resources. This amendment would prohibit racial, religious, and other discriminatory profiling by any Federal, State, or local law enforcement, setting a national standard. It would create a cause of action for such profiling, condition the receipt of Federal law enforcement grants on the elimination of profiling, and create grants for best practices and training of law enforcement officers.

Congress should also take up and pass my Law Enforcement Trust and Integrity Act, S. 3195, to address the issue of police accountability and build trust between police departments and the communities they serve. This legislation provides incentives for local police organizations to voluntarily adopt performance-based standards to ensure that incidents of misconduct will be reduced through appropriate management, training and oversight protocols.

Finally, this legislation authorizes funds for the implementation of consent decrees and judgements entered into between the Department of Justice and local police departments, such as the Baltimore Police Department.

I have filed two additional amendments to this legislation. The first is the text of S. 1588, the Democracy Restoration Act, DRA. This legislation would strengthen American communities by restoring voting rights to individuals after they have returned to their communities after being released from incarceration. Studies indicate that former prisoners who have voting rights restored are less likely to re-offend and that disenfranchisement hinders their rehabilitation and reintegration into their community.

I am pleased that last month the citizens of Florida, by a nearly two-thirds margin of 65 to 35 percent, voted to amend their State constitution to automatically restore the right to vote for most individuals with prior felony convictions. Under the previous law, people with prior felonies never regained their right to vote in Florida unless a State board used its discretion to individually restore your voting rights.

The United States is one of the few Western democracies that allows the permanent denial of voting rights for individuals with felony convictions. It is simply wrong that State disenfranchisement laws deny citizens participation in our democracy. Casting a vote is one of the most fundamental rights in a democracy and gives you a say in the future of your community. Congress has a responsibility to ensure that right is protected and should be leading an effort to remove barriers and make it easier for more people to register to vote, cast their vote, and make sure their votes are counted.

In the United States, an estimated 6.1 million adult citizens are currently disenfranchised as a result of a criminal conviction. While 16 states and the

District of Columbia already restore voting rights upon release from prison, 34 States continue to restrict the voting rights of people who are no longer incarcerated. In 10 States, a conviction can result in lifetime disenfranchisement. Several States deny the right to vote to individuals convicted of certain misdemeanors. Since March 2016, Maryland automatically restores voting rights after individuals are released from prison. The new law immediately restored voting rights to approximately 40,000 Marylanders.

My second amendment includes the text of S. 1728, the Private Prison Information Act, or PPIA. This amendment would apply the Freedom of Information Act, FOIA, to private prison. This would ensure that non-Federal prisons are held to the same standard of information sharing and record-keeping as Federal detention facilities, and would increase transparency and accountability. Private prisons account for 20 percent of our Federal prison and detention population but hide behind loopholes in the law when it comes to how they perform their job on behalf of the American people. Security breaches, overcrowding, and misuse of funds were among the many reasons the Justice Department under President Obama and Attorney General Lynch rightly began to phase out the use of private prison contracts. These companies receive Federal funds and provide the same service as governmental agencies. They perform the "inherently governmental function" of incarcerating individuals convicted of a crime by the Federal Government. They must be held accountable to the same standards.

I would note that the Leadership Conference on Civil and Human Rights and the American Civil Liberties Union sent a joint letter of support for the FIRST STEP Act. I want to quote from a statement recently released from the Leadership Conference on this legislation.

The Leadership Conference wrote: "Bringing fairness and dignity to our justice system is one of the most important civil and human rights issues of our time. This bipartisan bill offers some modest improvements to the current federal system—such as revising mandatory minimum sentences for certain drug offenses and fixing the 'good time' credit calculation. For this reason, we urge the Senate to vote yes on cloture and no on all amendments [to the FIRST STEP Act]."

"We must acknowledge, however, that the bill falls short in providing the meaningful change that is required to truly reform the system. Several sentencing provisions don't apply to individuals currently incarcerated, and the bill excludes too many people from earning time credits, allows private prison companies to profit, fails to include parole for juveniles, and expands the use of electronic monitoring. We will continue working to ensure the current bill does not further limit the number of people impacted."

The Leadership Conference statement concludes: "The FIRST STEP Act is not the end. We must address these concerns and create a system that is just and equitable, significantly reduces the number of people unnecessarily entering the system, eliminates racial disparities, and creates opportunities for second chances. Congress has much more work to do to achieve the transformational change that will end mass incarceration in America."

Let us take this first step to reform our broken criminal justice system by passing this legislation during this session, and let us pledge to work together to make further improvements in the new Congress.

#### FIRST STEP ACT

Mr. COTTON. Mr. President, I want to speak on behalf of the amendments offered by Senator KENNEDY and myself to the FIRST STEP Act. I think many of the policies in this bill are deeply unwise to allow early release from prison—thousands of serious repeat and potentially violent felons over the next few months if this bill passes.

Our amendments will not do much to solve that problem. They wouldn't solve some of the other problems of the bill which slash some of the minimum mandatory sentences on the front end of sentencing. However, they will fix the worst parts of this bill. I urge all of my colleagues to support them.

