

Senators are often described as workhorses or showhorses. Without question, Senator HEITKAMP is a workhorse, and she leaves behind a legacy of accomplishment that will continue to benefit the people of North Dakota and all Americans for many years to come. We thank her for her service, and we wish her well.

### FIRST STEP ACT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that these letters be printed in the RECORD for S. 3649, a bill to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison, and for other purposes.

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

NATIONAL FRATERNAL ORDER OF POLICE,  
Washington, DC, November 9, 2018.

FOP PARTNERS WITH PRESIDENT TRUMP ON  
CRIMINAL JUSTICE REFORM

REVISED AND AMENDED FIRST STEP ACT TO BE  
INTRODUCED NEXT WEEK

Chuck Canterbury, National President of the Fraternal Order of Police, announced his support today for legislation developed by the Administration to make important reforms to our nation's criminal justice system.

"The President and his team have been working hard on this issue since Inauguration Day," Canterbury said. "From the outset, they let us know they wanted our input because this effort could not succeed without our support. We are proud to announce that by working together with the Administration and leaders on Capitol Hill we have a bill that will make our streets and neighborhoods safer, our police will be better protected and improve the ability of our criminal justice system to effectively rehabilitate offenders."

The legislation, entitled the "First Step Act," would establish a comprehensive risk and needs assessment tool to provide an individual profile of all Federal inmates. Those offenders deemed to be at low risk to recidivate would be given incentives and access to evidence-based recidivist reduction programs to better prepare them to return to their neighborhoods and become productive members of the community.

"By individually targeting those offenders with the lowest risk to re-offend, law enforcement and correctional officers can better focus their resources," Canterbury explained. "The FOP played a key role in making sure that truly dangerous offenders, like those who commit crimes while armed and those who traffic in deadly narcotics like fentanyl, are ineligible to participate in the First Step program."

The legislation also contains certain sentencing reforms. The FOP engaged with our allies on Capitol Hill to make sure these changes are prospective and would not, except in the case of the existing Fair Sentencing Act, be applied retroactively. The bill also contains an FOP-backed provision that would improve the safety of our Federal correctional officers carrying firearms under the auspices of the Law Enforcement Officers' Safety Act.

"We have been proud to be a partner in this effort with President Trump and are grateful for his leadership and for his constant and unwavering support for law enforcement," Canterbury said. "We look forward to working with him and with Congress to get this bill to his desk."

The Fraternal Order of Police is the largest law enforcement labor organization in the United States with more than 345,000 members.

INTERNATIONAL ASSOCIATION OF  
CHIEFS OF POLICE,

Alexandria, VA, November 11, 2018.

President DONALD J. TRUMP,  
The White House,  
Washington, DC.

DEAR PRESIDENT TRUMP: On behalf of the International Association of Chiefs of Police (IACP), the world's largest organization of law enforcement executives, I am writing in support of the updated version of the First Step Act. We applaud you and your Administration for your commitment to law enforcement and to making lasting reforms to our criminal justice system.

As you are aware, the IACP was supportive of the originally introduced First Step Act, but did have some feedback on changes that would further enhance the legislation. Your Administration worked with the IACP throughout this process to solicit our feedback and we applaud both you and your Administration for ensuring that this legislation achieves a proper balance of maintaining public safety while providing rehabilitation services and early release incentives to qualified federal prisoners.

The First Step Act contains several measures intended to more effectively rehabilitate prisoners so that they are less likely to reoffend after release and, thereby, are less likely to cause additional harm to society. These measures include education, job training, and other personal development programs, along with incentives, such as good time credits, to participate in these opportunities. The proposed legislation includes an expanded list of 49 convictions that would ensure that truly dangerous offenders are ineligible to receive time credits. In addition, the IACP is also pleased that the revised legislation contains provisions that ensure that certain sentencing reform provisions, unrelated to the Fair Sentencing Act, can only be applied prospectively thereby achieving the proper balance between reform and maintaining public safety.

Once introduced in the Senate, the IACP looks forward to working with Congress to continue to fine tune the legislation. A key item that we would like to see addressed is a notification system that will alert state and local law enforcement agencies and their communities when a rehabilitated offender is released into their jurisdiction. Ensuring proper notification will enable law enforcement and our communities to be aware when a rehabilitated offender returns. Additionally, while the IACP agrees that a portion of the savings associated with the reduction in recidivism resulting from this legislation be invested back into the Bureau of Prisons to continue evidence-based recidivism reduction programs, it is also essential that a portion of the savings be invested back into federal, state, and local law enforcement.

