

## PRISON REFORM

Mr. CORNYN. Mr. President, as tempted as I am to respond to my good friend from Maryland about the ongoing Democratic filibuster of the Homeland Security funding, I want to spend just a few minutes talking about a topic where there is broad and growing consensus, where both parties have found common ground, and I am talking about the issue of reforming America's prison system.

Pretty much everyone agrees that our prisons are dangerously overcrowded. I think there are roughly 215,000 inmates in Federal custody. And everyone pretty much agrees that by and large people who are in prison are someday going to get out of prison. That, of course, brings about the concern about repeat crimes or recidivism and the fact that it is way too high. I think in many instances it is because we have simply not done enough or maybe have even given up on helping transition people who actually want to transition to a more productive life and providing them with the tools they need to do so.

The hard part about dealing with what I have just described is we have to come up with a solution that addresses these problems without jeopardizing public safety. That, obviously, is a given. It is a challenge, to be sure, but it makes it even more important to find bipartisan consensus and to actually accomplish what we can.

It is in this vein that my colleague from Rhode Island, Senator WHITEHOUSE, and I have joined together to introduce a piece of legislation we call the Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers in Our National System Act—or CORRECTIONS Act—to reform our Federal prison system. That is quite an acronym. It is a mouthful to be sure. But the point is, this is real meaningful reform of our prison system at the Federal level.

Before I describe the specifics of the CORRECTIONS Act, I am going to tell a brief story the Presiding Officer is very familiar with of the success in that laboratory of democracy known as the State of Texas.

Not too long ago Texas lawmakers confronted a problem similar to what I have described here at the national level. We had not only growing budgets for prison construction, we had overcrowded prisons and a high rate of criminal recidivism.

At some point the thought occurred to a group of people that just building more prisons wasn't necessarily the answer. It certainly wouldn't fix the problem on the back end that I described, of people who would eventually get out of prison not being prepared to reenter civil society. But we tried a different approach in Texas: scrapping prison construction plans and instead funding a series of recidivism reduction programs aimed at helping low-risk offenders turn their lives around and become productive members of society

and, just as important, not become residents of our prison system once again. These programs are not all that novel. They are well known—things such as drug rehabilitation, educational classes, job training, faith-based initiatives, and something as simple as prison work programs.

In Texas we gave qualified inmates the option of earning credits and completing a portion of their sentence in lower levels of custody—home confinement, halfway houses, community supervision—which is dramatically cheaper than the big-box prisons that are very expensive.

The results speak for themselves. Between 2007 and 2012 our State's overall incarceration rate fell almost 10 percent—9.4 percent—our total crime rate dropped 16 percent, and taxpayers saved more than \$2 billion.

Again, the Presiding Officer knows as well, Texas has a certain reputation when it comes to crime. We are not soft on crime. We are tough on crime. We believe if you do the crime, you should do the time. But I think what we have come up with is a model that can be used at the national level.

Senator WHITEHOUSE this morning, in a press conference we did together, talked about how similar initiatives that took place in Rhode Island produced similar results. But I think one of the keys to this is the recidivism reduction programs because these have proven successful for medium-risk and low-risk inmates and delivered positive results.

This bill would also make a number of other reforms. I guess perhaps the most important, and the first one I will mention, is a risk assessment program, regular risk assessments for inmates, to determine whether they are a low, medium or high risk of recidivism. Indeed, we would not allow high-risk inmates to participate in this program of earning good time credit toward less restrictive custody, but they could, if they were motivated enough to change their status from high risk to medium risk. They could then begin that. So the incentives are clearly there.

These assessments would assign prisoners to appropriate programming to ensure the system is working efficiently and effectively. In other words, if someone has a mental health issue, obviously they would be directed in a particular way. If somebody doesn't have employable job skills, obviously that would call for some training program so they could acquire those kinds of skills. People who have drug and alcohol problems obviously could be directed toward something that could help them learn to free themselves from those challenges.

To me, one of the great things about this particular approach is that it operates on incentives. As an incentive, lower risk offenders who successfully complete their programs would earn up to 25 percent of their remaining sentence in home confinement or a halfway house.