Frankly, I don't understand why any Senator would oppose them. Let me talk about what these amendments will do. The first amendment will specifically exclude early release from prison for certain heinous criminals to be certain they are going to serve the full length of the sentence to which a jury and a judge sentenced them.

Let me outline the crimes our amendment will cover and, therefore, prohibit from early release: coercing a child to engage in prostitution or any sexual activity, carjacking, assaulting a law enforcement officer, bank robbery, assisting Federal prisoners with jailbreak, hate crimes, and assault.

The bill sponsors have said this bill will not allow early release from prison for violent felons or serious felons. I consider coercing a minor into sex and prostitution, or carjacking, or bank robbery pretty serious crimes and usually violent crimes as well.

Our amendment would also ensure there are no violent felons released from prison or other sex offenders. This is consistent simply with the rhetoric and the talking points the bill's sponsors have used to sell the bill.

Unfortunately, the bill text does not cover all violent felons or sex offenders. Now, 62 percent of all Federal prisoners would still be eligible for early release according to the U.S. Sentencing Commission. We are not solving all of the problems of the bill, but it would at least ensure that some of these most heinous criminals who prey on young children or the vulnerable are not released early from prison.

Our second amendment is a victims' rights amendment. It simply says, this

bill, which creates new ways and categories under which Federal prisoners can serve their sentence, and if they do, in fact, get released from prison early, their victims will be notified and given a chance to comment. They don't get a veto. I, frankly, probably wouldn't object to that, but they just get a notice. They have a right to write a letter to the warden.

I think we should stand with victims at a time when we are passing legislation that is going to slash sentences on the front end for serious and repeat felons and then release them early on the back end. It is not too much to ask that we notify their victims when they are released early from prison and give those victims a chance to comment.

Finally, the third Kennedy-Cotton amendment would direct the Department of Justice to track the recidivism crimes of any prisoner released early from Federal prison under this law. The bill sponsors make much about the recidivism reduction training that Federal inmates will receive but how it is all evidence-based. This simply provides more evidence consistent with the traditional collection of criminal justice data of the Department of Justice. It directs the Department merely to report to Congress on the recidivism rates of inmates released under this legislation.

Again, these are very modest amendments. They are consistent with the rhetoric of the bill sponsors.

I know some of the sponsors have said this is a poison pill. I, frankly, don't see why. It is consistent with their own rhetoric, and 62 percent of all felons in Federal prison would still be eligible for early release. It does nothing to reduce the leniency on the front end for two-time and three-time drug traffickers.

These are pretty modest amendments. I wish we would have already voted on them. Senator KENNEDY and I were ready to vote hours ago. I know there is some disagreement about other amendments on which we may be voting.

Let me state for the record that I also support Senator LANKFORD's amendment to ensure that faith-based organizations have access to Federal prisons and Federal grants as one of those very critical anti-recidivism opportunities that we provide to Federal inmates. This amendment was promised to Senator LANKFORD last week. Somehow it didn't get into the text of the bill. I think it could be adopted by unanimous consent. I certainly support Senator LANKFORD's amendment to be adopted by unanimous consent because I support faith-based organizations that work in prisons to try to help prisoners turn their lives around.

Another amendment under consideration is Senator CRUZ's amendment that would exclude more offenses from early release. I support Senator CRUZ's amendment as well, and I would support a unanimous consent agreement to call Senator CRUZ's amendment to

the floor and to pass it. It doesn't overlap exactly with my amendment. It doesn't have the same offenses, but it does have serious offenses. I think we should call that up as well. Then we can vote on the bill.

The bill has been years in the making—the result of painstaking negotiations. These amendments are pending. They are germane under the rules of the Senate. We should vote on them, vote on passage of the bill, and we should move on to the Senate's other business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to respond to the statements made by the Senator from Arkansas in terms of the pending business before the Senate. We are close to reaching agreement to bring the underlying bill—the criminal justice reform bill—for a vote this evening. It is a bill that has been literally years in the making. I believe we have discussed it at great length, and we are prepared to make a decision in the Senate.

There will be three amendments offered by the Senator from Arkansas, Mr. COTTON. After those amendments are offered, then we will launch into another consideration of a change to the bill which has been characterized as a Cruz-Lankford amendment. For the record, we reached an agreement with Senator CRUZ about this amendment. We reached an agreement with Senator LANKFORD about his amendment on a bipartisan basis, and I included a provision in there which required annual reports on the success of this program, so we can measure it carefully and see if it is working as we hoped it would.

There were three pieces to this for Senator CRUZ, for Senator LANKFORD, and a piece I offered for this annual report. We accepted that language which will be considered in the Senate. I certainly hope that when the request is made to include that language, the annual report will be included in it so we can move forward very quickly on the three Cotton amendments, as he suggested this evening.

We can agree on the CRUZ, LANKFORD, and DURBIN amendment. I think that would not create any burden to move on that, and we are in a position to consider final passage this evening. That seems to be the lineup.

As I said to Senator GRASSLEY and Senator LEE, my partners in this effort, as well as Senator BOOKER, worked long and hard on this. We have had police groups, prosecutors, civil liberties groups—all have carefully reviewed this. No one is getting what they wanted completely. This is a product of compromise. That is how you pass a bill in the Senate—at least, that is my experience.