In addition, further enhancements could be made to the safety valve language. Before being eligible for any safety valve provision, it is imperative that all pertinent information and most importantly, information from local authorities be reviewed. The facts and circumstances of the original sentencing, including a review of any prior criminal conduct or any other relevant information from federal, state and local authorities should be considered before a determination is made regarding a reduction in sentence.

Finally, and most importantly, the IACP is pleased with the acknowledgement and commitment from the Administration that there is a true need to establish a National Com-

mission on Law Enforcement and the Administration of Justice (Commission) to examine criminal justice issues in a broader and more strategic fashion. While the First Step Act aims to provide a solution to one of the many issues we are currently facing, it is not the ultimate fix to the multitude of issues confronting the criminal justice system. To move forward in a systematic way that provides cross-cutting solutions for multiple disciplines and issues, we need the Commission to serve as the catalyst for a long overdue strategic blueprint. Again, we appreciate the commitment from the White House to work towards the Commission's establishment, which has been one of the IACP's top priorities for more than two decades.

On behalf of our more than 30,000 members, thank you again for working with the IACP on this important issue. We look forward to continuing to work together as this legislation moves through the process.

Sincerely,

PAUL M. CELL,  
IACP President.

NATIONAL ORGANIZATION OF BLACK  
LAW ENFORCEMENT EXECUTIVES,  
Alexandria, VA, November 11, 2018.

The PRESIDENT,  
The White House,  
Washington, DC.

DEAR MR. PRESIDENT: On behalf of the National Organization of Black Law Enforcement Executives (NOBLE), our Executive Board, local chapters, and members, I am writing to express support for the FIRST STEP Act (S. 2795/H.R. 5682). We applaud the White House and Congress for soliciting feedback from NOBLE and the law enforcement community in finalizing the content of this very important legislation. We feel the FIRST STEP Act strikes a balance between maintaining public safety while improving re-entry, rehabilitation, workforce training programs, and sentencing.

It is NOBLE's hope that this legislation strengthens bi-partisan efforts in reforming this nation's criminal justice system to ensure equity in the administration of justice. Our organization joins many law enforcement leaders in the belief that America can reduce incarceration levels while also reducing crime.

Lastly, we encourage the White House and Congress to continue to explore the establishment of a National Criminal Justice Commission. The purpose of this commission would be to undertake a comprehensive review of the criminal justice system.

We thank all parties who helped in the development of the FIRST STEP Act (S. 2795/H.R. 5682) and look forward to working collaboratively in ensuring equal protection under the law for all Americans.

Sincerely,

VERA BUMPERS,  
National President, NOBLE.

November 13, 2018.

Re Police Perspective: FIRST STEP Act (S. 2795) & Sentencing Reform.

Hon. DONALD J. TRUMP,  
The White House,  
Washington, DC.

DEAR PRESIDENT TRUMP: I write to you today as Executive Director of Law Enforcement Leaders to Reduce Crime & Incarceration, a bipartisan group of more than 200 current and former law enforcement officials.

Today, our nation faces new criminal justice challenges, including a rise in opioid overdoses, an uptick in homicides in some cities, and strained police-community relations. While there is no one-size-fits-all solution, we as leaders in law enforcement feel compelled to share our views on how passing

prison and sentencing reform together is vital to keeping our nation safe.

First, I wanted to share our briefing memo explaining how the FIRST STEP Act and sentencing reform will improve public safety. Americans trust us, as law enforcement officers, to both secure the safety of their communities and advise policymakers on how to advance that goal. We hope this information helps ease any concerns surrounding the bill. Our position is also in line with that of the Fraternal Order of Police, which recently endorsed bipartisan efforts toward justice reform.

Second, I wanted to share our previous letter supporting the FIRST STEP Act and sentencing reform sent to leaders in Congress, explaining the necessity of passing sentencing and prison reform together to reduce recidivism and increase fairness. Over 60 of our members signed onto this letter, writing everywhere from Virginia to New Orleans to Iowa, to share their views. I have expressed similar views in the Hill, with Washington Police Chief Peter Newsham.

We are grateful for your unwavering leadership in prioritizing public safety and the critical issues facing law enforcement. I hope we can work together toward bipartisan reforms.

