

colleagues in a bipartisan way to make those necessary changes.

Second, as a way of looking at reform, I am very concerned that too many times in America equality under the law is not a reality; that the poor do not receive the same justice in many instances. For more than 50 years, the Supreme Court has ruled that indigent people accused of felonies must be afforded counsel. And for more than 40 years, starting with the decision of *Argersinger v. Hamlin*, the Supreme Court has found that the Sixth Amendment of the Constitution requires that Federal, State, and local governments provide counsel to indigents who are accused of misdemeanors if their convictions could potentially lead to imprisonment.

I regret to say that although I am aware of instances where the Federal Government is responsible, it is particularly at the State level where the Sixth Amendment is violated numerous times on a daily basis. I cannot think of any Supreme Court decision that has ever faced such resistance in magnitude and time as that *Hamlin* case.

Indigent misdemeanants are being pressured to waive counsel. Sometimes they are threatened with imprisonment if they seek to have counsel appointed. There are other ways the decision is violated. Then there is the question of the competence of the counsel actually appointed, given how many cases are assigned to an individual lawyer and how quickly judges resolve them.

I fear some innocent people are being sentenced to prison. There are other consequences as well. We should make sure there are collateral consequences imposed on people who are guilty of domestic violence misdemeanors, for instance. We do not want collateral consequences imposed on people who did not actually commit misdemeanors.

If people later get in trouble with the law, we don't want them to qualify for the safety valve because some of their previous convictions were for misdemeanors in which they did not receive the right to counsel. We don't want people to have criminal records when they seek employment when they did not have counsel who could have prevented a conviction.

In some situations, a misdemeanor will automatically become a felony if the accused has committed it repeatedly. We don't want a misdemeanor conviction to render a later crime a felony if questions of innocence surround the earlier crime.

Third, I want to address databases for criminal records. Those databases can serve useful purposes, such as enabling background checks, background checks on people who are being considered for a job or for volunteering to work with children. There are proposals to expand the purposes for which the databases can be used, but I am concerned about the quality and the completeness of the records in the database. If the database contains erro-

neous or outdated material, then the people being checked may unfairly lose out on a job or the ability to help children.

There are procedures at the Federal level to challenge the information in the database if the person knows their records are inaccurate, but that is a very steep climb. The States have their own procedures for people to challenge the accuracy of criminal records, but success there may be even harder and may cost more than people can afford. Records are also sometimes not expunged, even when the law said they must be expunged.

I do not want to see the arrest record turn up in a background check and deny someone the ability to work, deny the economy the benefit of that productivity, and deprive the government of tax revenue from that work because a background check turned up a record of an arrest from long ago that never resulted in a conviction.

This is a widespread problem. According to press reports, when arrests are included, 32 percent of adults in this country have criminal records that are contained in databases. I am sure we can reach bipartisan agreement on legislation to address this problem in some form.

There are dangerous and poorly considered proposals to change the criminal justice system that are divisive, are not based on reality, and will never become law. There are also problems in the criminal justice system that are clear, widely recognized, have serious consequences, and can be the subject of effective bipartisan legislative efforts. I will do what I can to make sure the Committee on the Judiciary devotes its energy to the second category.

I yield the floor.

PASSENGER RAIL REAUTHORIZATION

Mr. NELSON. Mr. President, the House of Representatives recently passed H.R. 749, the Passenger Rail Reform and Investment Act of 2015.

I am pleased to see the House take bipartisan action on this bill. Intercity passenger rail is a critical part of our transportation infrastructure. People in many regions of the country are in desperate need of better ways to travel between fast-growing cities, and passenger rail is our best hope at relieving congestion on highways and runways that don't have additional room to expand.

The House bill is a good step forward. H.R. 749 would maintain current levels of Federal support for Amtrak to operate routes that connect the country. It would also authorize some additional funding to invest in passenger rail projects and improve a Federal loan program that can be used for rail infrastructure. This is a productive place to start.

The authorization levels in this bill are too low to get our passenger rail network where it needs to be, let alone

to keep up with the rest of the world by bringing high-speed rail to the United States. H.R. 749 also fails to address critical rail safety priorities or even reauthorize funding for the Federal Railroad Administration's safety oversight activities.

We can and must do better than a flat-funded authorization bill that turns a blind eye to safety and to the growing needs of our country. I look forward to working with my colleagues in the Senate to improve this bill and make some real progress toward developing modern, safe, and efficient passenger rail options that America deserves.

ADDITIONAL STATEMENTS

● Mr. BLUNT. Mr. President, I wish today to honor Bob Hufford, an icon in the Missouri food industry for the past 63 years. He announced his retirement from the Associated Wholesale Grocers, AWG, board of directors after four decades of service with the last 11 years having served as its chairman. AWG is a retailer-owned cooperative serving over 2,300 retail member stores with a complete assortment of grocery, fresh meat, fresh produce, specialty foods, health care, and general merchandise items.

During Bob's tenure as chairman, AWG sales grew from \$4.5 billion in 2004 to almost \$9 billion in 2014, while patronage paid to members grew by 155 percent. Bob helped direct the addition of the Fort Worth division in 2007, the replacement of the Oklahoma City distribution center in the same year, and the addition of the gulf coast division in 2013. During the same period, Bob grew his own company, Town and Country, in Fredericktown, MO, to be one of the largest employers in southeast Missouri with over 10,000 employees.

Bob's passion for the food business was sparked early in his life by his father's work for a meatpacking company. Bob's first job was working in a local supermarket, while going through high school and later college. He became a sales representative for the National Biscuit Company, otherwise known as Nabisco, in 1958. While working for Nabisco, Bob called on two grocers, Max Penner and Wayne Gott, who recognized his leadership skills and work ethic. In 1970 they invited him to become a third partner in a new 5,000-square-foot store in Fredericktown, which Bob accepted.

From that modest beginning Bob grew his business to 44 stores currently operating. Recently, Bob converted his company into an employee-owned company, allowing his employees to share in the store's profits. Today Bob serves as the CEO of the company, which operates stores in Missouri, Arkansas, Tennessee, and Kentucky. He and his wife Marsha have a wonderful family of five children, eight grandchildren, and two great-grandchildren. Many of his family members have worked in the business next to Bob.