This is the strongest bipartisan bill I have seen in terms of Democrats and Republicans working for final passage. It will be significant and historic if we

are successful, but I will not presume that until we go through the process of the amendments this evening.

I, again, thank my colleagues who have patiently waited for us to reach this moment, but I think we have a chance to even move forward this evening if we reach a basic agreement.

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

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

Mr. RUBIO. Mr. President, we are talking about the subject of justice, and I thought it would be appropriate to take a couple of minutes here, before we get ready to vote, to signify a unique injustice that occurred in the State of Florida 70 years ago.

In July of 1949, a White couple was driving their truck when it broke down on a rural road near Groveland, FL. Two Black men, Walter Irvin and Samuel Shepherd, stopped to help the couple. What would follow would be a horrifying injustice that haunts Florida and truly the Nation to this day.

Norma Padgett was the White woman in that truck. She was 17 years old. She told police she was abducted and raped by four Black men. Many locals at the time doubted her story. Her estranged husband was known to be a drinker and to become violent with her. Many suspected she made up these accusations to cover up for his abuse. The sheriff's office, nevertheless, detained three men for this alleged crime.

Walter Irvin and Samuel Shepherd, the two men who stopped to help the couple, were both World War II veterans. They both denied abducting or raping the woman. Nevertheless, they were detained, and they were brutally beaten in the basement of the sheriff's office, in the jail, until they confessed to a crime they did not commit. A few days later, Mr. Shepherd's family home was burned to the ground.

At the time that truck broke down, a third man, 16-year-old Charles Greenlee—so, really, a boy—was 20 miles away, which was a fact that was testified to by a store watchman. He didn't even know Mr. Irvin or Mr. Shepherd. The woman's own husband testified he was not one of the four men whom he alleged had brutally beaten him and abducted and raped his wife. Yet he too was taken to the basement of that jail and was brutally beaten.

A fourth man, Earnest Thomas, was never arrested because he was hunted down for over 30 hours by an armed posse of over 1,000 men, including the county sheriff. They found him sleeping under a tree in Madison County, FL, and they shot him to death.

Greenlee, Irvin, and Shepherd were tried. The judge who presided over that

case denied their attorney access to exculpatory evidence. The judge in that case barred testimony about how they had been beaten until they had confessed. Then an all-White jury convicted them. It sentenced Irvin and Shepherd to death and sentenced 16-year-old Greenlee to life in prison.

A young attorney named Thurgood Marshall took up their case. He appealed it to the Supreme Court of the United States, which found they did not receive a fair trial. In fact, Justice Robert Jackson said the trial was "one of the best examples of one of the worst menaces to American justice." The Supreme Court ordered a retrial.

A few months later, the same sheriff who was part of that posse picked up Mr. Irvin and Mr. Shepherd from jail in order to transport them from prison to a hearing before the trial. He pulled his car over and pulled the two men—handcuffed to each other—out of the car and shot them. Mr. Shepherd died. Mr. Irvin played dead. The FBI later found evidence that he had been shot while lying on the ground, handcuffed to Mr. Shepherd. By the way, lying wounded, his treatment was delayed. The hospital refused to transport him because he was a Black man.

Mr. Irvin was eventually retried. He was again convicted in another sham trial and was again sentenced to death. By 1955, the facts of the case were so troubling that Florida Governor LeRoy Collins took him off death row and commuted his sentence to life in prison. Finally, in 1968, he was paroled by Governor Claude Kirk. One year later, Mr. Irvin returned to Lake County for a funeral. He was found dead in his car. Mr. Greenlee, the 16-year-old, at the time of the manufactured crime, was paroled in 1960. He left Florida and died in April of 2012 at the age of 78.

In 2017, the Florida Legislature unanimously voted to issue what is now known as the Groveland Four a formal and heartfelt apology, and they asked the State's cabinet to undertake an expedited review of the case and issue pardons.

I come here today to talk about this case because, while there is nothing we can do to give Mr. Thomas or Mr. Shepherd back their lives and while there is nothing we can do to give Mr. Irvin or Mr. Greenlee back the years they spent in jail for a crime they did not commit, we can give these men back their good names.

What we can do now in Florida, as a State, is to seek the forgiveness of their families and of them for the grave injustice that was committed against them. This is why I come to the Senate floor today—to urge the new Florida cabinet to do this as soon as possible, after they take office next month, because after 70 years, it is time for Florida to do the right thing for the Groveland Four.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before we go to the amendments, I want

to give a general overview of what it took to get to the point at which we are now.

The first thing we had to do was show the leader we could produce 60 or more votes for this bill. This is a big bipartisan bill. Senators DURBIN, LEE, GRAHAM, BOOKER, and I—and I suppose I am leaving out some people—had spoken extensively with our colleagues to address their concerns and to gain their support. As we saw last night, more than 80 Senators showed that they were ready for the debate in the culmination of this bill on the Senate floor.

The next step we had to take was to show the people we had broad bipartisan support. On November 15, the FIRST STEP Act was introduced in the Senate. At that point, we had 12 cosponsors. We now have 38 cosponsors.