Respectfully yours,

RONALD SERPAS,  
Executive Director, Law Enforcement Leaders  
to Reduce Crime & Incarceration.

Former Police Superintendent, New Orleans,  
Louisiana.

Former Police Chief, Nashville, Tennessee.

NATIONAL DISTRICT  
ATTORNEYS ASSOCIATION,  
November 13, 2018.

President DONALD J. TRUMP,  
The White House,  
Washington, DC.

DEAR PRESIDENT TRUMP: On behalf of the National District Attorneys Association (NDAA), the largest prosecutor organization in the country representing 2,500 elected and appointed District Attorneys as well as 40,000 Assistant District Attorneys, who collectively prosecute around 95 percent of the crime in the United States, I write to support the revised First Step Act. This legislation is a bipartisan effort to address front-end sentencing reform and back-end prison reform, and our association is appreciative of your efforts to partner with the Nation's prosecutors on this important matter.

NDAA previously supported the Sentencing Reform & Corrections Act (SRCA) during the last Congress as a carefully crafted bipartisan compromise. After weeks of discussions with White House and Senate Judiciary Committee staff, our organization is confident that the revised First Step Act strikes an appropriate balance between addressing the needs of the current Federal prison population while ensuring criminals are penalized appropriately.

Tasked with the constitutional duty of protecting the communities we serve from bad actors while seeking justice for victims of crime and protecting the innocent, our members are acutely aware of the need for reforms to our criminal justice system. As currently written, the revised First Step Act includes much needed prison reform provisions that will provide the Bureau of Prisons (BOP) with the guidance and resources to assist in lowering recidivism rates for low-risk prisoners. Further, the addition of four sentencing reform provisions takes a precision-like approach to sentencing guidelines associated with certain crimes. Absent meaningful sentencing reform, where the truly dangerous are locked up for an appropriate period of time and those with addiction or mental health issues have the chance for

treatment and rehabilitation, rising recidivism rates will continue to persist.

While the legislation makes its way to the Senate, NDAA plans to continue engaging with your staff and law enforcement stakeholders to improve the language in the revised First Step Act. Specifically, our organization is working to ensure any reinvestment of savings generated because of front-end sentencing reform provisions is invested back into state and local law enforcement and prosecutor agencies to prevent crime, target drug trafficking operations, train law enforcement and prosecutors in the field and respond to other emerging issues within the criminal justice system.

Our members continue to call for a new commission to explore issues across the criminal justice system to ensure law enforcement and prosecutors can protect the communities they serve and respond to emerging issues in the field. In partnership with your administration, we hope to make that call a reality. As part of that commission, it is imperative that the local prosecutor perspective is represented as the legal end of the criminal justice system continuum. Without it, a comprehensive review of the broader stakeholder system is incomplete. NDAA looks forward to having one of our members bring the state and local prosecutor's valuable perspective to the table once the commission is established.

We appreciate your efforts, as well as the efforts of a bipartisan group of Members of Congress and staff, to ensure the American criminal justice system is continually improved upon and seen as a model for innovative and cutting-edge programming that we see in our own members' offices every day. Thank you for working with the Nation's prosecutors and NDAA on this historic effort.

Sincerely,

JONATHAN BLODGETT,  
President.

Mr. WYDEN. Mr. President, this week, with my support, the Senate passed the FIRST STEP Act of 2018. This is a groundbreaking step toward long overdue criminal justice reform in our country. Too many people have unnecessarily spent decades behind bars for nonviolent offenses or because of disproportionately harsh mandatory minimum sentences. When these individuals are finally released, if ever, they are met with loads of challenges stemming from the lack of rehabilitative help available before and after their release.

The FIRST STEP Act begins to address these issues. It allows for less prison time for nonviolent offenders, reduces harsh mandatory minimums, works to eliminate some racial disparities in sentencing, provides for meaningful education and job-training programs for inmates, and raises the chances that the incarcerated return to society for good. In short, this legislation is an important and overdue course correction from laws that, for years, created and amplified serious inequities in our criminal justice system.

However, the FIRST STEP Act is not perfect. I would like to offer a few thoughts on a particular component of the legislation. This legislation requires that the Attorney General develop what is called an evidence-based risk and needs assessment tool. If all goes right, it will be a data-driven soft-

ware program designed to help incarcerated individuals reintegrate into society upon release. This tool is intended to take into account a person's ability to earn time off their sentence, how likely a person is to reoffend, their most effective treatment plan, access to resources like educational and work programs, and their housing assignment after release.

