United States requiring that the Federal budget be balanced; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 3. A resolution to elect Orrin G. Hatch, a Senator from the State of Utah, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. MCCONNELL (for Mr. REID):

S. Res. 6. A resolution expressing the thanks of the Senate to the Honorable PATRICK J. LEAHY for his service as President Pro Tempore of the United States Senate and to designate Senator LEAHY as President Pro Tempore Emeritus of the United States Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 7. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 8. A resolution electing Julie Adams as Secretary of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 9. A resolution notifying the President of the United States of the election of the Secretary of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 10. A resolution notifying the House of Representatives of the election of the Secretary of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 11. A resolution electing Frank Larkin as Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 12. A resolution notifying the President of the United States of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 13. A resolution notifying the House of Representatives of the election of a Sergeant at Arms and Doorkeeper of the Senate; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 14. A resolution electing Laura C. Dove, of Virginia, as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. DURBIN (for Mr. REID):

S. Res. 15. A resolution electing Gary B. Myrick, of Virginia, as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 16. A resolution to make effective appointment of Senate Legal Counsel; considered and agreed to.

By Mr. MCCONNELL (for himself and Mr. REID):

S. Res. 17. A resolution to make effective appointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. MCCONNELL:

S. Res. 18. A resolution making majority party appointments for the 114th Congress; submitted and read.

By Mr. MCCONNELL (for himself, Mr. REID, Ms. WARREN, Mr. MARKEY, Mr. ALEXANDER, Ms. AYOTTE, Ms. BALDWIN, Mr. BARRASSO, Mr. BENNET, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOKER, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN, Mr. BURR, Ms. CANTWELL, Mrs. CAPITO, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CASSIDY, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. COTTON, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. DONNELLY, Mr. DURBIN, Mr. ENZI, Mrs. ERNST, Mrs. FEINSTEIN, Mrs. FISCHER, Mr. FLAKE, Mr. FRANKEN, Mr. GARDNER, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HEINRICH, Ms. HEITKAMP, Mr. HELLER, Ms. HIRONO, Mr. HOEVEN, Mr. INHOFE, Mr. ISAKSON, Mr. JOHNSON, Mr. KAINE, Mr. KING, Mr. KIRK, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. LEAHY, Mr. LEE, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mr. MURPHY, Mrs. MURRAY, Mr. NELSON, Mr. PAUL, Mr. PERDUE, Mr. PETERS, Mr. PORTMAN, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROUNDS, Mr. RUBIO, Mr. SANDERS, Mr. SASSE, Mr. SCHATZ, Mr. SCHUMER, Mr. SCOTT, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. STABENOW, Mr. SULLIVAN, Mr. TESTER, Mr. THUNE, Mr. TILLIS, Mr. TOOMEY, Mr. UDALL, Mr. VITTER, Mr. WARNER, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 19. A resolution relative to the death of Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts; considered and agreed to.

By Mr. UDALL (for himself, Mr. MERKLEY, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. HEINRICH, Mrs. SHAHEEN, Mr. FRANKEN, and Ms. KLOBUCHAR):

S. Res. 20. A resolution limiting certain uses of the filibuster in the Senate to improve the legislative process; submitted and read.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. MARKEY, Mr. COONS, Mr. WHITEHOUSE, Mr. FRANKEN, and Mrs. BOXER):

S. 23. A bill to amend title 17, United States Code, with respect to the definition of ''widow'' and ''widower'', and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, over the past few years we have seen remarkable progress in one of the defining civil rights issues of our era—ensuring that all lawfully married couples are treated equally under the law. In 2011, when I chaired the first Congressional hearing to repeal the Defense of Marriage Act, only 5 States, including Vermont, recognized same-sex marriage. With today's lifting of Florida's unconstitutional same-sex marriage ban, couples in 36 States and the District of Columbia now have the freedom to marry. This is welcome progress, and I hope we will see similar advancements in even more States this year so that all Americans can marry the one they love.

Despite this tremendous progress, there is still more to be done to ensure that no person faces discrimination based on who they marry or wish to marry. As I said when the Supreme Court struck down Section 3 of the Defense of Marriage Act, ''All couples who are lawfully married under state law, including in Vermont, should be entitled to the same Federal protections afforded to all other married couples.'' Court challenges will continue this year in the remaining States that do not recognize marriage equality. But in Congress, there are several steps we can take immediately to help ensure our Federal laws treat all marriages equally.