Of course, the question that always comes up is, Will the House of Representatives take any action if we are successful on the floor of the U.S. Senate? Every step of the way, the House was read in on the Senate bill. The leaders in the House of Representatives, who happen to be Representative COLLINS, Representative JEFFRIES, and, of course, Chairman GOODLATTE of the Judiciary Committee, were all strong partners in this compromise.

We have reached a point with the House of Representatives at which, when the Senate passes this bill—and hopefully we will—Speaker RYAN will be ready to act on this bill. We don't have problems with the House of Representatives as sometimes come up late in a session like we are in—hopefully, the last week of this Congress. We know what we are spending our time doing will be considered by the House of Representatives.

About 3 or 4 weeks ago, we had a Republican caucus, and we listened to the concerns our colleagues had. We were asked to show more Republican support within the Congress. So, with several changes that were made in the bill in the last 3 or 4 weeks, we addressed our Republican colleagues' concerns—the same ones that were raised in our caucus. We did this, obviously, because we wanted to gain support for our bill. The concern among Republicans was that the caucus was divided to the point that more of a majority was against the bill than for the bill. I think, with the answers we had from colleagues, as we individually talked to them about their support for the bill, we gained that support.

We also had to show support from outside the Congress of the United States. I have here, without reading any names, just broad bipartisan support from conservative organizations. At the same time, there are a lot of law enforcement organizations and liberal organizations, and I will just name four or five at this point: The Fraternal Order of Police, the American Civil Liberties Union, the American Conservative Union, and the International Association of Chiefs of Police.

We had to show the colleagues in the Congress that we had broad support from, you might say, the extreme right to the extreme left in support of this legislation. I don't know whether we have had legislation like this before the U.S. Senate, whereby we have put together such diverse groups of people and organizations that support the bill.

Of course, once we had gone through this hard work of getting this bill where it is now on the Senate floor, it was very legitimate for our colleagues to ask: Is the President going to sign it? We worked very closely with the House of Representatives and had even made some changes at the House's suggestion. We also talked to individual Members of the Senate, and the House knew what some Senators had concerns about.

We got admonition from the President and the White House to change some things to bring the President on board. We now have a person who has a reputation for being tough on crime but also a person who recognizes that within our criminal justice system and the prison system and the way judges have to make decisions under mandatory minimums, there is some unfairness. We have a President who may now be seen by a large part of this country as being somebody who not only wants to be tough on crime but be fair on crime.

The President of the United States had a news conference when we put the original bill together, but it was before the fine-tuning, which I have already talked about, to get additional Members' support. At the end of the news conference, at which many Members of the House and Senate were present, the President said, I have my pen ready to sign this bill.

If anybody has any doubt whatsoever about whether the President is for this bill, I am telling you what I heard from his own words—that he has a pen ready to sign this bill. So I hope nobody comes up here and wonders, what does the President of the United States think about this bill? I heard him say it.

So I hope we have a Senate majority—particularly, the Senate majority. When you have an opportunity to have the President of the United States, who is tough on crime but understands there has to be some fairness to it, that the majority party in the U.S. Senate would support the President of the United States—I hope that is what they will think about as they cast these votes on these amendments that we are soon going to have.

I think it is fair to say that as we proceeded over the last 4 years to get a piece of legislation like this, they would be skeptical about this President. But don't be skeptical anymore, because this President gives this bill his full backing.

This is an opportunity for a Republican majority in the U.S. Senate to show that this Republican President can do something that even President

Obama couldn't get done, because this was a big issue in the last Congress, but we couldn't get it here to the Senate. So the Congress can deliver a big bipartisan legislative accomplishment for President Trump with the passage of this bill.

I have just described to my colleagues how the legislative process is supposed to work—one on one. How do you eat 10,000 marshmallows? One at a time. How do you get support for a bill? One person at a time, and that is pretty much what the Republican supporters of this bill have been trying to do. Why do it? To placate the honest interests of people in our caucus that raised those same concerns 3 weeks ago.

So this is how the legislative process works. You work in a bipartisan way to build support for your policy and debate it on the floor of the Senate.

Later on I will ask for support for a unanimous consent request.

Mr. McCONNELL. I ask the chairman of the Judiciary Committee to go ahead and propound his unanimous consent request.

UNANIMOUS CONSENT REQUEST—AMENDMENT  
NO. 4132

Mr. GRASSLEY. The Senator from Louisiana is ready to object to what I am doing.

I am going to ask unanimous consent, but before anybody objects, I would like to make, maybe, a 1-minute statement on the reason for my unanimous consent request.

I ask unanimous consent that amendment No. 4132 be made pending and agreed to.

This is why I ask that. This amendment ensures that faith-based groups can operate in Federal prisons to help prisoners turn over a new leaf. It also excludes dangerous criminals from earning time credits. Finally, it extends the independent review committee from 2 years to 5 years, and it also requires an annual report.