I am fully in support of fresh ideas. Ones that can help individuals reenter society are important and this bill contains a lot of them. But the fact is, some existing software programs, similar to the one proposed in this legislation, have been plagued by racial and class bias. Inherently biased software and algorithms can harm the vulnerable, especially if they are not deployed and monitored carefully. Oversight is necessary to ensure the FIRST STEP Act reforms, once implemented, do not inadvertently establish a new form of the same old discrimination.

Some safeguards have been put in place to ensure this software is developed without those biases. That includes establishing specific transparency requirements and an independent review committee made up of experts to advise the process. The rest is up to oversight. I am committed to closely monitoring how these reforms are implemented and put into practice. Given the broad support this legislation has on both sides of this body, I am hopeful that Democrats and Republicans alike will be able to work together to ensure it is implemented the right way.

Mr. SULLIVAN. Mr. President, I wish to voice my concern over the passage of the FIRST STEP Act, a bill that would reduce prison sentences for some Federal offenders, and to explain to the public why I did not vote for the bill.

First, I want to say that I agree with some of the provisions of the act.

For too long, we have been putting low-level drug offenders behind bars for exorbitant periods of time, without a focus on rehabilitation. This has ruined lives, irrevocably damaged our communities, and cost the taxpayer dearly.

I support data-driven antirecidivism programs. I support helping people who have served their time to lead productive lives. I support using our prisons as a place to punish violent perpetrators and serious drug offenders.

But this bill simply goes too far for the people of my State. What is happening currently in Alaska should serve as an example of the negative consequences resulting from a far-reaching criminal justice reform bill.

Let me spend a few minutes talking about Alaska's experience with criminal justice reform.

In 2016, then Governor Walker signed into a law a criminal reform bill, known in Alaska as SB91. The bill was similar to many similar bills passed in 30 States across the country.

It was more sweeping than the Federal bill we are debating today, but it has served as a model for this Federal bill in front of us.

Its main focus was on antirecidivism measures and reserving prison space for the truly dangerous criminals while showing leniency for certain “low-risk offenders,” just as the FIRST STEP Act does.

In some States, it has worked well, and I hope that the FIRST STEP Act works as those who supported it believe it will, but I am not convinced because, in my State, it hasn’t.

Our criminal reform law hit Alaska right as we were going through a recession caused by low oil prices and the fact that the Obama administration locked up Alaska lands which hurt thousands of working men and women and their families.

It was also during this time that the opioid and drug crisis hit our State. Like many States across our country, my State has been hit hard, and we have been laser focused on it here in this body.

This trifecta—the passage of the State’s criminal reform bill, a persistent recession, and the drug crisis—have resulted in mayhem in some of our communities in Alaska.

In Alaska, all crime is up 6 percent from last year and up 26 percent from 5 years ago. Let me give you some troubling statistics from Alaska’s Uniform Crime Report: violent crime; up 6 percent from last year and up 35 percent from 5 years ago; property crime; up 5 percent from last year and up 23 percent from 5 years ago; and vehicle theft up 39 percent from 2016 to 2017.

According Kyle Hopkins from the Anchorage Daily News, who has done a great job reporting on this; car thieves, burglars, and shoplifters stole a staggering \$45.3 million worth of property across Anchorage in 2017. Remember, Anchorage is a city of a population of less than 300,000—the number of cars stolen in Anchorage: 3,104 in 2017; the number of vehicle break-ins: 3,837 in 2017.

Much of this crime is fueled by the drug epidemic.

Like many States across the country, Alaska has been reeling from the opioid crisis and drug epidemic. Tragically, lives are being lost because of this epidemic. Opioid-related deaths doubled in Alaska in 2017. Fentanyl related deaths rose by 450 percent.

The amount of heroin seized in Alaska more than doubled in 2017, while the number of arrests actually decreased.

Law enforcement has been tracking lower 48 traffickers who continue to import increasing amounts of these drugs to take advantage of our unique enforcement challenges, especially in our rural communities.

Given the crime wave in my State, in many cases fueled by addictions, and our high rates of sexual assault and domestic violence, many of the provisions in this bill are deeply troublesome.