Surprisingly, the Copyright Act, which protects our Nation's diverse creative voices, still bears vestiges of discrimination. A provision in the Act grants rights to the surviving spouse of a copyright owner only if the marriage is recognized in the owner's State of residence at the time he or she dies. This means that a writer who lawfully marries his or her partner in Vermont or California is not a ''spouse'' under the Copyright Act if they move to Michigan, Georgia, or one of the other States that do not currently recognize their marriage.

Congress should close this discriminatory loophole to ensure our Federal statutes live up to our Nation's promise of equality under the law. As the Supreme Court recognized in striking down key portions of the Defense of Marriage Act, it is wrong for the Federal Government to deny benefits or privileges to couples who have lawfully wed.

Today I am reintroducing the Copyright and Marriage Equality Act in the Senate to correct this problem. The bill, which I introduced in the Senate last Congress and which a bipartisan group of lawmakers including Representatives DEREK KILMER, ILEANA ROS-LEHTINEN, and JARED POLIS plans to reintroduce in the House of Representatives soon, amends the Copyright Act to look simply at whether a couple is lawfully married—not where a married couple happens to live when the copyright owner dies. It will ensure that the rights attached to the works of our Nation's gay and lesbian authors, musicians, painters, photographers, and other creators pass to their widows and widowers. Artists are part of the creative lifeblood of our Nation, and our laws should protect their families equally.

When I introduced this bill last year, it failed to get the support of a single Republican in the Senate. I hope that in this Congress, Republicans will consider joining this effort to correct

these remnants of discrimination in our Federal laws. On the issue of marriage equality, the arc of history is at long last bending towards justice, so that all Americans one day will be free to marry the one they love. Statutes like the Copyright Act, or laws governing the Social Security Administration and Department of Veterans Affairs which also contain remnants of discrimination, are no place for inequality in our country. I urge the Senate to take up and pass this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 23

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright and Marriage Equality Act''.

SEC. 2. DEFINITION OF WIDOW AND WIDOWER IN TITLE 17, UNITED STATES CODE.

(a) IN GENERAL.—Section 101 of title 17, United States Code, is amended by striking the definition of '' 'widow' or 'widower' '' and inserting the following:

''An individual is the 'widow' or 'widower' of an author if the courts of the State in which the individual and the author were married (or, if the individual and the author were not married in any State but were validly married in another jurisdiction, the courts of any State) would find that the individual and the author were validly married at the time of the author's death, whether or not the spouse has later remarried.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the death of any author that occurs on or after the date of the enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. LEE):

S. 24. A bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today I rise to introduce the Due Process Guarantee Act, which passed the Senate in 2012 with 67 votes as an amendment to the Defense Authorization Act for fiscal year 2013.

Unfortunately, the amendment was taken out in the Conference Committee that year. It is my hope that the Senate will pass this legislation again this year, and this time the House will support it so that it can finally be enacted into law to protect Americans from being detained indefinitely.

The bipartisan bill I am introducing today, with Senator LEE as the lead cosponsor, is almost identical to the amendment that passed the Senate in December 2012 with 67 votes. The previous version of this bill had a hearing in the Judiciary Committee on February 29, 2012.

This legislation is necessary to prevent the U.S. Government from detaining its citizens indefinitely.

Unfortunately, indefinite detention has been a part of America's not-too-distant past. The internment of Japanese-Americans during World War II remains a dark spot on our Nation's legacy, and is something we should never repeat.

To ensure that this reprehensible experience would never happen again, Congress passed and President Nixon signed into law the Non-Detention Act of 1971, which repealed a 1950 statue that explicitly allowed the indefinite detention of U.S. citizens.

The Non-Detention Act of 1971 clearly states:

No citizen shall be imprisoned or otherwise detained the United States except pursuant to an act of Congress.

Despite the shameful history of indefinite detention of Americans and the legal controversy over the issue since 9/11, during debate on the defense authorization bill in past years, some in the Senate have advocated for allowing the indefinite detention of U.S. citizens.

Proponents of indefinitely detaining U.S. citizens argue that the Authorization for Use of Military Force, AUMF, that was enacted shortly after 9/11 is, quote, ''an act of Congress,'' in the language of the Non-Detention Act of 1971, that authorizes the indefinite detention of American citizens regardless of where they are captured.

They further assert that their position is justified by the U.S. Supreme Court's plurality decision in the 2004 case of Hamdi v. Rumsfeld. However, the Hamdi case involved an American captured on the battlefield in Afghanistan.

Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan. The divided Court did effectively uphold his military detention, so some of my colleagues use this case to argue that the military can indefinitely detain even American citizens who are arrested domestically here on U.S. soil, far from the battlefield of Afghanistan.