Now, I have had a little bit of conversation with Senator COTTON, the main opponent of our legislation, and Senator KENNEDY as well. I think that everything that is in amendment No. 4132 is something that at least every Republican ought to support, and I think a large part of the Democrats support it. As far as I can tell, from reading the point of view of my friend from Arkansas on some of these amendments, this point about extending the independent review committee from 2 years to 5 years and requiring an annual report is about the only part of this amendment No. 4132 that Senator COTTON disagrees with. I don't know why he would disagree with an independent review that could be done over a period to go on from 2 to 5 years, because there is going to be periodic decisions made in the meantime, and there is an annual report.

That is what this amendment does, and I hope we can get it adopted.

The PRESIDING OFFICER. Is there objection?

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, reserving the right to object, I don't think there is a single solitary Member of this Senate who would do anything to hurt public safety—and I mean that. Certainly, my colleague Senator DURBIN wouldn't, nor would Senator GRASSLEY or Senator LEE. My problem with this amendment, which Senator GRASSLEY explained very well, has nothing to do with an objection to faith-based organizations participating in anti-recidivism. In fact, I am amazed that the bill got this far with a provision that would prevent our faith-based organizations from participating in the anti-recidivism program. I am stunned that it got this far. So I certainly don't object to that. Indeed, later on, I hope we can offer that amendment separately.

I certainly don't object to Senator CRUZ's suggestion that we not let dangerous people out of prison. So I am all for that portion of the amendment, and I hope we can deal with that separately.

What I am not for is extending the sentencing review commission and, yet again, creating more bureaucracy, because that is my problem with the whole bill. If you believe our sentencing laws are unjust, then I am prepared to stay here night and day through Christmas, and let's debate them and let's fix them, but that is not what this is doing. What this is doing is giving away all of our authority as U.S. Senators to nameless bureaucrats—I am not using that term in a pejorative sense—in the Bureau of Prisons to decide who gets to leave prison early and who doesn't. It is like putting paint on rotten wood.

So with respect to our Senator, my colleague, I object, with the caveat that I hope he will bring the two good parts of this amendment back later.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

ORDER OF BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now vote in relation to the divisions of the Kennedy amendment No. 4109 in the regular order; further, that there be 4 minutes prior to the vote, equally divided between the opponents and the proponents.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. So for the information of Senators, the vote order will be division I, division II, and, then, division III.

VOTE ON DIVISION I OF AMENDMENT NO. 4109 TO  
AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate, equally divided prior to a vote in relation to division I, amendment No. 4109.

Who yields time?

The Senator from Arkansas.

Mr. COTTON. Mr. President, I will take the 2 minutes for this division, I



believe. Senator KENNEDY will take the 2 minutes for each of the next two amendments.

This amendment is very simple. It simply ensures that the sponsors' rhetoric is reflected in the text of the bill. We have heard for years that this bill would not allow violent felons to be released from prison. As it stands now, this bill allows people convicted of carjacking, bank robbery, and coercing a minor into sexual activity and into prostitution to be released early from prison, among many other things. That is just a fact of the bill itself.

The amendment that Senator KENNEDY and I have offered would exclude certain specified heinous crimes like coercing a minor into sexual activity or prostitution from those prisoners who are eligible for early release. It would also ensure that no person who is convicted of any crime of violence or any sexual offense is released early from prison. That is what the bill sponsors have said all along. Unfortunately, the bill language does not reflect that rhetoric. Our amendment will ensure that it does.

I know some people have called this a "poison pill," which is a slogan in the substitute of an argument. The U.S. Sentencing Commission has said that even if this amendment passes, 62 percent of Federal prisoners will still be eligible for early release.

If I could do more, I would, but I think we can all agree that people who are convicted child molesters should not be allowed early release from our Federal prisons. If you are curious about how many sex offenders we have and what our Bureau of Prisons thinks about them, let me share with you this little statistic. There are over 15,000 sex offenders in Federal prison and 72 percent of them are currently assessed at low risk. Let me say that 72 percent of those 15,000 sex offenders could be eligible for release if we don't have a simple exclusion on sex offenders and crimes of violence.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I speak, I think we need to give the Senator from Arkansas another 2 minutes because he was speaking on the wrong amendment that is before the Senate.

Mr. COTTON. I appreciate that from the Senator from Iowa. If that is the case, I will defer to the Senator from Louisiana because I think he wanted to speak on that specific division.

Mr. GRASSLEY. It is the victims notification amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KENNEDY. Mr. President, this amendment is very, very simple. This is what it does. It requires the Director of the Bureau of Prisons to do four things: No. 1, notify each victim—or if the victim of a crime is deceased, the victim's next of kin—that the Bureau of Prisons expects to release the in-

mate who committed the crime to the victim. So step 1, the Bureau of Prisons has to notify the victim that the person who committed the crime is about to be released.

No. 2, the Bureau of Prisons has to tell the victim—that word is used enough in this bill—the date that the inmate will be released.

No. 3, the Director of the Bureau of Prisons has to allow the victim or the victim's next of kin to make a statement about the inmate's release. It doesn't give the victim veto power, but the victim is allowed to make a statement. Finally, it requires the Director of the Bureau of Prisons to review that statement.

Now, this bill spends billions of dollars on our criminal justice system and on criminals—certainly hundreds of millions of dollars—but it doesn't do much for victims. All this bill would do is say that victims have some rights, too, and the victims' rights are very simple.