In the FIRST STEP Act, certain sexual and drug criminals could be eligible for expanded good time credits, meaning that they can get out of prison

early. Criminals who are serving prison time for trafficking cocaine, heroin, or meth could get out early, so could those who assaulted a law enforcement officer and those who have committed certain violent assaults.

Perhaps most troubling, this bill would reduce enhanced sentencing for repeat drug offenders, including for methamphetamine, heroin, and fentanyl, three drugs that are more prevalent in my State.

The recent statistics in Alaska on drug seizures paint a grim picture about our drug crisis in my State. I cannot risk allowing these perpetrators, some of whom might make their way to Alaska, such leniency.

As I have said, we have been laser-focused on this drug issue here in the Senate. We have passed numerous bills to bring more resources to our States, billions of dollars of resources.

Back home, I have held numerous summits relating to this issue.

In August 2016, I convened the Alaska Wellness Summit: Conquering the Opioid Crisis, an important gathering of Federal, State, and local community leaders dedicated to tackling the many challenges associated with the growing opioid and heroin epidemic. That summit, which largely focused on issues of addiction, recovery, and community, was very productive, with hundreds of Alaskans gathering to listen, gain inspiration, learn and exchange ideas. Federal officials from several different agencies attended to hear the many obstacles Alaskans face when in recovery, as well as witness the indomitable spirit of Alaskans who have overcome those obstacles.

In August 2018, I held another wellness summit, this time focused not only on Alaska’s addiction epidemic, but on drug trafficking and the associated crime wave that is victimizing so many Alaskans. The summit once again feature a prominent group of Federal, State, and local leaders and stakeholders to build public awareness, identify opportunities for coordination and cooperation, and highlight Alaska’s unique public safety challenges with Federal officials.

We have grassroots, peer-to-peer networks across the State that are really beginning to make a difference.

We also have very active community members who are banding together to try to fight crime in their neighborhoods.

But we need a strong criminal justice system that continues to mete out punishments that fit the crime. We need, fair, strong deterrence.

We need the full strength of both the Federal and the State governments, working in tandem, to get drug dealers off the streets and punish violent re-offenders who are wreaking havoc in our communities.

Although I respect that motives of my colleagues—and I do believe that some reform is necessary—this bill goes too far.

When evaluating this bill, I could not ignore the realities of my State’s cur-

rent situation: spiking crime rates and an ongoing opioid and drug crisis. Voting to lessen prison time for any contributing offenders could compound the problem. I could not take that risk.

#### AGRICULTURE IMPROVEMENT ACT OF 2018

Ms. STABENOW. Mr. President, the 2018 farm bill was a true bipartisan victory, and I am very proud of the historic vote Senator ROBERTS and I were able to achieve on this bill. It serves as an example of how Congress, on a bipartisan basis, can produce important legislation through debate and compromise. On the Agriculture, Nutrition, and Forestry Committee, we have a long history of working together to ensure a strong safety net for farmers and for families. This bill continues that long-standing, bipartisan tradition. I know that the chairman did not get everything he wanted in this bill, and neither did I. I would have preferred to make more progress on reforming farm payments, a cause championed by my friend, Senator GRASSLEY, and on improving the adequacy of benefits in the Supplemental Nutrition Assistance Program, known as SNAP, and our other food assistance programs, but, overall, this is a good bill that protects and advances many critical food and farm policies that deserves the strong bipartisan support it received.

The nutrition title of this bill is no exception. We know that SNAP is largely working, and spending has been declining as more people get back to work and get off SNAP the right way. We also know that it is our job to make sure the program is working as intended and that we address any integrity issues that arise. That is why we included important improvements to SNAP program operations, oversight, and employment and training in this bill. In this conference report, we have protected SNAP, made modest, but important improvements, and excluded the very harmful House provisions that would have cut SNAP by more than \$20 billion over 10 years, taken food assistance away from at least 2 million people, and imposed new, unworkable mandates on States.

I wish we also could have made more progress in expanding SNAP eligibility, benefits, and access in ways that would address food insecurity and help low-income Americans who are struggling to make ends meet. That said, we were able to include an important benefit improvement that will provide additional SNAP benefit to certain homeless households that, despite lacking a permanent nighttime address, may still incur expenses for shelter for temporary accommodations or to stay with friends or family. The program’s \$143 homeless shelter deduction will now be available in all States, including in my home State of Michigan, and will keep pace with inflation each year. If a