To be clear, these earned time credits would be available only to inmates who have been vetted by the Bureau of Prisons and classified as low-risk offenders. The Nation's most violent offenders would be excluded from earning any credit under this legislation. During these budget-constrained times, it is important to point out that this bill would not involve any additional spending. Instead, it would rely on job programs and partnerships of faith-based groups and nonprofits, and the reinvestment potentially of the savings generated by transitioning lower risk offenders to less restrictive forms of custody.

If it works as it has at the State level, it is going to save money because we will be building fewer prisons. Indeed, in Texas I believe we have actually shuttered three existing prison units because we simply don't need them because of this new approach.

Make no mistake, though, the prisoners eligible for these program are all people who eventually will get out of prison anyway. What we are trying to do is make sure the very high risk of repeating and recidivism would go down by better preparing them to reenter society. Our goal would be to make it less likely that they would commit new crimes and wind up behind bars again.

So the hope and expectation is this bill would go a long way toward improving public safety, it would save taxpayers money, and it would ease some of the burden on our Federal prisons just like we experienced in Texas.

This bill, at a time when we seem to be very divided on a number of topics, is a consensus piece of legislation. It was voted out of the Judiciary Committee late last year by an overwhelming vote. I think those who expressed some reservations at the time just wanted more opportunity to talk about it and learn more about it, and perhaps they had other ideas they wanted to consider adding to it.

In addition to Senator WHITEHOUSE, there have been a number of colleagues who have been very interested in criminal justice reform, and this is just one place, one starting point, which I think enjoys perhaps the broadest consensus. But I don't think we ought to be afraid of the larger discussion that a number of our colleagues, including the Presiding Officer, have talked about—things such as mandatory minimums, sentencing reforms; the overcriminalization of our regulatory regime, where people who inadvertently violate some regulation find themselves actually accused of a crime.

I think all of these are fair game, but I think the most important thing for us to do is to start—start somewhere—where there is a broad consensus. Let's get done what we can get done, and let's not let the perfect be the enemy of the good.

I think if we can establish, both from the Judiciary Committee and then on the floor of the Senate, that we are capable of moving bipartisan legislation

such as this forward and sending it to the President for his signature, hopefully we will start a growing trend of doing that, and this will be the beginning, and not the end, of our discussions and hopefully our productivity when it comes to criminal justice reform.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### DEPARTMENT OF HOMELAND SECURITY FUNDING

Mrs. BOXER. Mr. President, I come to the floor, and I have been trying to get time to do this, because I stand here in amazement that after the Republicans took over on January 6—after they won big in November and they took over the Senate on January 6—it took them 1 month to threaten a government shutdown of the Department of Homeland Security. Unbelievable. It took them 1 month to get into a situation where we are threatened with a shutdown of the Department of Homeland Security. It is unbelievable to me because we know the threat of terrorism that is all around us, and playing politics with this is absolutely uncalled for.

Why did they do that? They did that because the President under his authority said we shouldn't deport immigrants who were raised in America. That is what they didn't like.

Mr. President, I ask unanimous consent that I be able to speak for up to 10 minutes.

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

Mrs. BOXER. With terrorists all around us, Republicans are playing politics with the critical funding for the Department of Homeland Security and threatening a shutdown. It took them exactly a month in power to do that because they didn't like the fact that the President, who is in line with Presidents of both parties, issued an Executive order. By the way, President Obama has issued the fewest number of Executive orders in the history of any President. I never heard one Republican complain when Ronald Reagan did a number of Executive orders or George Bush did Executive orders, all on immigration. And I have those, for the record. But they didn't like this. I guess they would rather deport these DREAMers.

One of my colleagues said they are more scared of the DREAMers than they are of ISIL—a joke. What are they afraid of? Some child who was brought here at 3 years of age, went to school, is holding down a job, doing great? Those are the people the President's

Executive order is affecting. They are in my State, they are in Texas, they are in Arizona, they are all over the country. If there is anyone swept up in that who is not a good citizen, they don't get to have this benefit, which, by the way, does not include citizenship. It just says action on your deportation is deferred.