Let me give an example. If a rapist is about to be released from prison early, the Bureau of Prisons has to tell the rape victim that we are letting him out early and the date we are letting him out. The victim is entitled to make a statement, and the Bureau of Prisons has to read it. That is the least we can do for victims under this bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I take my 2 minutes in opposition to this amendment, for the leader I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I rise in opposition to this amendment. This amendment is unnecessary. This amendment is duplicative of requirements already enacted into law under the Crime Victims' Rights Act.

Current law requires notification to crime victims who choose to be notified. It allows others to opt out to avoid being retraumatized. This would change the law to require victim notification, which could retraumatize victims who choose not to be notified.

This is not a victim-centered approach. It is a heavyhanded violation of a victim's choice. This amendment would require notification even if the victim doesn't want it, raising the specter of retraumatizing a victim who has tried to move on with their life.

This is not a victim-centered approach. It is a heavyhanded government violation of a victim's choice. Victims' rights groups oppose this amendment for this reason.

The public notice mandates create a series of new bureaucratic, big-government requirements and a new unfunded mandate for the Bureau of Prisons.

So I will vote against this amendment. To support my reasons, I will quote a whole list of conservative

groups: the American Conservative Union, FreedomWorks, Right on Crime, R Street Institute, Jessica Jackson's group, U.S. Justice Action Network, and a whole host of groups like that.

Heritage Action scores it.

We have from the victims' rights groups, Crime Survivors for Safety and Justice, fairness, dignity, and respect for crime victims and survivors, and the National Coalition of Police and Prosecutors warns of hostile amendments.

I am going to end by simply stating what you heard me say in my opening remarks before this—that we have a chance to send a bill to the President. In his news conference, he said that he is ready to sign it. We have a President who is tough on crime, but he wants to be fair on crime. The bill we put together with the White House does that. I ask you to vote no.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to division I of amendment No. 4109.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 268 Leg.]

#### YEAS—32

Barrasso	Enzi	Risch
Blunt	Fischer	Rounds
Boozman	Gardner	Rubio
Burr	Hoeven	Sasse
Capito	Inhofe	Scott
Collins	Kennedy	Shelby
Cornyn	Kyl	Sullivan
Cotton	McConnell	Thune
Crapo	Murkowski	Tillis
Cruz	Perdue	Toomey
Daines	Portman	

#### NAYS—67

Alexander	Hassan	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Peters
Booker	Heller	Reed
Brown	Hirono	Roberts
Cantwell	Hyde-Smith	Sanders
Cardin	Isakson	Schatz
Carper	Johnson	Schumer
Casey	Jones	Shaheen
Cassidy	Kaine	Smith
Coons	King	Stabenow
Corker	Klobuchar	Tester
Cortez Masto	Lankford	Udall
Donnelly	Leahy	Van Hollen
Duckworth	Lee	Warner
Durbin	Manchin	Warren
Ernst	Markey	Whitehouse
Feinstein	McCaskill	Wicker
Flake	Menendez	Wyden
Gillibrand	Merkley	Young
Grassley	Moran	
Harris	Murphy	

#### NOT VOTING—1

Graham

Division I of amendment No. 4109 was rejected.

VOTE ON DIVISION II OF AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided prior to the vote on division No. II.

The Senator from Louisiana.

Mr. KENNEDY. Mr. President, I know there has been some confusion about these amendments, as one sort of bleeds into the other, so without repeating myself, I want to describe this amendment very quickly.

This amendment would require the Director of the Bureau of Prisons, on a quarterly basis and without using the released inmate's name—so it would be anonymous—to publish, No. 1, the crime for which the inmate is or was imprisoned—I am talking about the released inmate—the Bureau has to publish, No. 1, the crime for which the released inmate was in prison; No. 2, prior crimes for which the inmate was in prison—some would call that his rap sheet; No. 3, whether the released inmate has been rearrested, and if he or she has, what for, and the information would be broken down by State. This is merely reporting, and the objective is transparency.

Now there are provisions of this amendment—I don't want to mislead anyone—that will reassert the right of the victim to be notified when an inmate is released. I will just sum up by saying that I don't want to mislead anyone. There is a victim's right of notification provision in this amendment as well, but it is primarily a transparency provision.

I will be glad to answer any questions.

I yield my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. As we talked about the earlier amendment, we talked a great deal on the previous amendment about victim's notification. There is also a victim's notification in this amendment as well. So I don't want to go into—the arguments are the same. Remember, victim rights groups oppose this amendment because it is covered by current law.

So I want to spend my time on talking in opposition to this amendment from the standpoint of granting wardens veto authority over what this law sets up as an objective, evidence-based system—or you could call it a risk assessment system—in the act to make sure that we have a good foundation for determining whether somebody is a risk to society if they take advantage of this program and to do it in a studied way. Once that is set up, then this amendment would allow a warden to veto it.

If a low- or minimal-risk inmate works hard to make themselves ready to be productive citizens and community leaders or members, then they ought to reap the rewards of that work under the FIRST STEP Act and not have a person step in who could put bias into the system and human error

into the system. We are trying to set up a system to get away from it, because this legislation is all about bringing fairness to the prison system and to the judicial system as well.