However, the Supreme Court's opinion in the Hamdi case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances as ''enemy combatants'' for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

In particular, the Court limited its holding to citizens captured in an area of, quote, ''active combat operations'', unquote, and concluded that even in those circumstances the U.S. Constitution and the Due Process Clause guarantees U.S. citizens certain rights, including the ability to challenge their enemy combatant status before an impartial judge.

The plurality's opinion stated:

It [the Government] has made clear, however, that, for purposes of this case, the 'enemy combatant' that it is seeking to detain is an individual who, it alleges, was 'part of or supporting forces hostile to the United States or coalition partners' in Afghanistan and who '' 'engaged in an armed conflict against the United States'' there. Brief for Respondents 3. We therefore answer only the narrow question before us: whether the detention of citizens falling within that definition is authorized.''

The opinion goes on to say at page 517 that ''we conclude that the AUMF is explicit congressional authorization for the detention of individuals in the narrow category we describe . . .''

Indeed, the plurality later emphasized that it was discussing a citizen captured on a foreign battlefield. Criticizing Justice Scalia's dissenting opinion, the opinion says, ''Justice Scalia largely ignores the context of this case: a United States citizen captured in a foreign combat zone.'' The plurality italicized and emphasized the word ''foreign'' in that sentence.

Thus, to the extent the Hamdi case permits the government to detain a U.S. citizen ''until the end of hostilities,'' it does so only under a very limited set of circumstances, namely citizens taking an active part in hostilities, who are captured in Afghanistan, and who are afforded certain due process protections, at a minimum.

Additionally, decisions by the lower courts have contributed to the current state of legal ambiguity when it comes to the indefinite detention of U.S. citizens, such as Jose Padilla, a U.S. citizen who was arrested in Chicago in 2002. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist attacks and later designated as an ''enemy combatant'' who conspired with al-Qaeda to carry out terrorist attacks including a plot to detonate a ''dirty bomb'' inside the U.S.

Padilla was transferred to the military brig in South Carolina where he was detained for three and a half years while seeking habeas corpus relief. Padilla was never charged with attempting to carry out the ''dirty bomb'' plot. Instead, Padilla was released from military custody in November 2005 and transferred to Federal civilian custody in Florida where he was indicted on other charges in Federal court related to terrorist plots overseas.

While he was indefinitely detailed by the military, Padilla filed a habeas corpus petition which was litigated at first in the Second Circuit Court of Appeals, and then in the Fourth Circuit Court of Appeals. In a 2003 decision by the Second Circuit known as Padilla v. Rumsfeld, the Court of Appeals held that the AUMF did not authorize his detention, saying: ''we conclude that clear congressional authorization is required for detentions of American citizens on American soil because 18 U.S.C.

§4001(a) the ''Non-Detention Act'', prohibits such detentions absent specific congressional authorization. Congress's Authorization for Use of Military Force Joint Resolution, . . . passed shortly after the attacks of September 11, 2001, is not such an authorization.''

This requirement for ''clear congressional authorization'' to detain is known as the Second Circuit's ''Clear Statement Rule.''

However, the Fourth Circuit Court of Appeals reached the opposite conclusion, finding that the AUMF did authorize his detention. It is worth pointing out, however, that their analysis turned entirely on the disputed claims that ''Padilla associated with forces hostile to the United States in Afghanistan,'' and, ''like Hamdi, Padilla took up arms against United States forces in that country in the same way and to the same extent as did Hamdi.''

Facing an impending Supreme Court challenge and mounting public criticism for holding a U.S. citizen arrested inside the U.S. as an enemy combatant, the Bush administration relented, and ordered Padilla transferred to civilian custody to face criminal conspiracy and material support for terrorism charges in Federal court.

I believe that the time is now to end the legal ambiguities, and have Congress state clearly, once and for all, that the AUMF or other authorities do not authorize indefinite detention of Americans apprehended in the U.S.

To accomplish this, we are introducing legislation again this year which affirms and strengthens the principles behind the Non-Detention Act of 1971.

It amends the Non-Detention Act to provide clearly that no military authorization allows the indefinite detention of U.S. citizens or Green Card holders who are apprehended inside the U.S.

Like the amendment that passed with 67 votes in 2012, the bill creates a new subsection (b) of the Non-Detention Act which clearly states: ''A general authorization to use military force, a declaration of war, or any similar authority, on its own, shall not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.''