I would say to anyone within the sound of my voice, if anyone from your family ever came here from another country, think about what they are doing. Think about what they are doing.

It will cost billions of dollars to deport these students. Then, by the way, they don't take up an immigration bill. If the status quo prevails, you are talking about deporting 11 million people. You have got to be kidding. We had an independent analysis done by USC which shows how important it is to resolve this immigration issue, and what a boon it is to our society if we do so.

Well, the Republicans are stomping their feet. They never said anything when Ronald Reagan issued an Executive order on immigration. They never said anything when George Herbert Walker Bush did it. They never said anything before. But when this President does something that I think is very wise to make sure we keep these young people here, they threaten to shut down the Department of Homeland Security.

Now let's talk about what that means. You would stop command-and-control activities at the Department of Homeland Security headquarters. You disrupt important programs that protect weapons of mass destruction and train local law enforcement. You force critical frontline personnel such as Border Patrol agents to work without pay.

Now maybe my colleagues would like to work without pay. Go for it. Most of us need our pay to live. Imagine the Border Patrol agents and TSA agents who work every day to support their families—they don't get paid.

It would jeopardize the safety of my constituency. During the last fiscal year California received over \$200 million in crucial grant money that enabled State and local authorities to respond to national security threats and prepare for natural disasters. The Republicans are putting this crucial funding in jeopardy.

Let's be clear: Even if they back off their threat to shut down the government by shutting down Homeland Security, if they back off and say, well, let's just fund it at last year's level, let me tell you, we will not see those safety grants.

Last year, Texas, for example, received \$105 million from these grants. You cannot go home and tell your Governor, too bad, we are stepping out. You step up. It doesn't work like this. We are one Nation under God. We have to protect our people.

I will tell you what else is threatened. Even if they back down and let

the government stay open but they fund it at last year's level, firefighting grants such as the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Grants Program would be delayed. These programs are vital to California. We have a nearly year-round fire season. Last year California firefighters received \$20 million in fire grants that allowed fire departments all over our State to purchase necessary equipment.

Let me tell you, I have been to fire scenes I will never forget where we have lost firefighters. They need equipment that saves their lives. They are so great, but the wind changes and they find themselves in a canyon, and if they don't have the right equipment—horrific results.

We also received \$50 million in SAFER grants last year that allowed fire departments to hire and train firefighters. Sometimes you are in a situation and if you haven't been trained on how to respond, it puts your life and other lives in jeopardy.

Other States such as Ohio received a total of \$33 million in fire and safety grants last year.

I have to say, this kind of threat, after what we saw the last time Republicans threatened a shutdown, makes no sense at all. We need a clean Department of Homeland Security funding bill. When I say that, I hope people understand I don't mean scouring the bill. What I mean is keep extraneous issues off the bill. We all have our pet peeves. Listen, a lot of people don't like the fact that the DREAMers are staying here. They want to deport them. Introduce the bill to deport the DREAMers, bring it to the floor—have at it.

I will talk about what it would have been like for me, whose mother was born in Europe, and it took her a while to get her naturalization papers, if she was ripped out of my life. You know, I thought we had family values around here. We need a clean bill.

If you want to deport all the undocumented people—11 million—who are living in your communities and a lot of times fearful, that is a position you can defend. Defend it. Explain why we should spend billions deporting these people. Put up your solution. Don't try to kill a bill by holding it hostage to your demands.

We had an immigration bill this past year. It was terrific, it was bipartisan. Let's go for it. Let's go for it again. Let's have a debate. Oh, no. They are in power for 30 days and they are already threatening a government shutdown of the Department of Homeland Security. I tell you, this is no way to run the greatest Nation in the world.

These programs are critically important and are we going to turn our back on those who keep us safe?

TSA officers would not be paid during a DHS shutdown. The agency that seized a record 2,212 firearms last year from passengers' carry-on luggage (of which 83% were loaded)—would be