How much time do I have left?

The PRESIDING OFFICER. A few seconds.

Mr. GRASSLEY. I am done.

Did you say 2 seconds?

The PRESIDING OFFICER. A few seconds.

Mr. GRASSLEY. OK. Vote against the amendment.

The PRESIDING OFFICER. The question is on agreeing to division No. II of amendment No. 4109.

Mr. COTTON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—33

Barrasso	Fischer	Portman
Blunt	Gardner	Risch
Boozman	Heller	Rounds
Burr	Hoeven	Rubio
Capito	Inhofe	Sasse
Cornyn	Isakson	Scott
Cotton	Kennedy	Shelby
Crapo	Kyl	Sullivan
Cruz	McConnell	Thune
Daines	Murkowski	Tillis
Enzi	Perdue	Toomey

NAYS—66

Alexander	Grassley	Murphy
Baldwin	Harris	Murray
Bennet	Hassan	Nelson
Blumenthal	Hatch	Paul
Booker	Heinrich	Peters
Brown	Heitkamp	Reed
Cantwell	Hirono	Roberts
Cardin	Hyde-Smith	Sanders
Carper	Johnson	Schatz
Casey	Jones	Schumer
Cassidy	Kaine	Shaheen
Collins	King	Smith
Coons	Klobuchar	Stabenow
Corker	Lankford	Tester
Cortez Masto	Leahy	Udall
Donnelly	Lee	Van Hollen
Duckworth	Manchin	Warner
Durbin	Markey	Warren
Ernst	McCaskill	Whitehouse
Feinstein	Menendez	Wicker
Flake	Merkley	Wyden
Gillibrand	Moran	Young

NOT VOTING—1

Graham

Division II of amendment No. 4109 was rejected.

VOTE ON DIVISION III OF AMENDMENT NO. 4109 TO AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 4 minutes of debate equally divided prior to the vote in relation to division III of amendment No. 4109.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. COTTON. Mr. President, I will not speak for 2 minutes. There was

confusion earlier about which amendments we are voting on.

Frankly, most of you have heard my arguments before. Just to clarify, this has six specific exclusions from early release—offenses like coercing a minor into sexual activity or prostitution, carjacking, bank robbery, hate crimes, as well as a catchall for crimes of violence and sex offenses.

With that, I yield back the balance of my time and urge my colleagues to vote yes.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, if I had 2 minutes the last time, I should have had more than 2 seconds left over.

Mr. SCHUMER. I ask unanimous consent that the Senator be given 3 minutes.

Mr. GRASSLEY. No, I can't do that.

Let's see if we can keep our bipartisan coalition together to pass a bill that the President said he is ready to sign. That is what he said at the end of his news conference. It is pretty important to understand, this is something the President is behind. So we are facing a very serious vote on this next one.

Obviously, I rise in opposition to this amendment. This amendment is very finely tailored to scare you that if you don't vote for this amendment, you are going to have somebody out on the street, contrary to the intent of this law, who is going to commit some awful act. Remember, this law is centered on those people who are the least violent people who are in prison already.

Don't be scared by what you have heard about this amendment—it is unnecessary—because the system that is set up by the FIRST STEP Act itself renders dangerous and violent criminals ineligible for the benefits available to low-level offenders under this bill. We are only going to help low-level offenders.

This tactic that is being used to scare you into voting for this amendment and then into destroying the bipartisan cooperation we have gotten in order to get this bill passed undermines the goal of incentivizing low-level offenders to prepare themselves to be productive on reentry.

My 2 minutes are up already?

The PRESIDING OFFICER. They are.

Mr. SCHUMER. You have 3 minutes.

Mr. GRASSLEY. Will you vote against the amendment, please?

Mr. SCHUMER. Look over there.

Mr. GRASSLEY. Will you vote against the amendment, please?

The PRESIDING OFFICER. The question is on agreeing to division III.

Mr. WHITEHOUSE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The PRESIDING OFFICER. (Mr. ROUNDS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 62, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—37

Barrasso	Enzi	Portman
Blunt	Fischer	Risch
Boozman	Gardner	Rounds
Burr	Heller	Rubio
Capito	Hoeven	Sasse
Cassidy	Inhofe	Scott
Collins	Johnson	Shelby
Corker	Kennedy	Sullivan
Cornyn	Kyl	Thune
Cotton	McConnell	Toomey
Crapo	Murkowski	Young
Cruz	Perdue	
Daines	Peters	

NAYS—62

Alexander	Hassan	Murray
Baldwin	Hatch	Nelson
Bennet	Heinrich	Paul
Blumenthal	Heitkamp	Reed
Booker	Hirono	Roberts
Brown	Hyde-Smith	Sanders
Cantwell	Isakson	Schatz
Cardin	Jones	Schumer
Carper	Kaine	Shaheen
Casey	King	Smith
Coons	Klobuchar	Stabenow
Cortez Masto	Lankford	Tester
Donnelly	Leahy	Tillis
Duckworth	Lee	Udall
Durbin	Manchin	Van Hollen
Ernst	Markey	Warner
Feinstein	McCaskill	Warren
Flake	Menendez	Whitehouse
Gillibrand	Merkley	Wicker
Grassley	Moran	Wyden
Harris	Murphy	

NOT VOTING—1

Graham

Division III of amendment No. 4109 was rejected.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 4131 TO AMENDMENT NO. 4108

Mr. MCCONNELL. Mr. President, I call up Cruz amendment No. 4131 to amendment No. 4108.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. CRUZ, proposes an amendment numbered 4131 to amendment No. 4108.