Like the previous version, this bill amends the Non-Detention Act to codify the Second Circuit's ''Clear Statement Rule'' from the Padilla case. So new subsection (a) will read, ''No citizen or lawful permanent resident of the United States shall be imprisoned or otherwise detained by the United States except consistent with the Constitution and pursuant to an act of Congress that expressly authorizes such imprisonment or detention.''

Making the Clear Statement Rule part of subsection (a) strengthens the Non-Detention Act even more by requiring Congress to be explicit if it wants to detain U.S. citizens indefinitely. Subsection (b) clarifies that an authorization to use military force, a declaration of war, or any similar authority does not authorize the indefinite detention of a U.S. citizen or a Lawful Permanent Resident of the U.S., also known as a Green Card holder.

Some may ask why this legislation protects Green Card holders as well as citizens. And others may ask why the bill does not protect all persons'' apprehended in the U.S. from indefinite detention.

Let me make clear that I would support providing the protections in this amendment to all persons in the United States, whether lawfully or unlawfully present. But the question comes, is there enough political support to expand this amendment to cover others besides U.S. citizens and Green Card holders?

Wherever we draw the line on who should be covered by this legislation, I believe it violates fundamental American rights to allow anyone apprehended on U.S. soil to be detained without charge or trial.

The FBI and other law enforcement agencies have proven, time and again, that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil, having successfully arrested, detained and convicted hundreds of these heinous people, both before and after 9/11.

Specifically, there have been 556 terrorism-related convictions in federal criminal court between 9/11 and the end of 2013, according to the Department of Justice.

Also, it is important to understand that suspected terrorists who may be in the U.S. illegally can be detained within the criminal justice system using at least the following 4 options:

They can be charged with a Federal or State crime and held; they can be held for violating immigration laws; they can be held as material witnesses as part of Federal grand jury proceedings; and they can be held for up to 6 months under Section 412 of the Patriot Act.

I want to be very clear about what this bill is and is not about. It is not about whether citizens such as Hamdi and Padilla, or others who would do us harm, should be captured, interrogated, incarcerated, and severely punished. They should be.

But what about an innocent American? What about someone in the wrong place at the wrong time? The beauty of our Constitution is that it gives everyone in the United States basic due process rights to a trial by a jury of their peers.

As President Obama said when referring to the indefinite detention of non-Americans at Guantanamo:

''Imagine a future—10 years from now or 20 years from now—when the United States of America is still holding people who have been charged with no crime on a piece of land that is not part of our country. . . . Is that who we are? Is that something that our Founders foresaw? Is that the America we want to leave to our children? Our sense of justice is stronger than that.''

The same questions could be asked of those who would indefinitely detain Americans arrested on U.S. soil.

Is that who we are?

Does that reflect the America we want to leave to our children?

Now is the time to clarify U.S. law to state unequivocally that the government cannot indefinitely detain American citizens and Green Card holders captured inside this country without trial or charge.

The Federal Government experimented with indefinite detention of U.S. citizens during World War II, a mistake we now recognize as a betrayal of our core values.

Let us not repeat it. I urge my colleagues to support this legislation.

By Mrs. FEINSTEIN (for herself and Mr. GRAHAM):

S. 27. A bill to make wildlife trafficking a predicate offense under racketeering and money laundering statutes and the Travel Act, to provide for the use for conservation purposes of amounts from civil penalties, fines, forfeitures, and restitution under such statutes based on such violations, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Wildlife Trafficking Enforcement Act of 2015, which I authored along with my colleague Senator LINDSEY GRAHAM.

This bill will allow the Federal Government to crack down on poachers and transnational criminal organizations involved in the global trade in illegal wildlife products.

Wildlife trafficking has become a global crime that the State Department estimates is valued at between $8 to $10 billion annually. This ranks it as one of the most lucrative types of organized crime in the world, along with drug and human trafficking.

Besides being a major international crime, wildlife trafficking is a morally repugnant practice that threatens some of our world's most iconic species with extinction.

The most disturbing example is that of elephants and rhinoceroses. A recent study estimates that over 100,000 elephants were illegally poached in Africa from 2010 to 2012. At this rate, the African elephant is being killed faster than the species can reproduce, putting it at risk of being wiped off the face of the earth.

Most disturbingly, poachers are slaughtering very young and juvenile elephants for their tusks due to the record high demand for ivory in places like China and the United States.

But the illicit ivory trade is not just a threat to African elephants; it is also a problem for global security. The State Department reports that there is increasing evidence that wildlife trafficking is funding armed insurgencies like Al Shabaab and the Lord's Resistance Army. The illegal ivory trade fuels corruption and violence in Africa.

