

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

who loved Burl. I urge my Senate colleagues to join me in paying tribute to such a remarkable Kentuckian.

#### REMEMBERING DON WATTENBARGER

Mr. McCONNELL. Mr. President, in September the community of London, KY, lost one of its treasured residents with the passing of Don Wattenbarger at the age of 81. Don's remarkable life will be remembered for his kindness, his service to others, and his dedication to helping Kentucky's children celebrate Christmas. Overcoming a childhood bout with polio, Don never let his physical difficulties stop him from helping others, and as a fellow survivor of the disease, I admire him for it.

I would especially like to remember Don's work with the Laurel County Sheriff's Department, which he joined as a part-time deputy in 1986. His official responsibilities included working as a bailiff in court, but this community will remember him for his boundless care and generosity outside of his job description. Even after his retirement in 2007, Don hardly slowed down, continuing to be a force for good in his community.

Working with the Cumberland Valley Fraternal Order of Police, Don was instrumental in leading and maintaining the Shop with a Cop program in Laurel County. Every year, Don and his wife Virginia would collect donations to help children in need have a joy-filled Christmas. It is a heart-warming program that helps so many children in this community. One of Don's friends, Karlyle Young, remembered a particular family with several children who participated in the Shop with a Cop program. Their father had recently lost his job, and money was tight around the house. The children asked if they could use some of the money to buy food, instead of Christmas toys. Don and the other volunteers collected extra donations to help buy this family food and make sure the children also received Christmas presents. Working with the sheriff's department for more than 20 years, Don helped spread Christmas cheer to more than 5,000 local children.

Don also served as a longtime board member of the Laurel County Drug Abuse Resistance Education, D.A.R.E., program, teaching children about the dangers of drug and alcohol abuse. For his dedication to this cause, North and South Laurel high schools present an annual scholarship to a graduating senior in Don's honor. He was also an active member of the local Shriner's Club, the masonic lodge, and several other service organizations that helped those in need in Laurel County.

In 2018, the city of London recognized Don's incredible lifetime of service by honoring him as a "Living Treasure." His respect, compassion, and charitable nature will continue to be remembered and appreciated by the thousands of

lives he made better. I would ask my Senate colleagues to join me in expressing our gratitude and deep condolences to Don's family, especially his beloved wife of 51 years Virginia, his friends, and the Laurel County community that cherished him.

#### FIRST STEP ACT

Mr. VAN HOLLEN. Mr. President, I am proud that the Senate has passed the FIRST STEP Act. As a cosponsor of this bill, I am heartened that Republicans and Democrats came together to address an issue that affects millions of Americans and their families.

Although one of my colleagues across the aisle has said that we have an "under-incarceration" problem, that is simply not the case. The United States represents only 4.4 percent of the world's population, but we hold approximately 22 percent of the world's prisoners. Over the past decade, Americans and Congress have taken a long hard look at who we incarcerate and why. This review has made us realize that too many elements of our criminal justice system are based on prejudice and have inflicted unnecessary harm in communities across the country. We should strive to ensure that "liberty and justice for all" is not just a phrase we say, but a promise we keep to all Americans.

The FIRST STEP Act allows prisoner rehabilitation so that they can return home ready to contribute to their communities. Education and job training opportunities provide individuals with a real second chance.

The bill incorporates important provisions that allows for the retroactive application of the Fair Sentencing Act, which removed the sentencing disparity between the crack-powder and cocaine. We were able to include provisions that prohibit the use of solitary confinement of juvenile offenders, prohibit the shackling of pregnant and postpartum women, and ensure that prisoners are placed in prisons closer to home. The bill also offers low and minimal-risk offenders the possibility of supervised release, home confinement, or release to halfway homes.

The three amendments offered to the bill by Senators COTTON and KENNEDY do not protect victims, are redundant, and are so broad as to subvert the bill's purpose. The first amendment requires mandatory notification to crime victims of an offender's impending release. However, current law and agency policies already allows victims to choose if they want to receive these updates. Mandated reporting harms victims who do not want to receive this information. That is why this amendment is opposed by organizations such as the Crime Survivors for Safety and Justice and the Fairness, Dignity & Respect for Crime Victims & Survivors Project.

The second amendment will require wardens to notify victims of early release and review victim statements

prior to determining if an offender is eligible for pre-release custody or supervised release. Again, this amendment diminishes the rights our current laws give victims by allowing them determine if they want to receive this information. Victims already have the right to submit statements of opposition or support prior to parole or early release. Additionally, prison wardens should not be burdened with calculating risk assessment. The bill establishes an independent review committee that will recommend and assess the best evidence-based tools to ensure that risk assessments are bias-free and objective.

Lastly, the expanded "crime of violence" definitions offered are vague, redundant, and would exclude the very population the bill is designed to help. On its face, the final amendment seems to be common sense but the language is so vague that one analysis claims that only low-level drug offenders and white-collar criminals would be eligible for earned credit. The amendment has a catchall to prevent anyone who has been convicted of any offense that involved substantial risk of physical force against a person or their property from receiving pre-release. The U.S. Sentencing Commission estimates that this amendment would exclude 30,000 prisoners from participating in the program. I believe that the goal of criminal justice reform is rehabilitation and reducing recidivism and restricting incentives would defeat that purpose. The bill has been carefully crafted to only include low-risk offenders.

The FIRST STEP Act is by no means perfect. For example, the bill does not include provisions to address the flaws in the money bail system or the discrimination in housing or employment that many offenders face upon release, nor does it prohibit the use of private prisons or address discriminatory loopholes in our Tax Code that make it harder for released offenders to finance their education.

But the bill's name is clear: This is the first step and not the last in our commitment to reform our criminal justice system.

#### FAIRNESS IN HIGH-SKILLED IMMIGRANTS ACT

Mr. GRASSLEY. Mr. President, I have asked to be notified before any unanimous consent agreement to process this bill because I oppose S. 281, the Fairness in High-Skilled Immigrants Act. High-skilled immigrants are a benefit to the United States. We welcome those talented individuals from across the world who can supplement our own domestic labor workforce. In Iowa, we have seen the benefit of high-skilled immigrant doctors, healthcare professionals, and medical specialists who serve our rural communities. These immigrants provide quality healthcare and immerse themselves in our communities. In turn, Iowans welcome them with open arms. I look forward to improving the integrity of our