Mr. MCCONNELL. I ask that the reading be waived.

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

The amendment is as follows:

(Purpose: To expand the list of offenses for which a prisoner is ineligible to receive certain time credits and to modify a provision relating to a limitation on faith-based activities)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I want to thank the bill's sponsors for working with me on this amendment. I think this bill that the Senate is getting ready to pass is a major bill that moves in the direction of justice. It lowers mandatory minimums for nonviolent drug offenders.

This amendment excludes a series of specific violent offenses, including carjacking, destruction of aircraft and

motor vehicles, and drive-by shootings. Another component of it is an amendment that Senator LANKFORD has introduced that protects religious liberty.

The sponsors on both sides, Democratic and Republican, have agreed to this amendment. I want to thank them for their cooperation in that.

I yield my time to Senator LANKFORD.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Mr. President, there is an error in the way this bill is drafted. There are a lot of entities that want to be able to engage in the process of working against recidivism and make sure we can actually help those individuals who are in our prisons go through the process. Some of those are faith-based groups. The definition that is in this bill would preclude a lot of faith-based groups from being engaged. We want to open this up to everyone.

The Trinity Lutheran case in the Supreme Court said that the government should be neutral to any entity, whether they are secular or sacred, that the government treats them all the same. This is not about proselytizing; this is about allowing groups that want to engage and serve those in the prison populations and work against recidivism in the future to do that. This technical correction allows that, and I think it is a wise thing to do.

I thank the sponsors for allowing this to go forward and for this correction to be made.

I am glad to yield back.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all postcloture time be considered expired; that the Senate vote on amendment No. 4131; further, that following disposition of the amendment, the Senate vote on the motion to concur with further amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4131.

The amendment (No. 4131) was agreed to.

MOTION TO CONCUR WITH AMENDMENT NO. 4108

The PRESIDING OFFICER. The question occurs on the motion to concur with an amendment.

The yeas and nays are mandatory. They were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

The result was announced—yeas 87, nays 12, as follows:

[Rollcall Vote No. 271 Leg.]

YEAS—87

Alexander	Blumenthal	Boozman
Baldwin	Blunt	Brown
Bennet	Booker	Burr

Cantwell	Hatch	Nelson
Capito	Heinrich	Paul
Cardin	Heitkamp	Perdue
Carper	Heller	Peters
Casey	Hirono	Portman
Cassidy	Hoeven	Reed
Collins	Hyde-Smith	Roberts
Coons	Inhofe	Sanders
Corker	Isakson	Schatz
Cornyn	Johnson	Schumer
Cortez Masto	Jones	Scott
Crapo	Kaine	Shaheen
Cruz	King	Smith
Daines	Klobuchar	Stabenow
Donnelly	Lankford	Tester
Duckworth	Leahy	Thune
Durbin	Lee	Tillis
Ernst	Manchin	Toomey
Feinstein	Markey	Udall
Fischer	McCaskill	Van Hollen
Flake	McConnell	Warner
Gardner	Menendez	Warren
Gillibrand	Merkley	Whitehouse
Grassley	Moran	Wicker
Harris	Murphy	Wyden
Hassan	Murray	Young

NAYS—12

Barrasso	Kyl	Rubio
Cotton	Murkowski	Sasse
Enzi	Risch	Shelby
Kennedy	Rounds	Sullivan

NOT VOTING—1

Graham

The motion was agreed to.  
The PRESIDING OFFICER. The Senator from South Dakota.

MORNING BUSINESS

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING BURL BOWEN

Mr. MCCONNELL. Mr. President, earlier this year the Knott County, KY, community lost a beloved member with the passing of Burl Bowen at the age of 98.

Born in Wheelwright, Burl grew up in southeastern Kentucky and later joined the Civilian Conservation Corps to plant trees in the region. Like so many of his generation, Burl earned his place in the "greatest generation" by serving in the U.S. Army during World War II. He carried his patriotism and love for his country throughout the rest of his career and his life, inspiring those around him. Burl spent a number of years in Detroit, working in a steel mill and operating a barber shop. He returned to Kentucky upon his retirement with his wife Anita.

Later in his life, Burl made a particularly large impact on the young men of the Knott County Central High School's basketball team. Known as the team's No. 1 fan, Burl could always be found in the front row of the stands cheering on his team. He was 95 when the team won the 14th region championship, and Burl proudly climbed the ladder to help cut down the net. At his funeral, the players paid their respects by serving as Burl's pallbearers.

Along with the Knott County community, Elaine and I send our condolences to Anita, their family, and all