The rhinoceros has also been decimated by poaching due to record high demand for its horn. Conservation organizations estimate that hundreds of rhinoceroses are illegally slaughtered in Africa each year. It is deeply concerning that the poaching rate for rhinoceroses in Africa appears to be increasing.

Some populations of rhinoceroses are on the brink of extinction. The population of the Sumatran rhinoceros has plummeted by over 50 percent in the last two decades due to poaching, and it is estimated that only about 100 remain in existence. It is estimated that fewer than 10 Northern White Rhinoceroses remain alive in the wild.

The problem is not just confined to elephants and rhinoceroses. Tigers, leopards, endangered sea turtles, and many other wildlife species are being decimated by poaching.

At its core, this legislation increases criminal penalties for wildlife trafficking crimes. The federal government needs stiffer penalties in order to go after organized and high volume traffickers. The President asked for this authority in the National Strategy to Combat Wildlife Trafficking released last year.

Specifically, this bill makes violations of the Endangered Species Act, the African Elephant Conservation Act, and the Rhinoceros and Tiger Conservation Act that involve more than $10,000 of illegal wildlife products predicate offenses under the money laundering and racketeering statutes and the Travel Act.

Currently, each of these wildlife laws carries a maximum prison sentence of only one year for a violation. Under this bill, wildlife trafficking violations can be subject to up to a 20-year prison sentence, as well as increased fines and penalties of up to $500,000 for an offense.

These new penalties will allow the government to change the equation on wildlife crimes. Wildlife trafficking has increased at dramatic rates because the crime is high value and low risk due to weak penalties across the world. Under the new authorities, the Federal Government will have a full range of tools to prosecute the worst wildlife trafficking offenders and to put them behind bars with significant sentences. The new authorities will also act as a deterrent to the criminal organizations currently trafficking illicit wildlife products into and through the United States.

As one of the largest markets for products of illicit poaching in the world, the United States has a responsibility to step up and help to combat this scourge. With this legislation, the United States will set an example for other countries on the need for each country to strengthen penalties for wildlife trafficking. It is critical that other nations around the world with large markets for illicit wildlife products step up to tackle this global problem.

The Wildlife Trafficking Enforcement Act of 2015 will also allow fines, penalties, forfeitures, and restitution recovered through use of the bill's new authorities to be transferred to established conservation funds at the Departments of the Interior and of Commerce. This will enable the Federal Government to use the monetary penalties from a wildlife trafficking conviction to benefit the species that was harmed. Thus, the bill will both act to punish and deter criminals while supporting the conservation of those species that are directly harmed by poaching.

Addressing the issue of wildlife trafficking speaks to our values and morals as a Nation. We have a responsibility to help prevent these endangered species, which have existed for thousands of years, from becoming extinct in our lifetime. It is also clear that Federal law's weak penalties for wildlife crimes have been exploited by poachers and transnational criminals.

I therefore ask all of my colleagues on both sides of the aisle to work with me to enact this legislation this year. The stakes for endangered species like elephants, tigers, and rhinoceroses could not be higher. If we don't crack down on wildlife trafficking, we will be complicit in the slaughter.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. LEAHY, Mrs. MURRAY, Mr. UDALL, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 28. A bill to limit the use of cluster munitions; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with my colleagues Senators LEAHY, BOXER, DURBIN, KLOBUCHAR, MURRAY, UDALL, FRANKEN, WYDEN and WHITEHOUSE to introduce the Cluster Munitions Civilian Protection Act of 2015.

Our legislation places common sense restrictions on the use of cluster munitions. It prevents any funds from being spent to use cluster munitions that have a failure rate of more than one percent.

In addition, the rules of engagement must specify that: cluster munitions will only be used against clearly defined military targets; and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

Our legislation also includes a national security waiver that allows the President to waive the prohibition on the use of cluster munitions with a failure rate of more than one percent if he determines it is vital to protect the security of the United States to do so.

However, if the President decides to waive the prohibition, he must issue a report to Congress within 30 days on the failure rate of the cluster munitions used and the steps taken to protect innocent civilians.

Cluster munitions are large bombs, rockets, or artillery shells that contain up to hundreds of small submunitions, or individual ''bomblets.''

They are intended for attacking enemy troop and armor formations spread over a wide area.

But, in reality, they pose a far more deadly threat to innocent civilians.

According to the Cluster Munitions Monitor, over the past fifty years, there have been 19,419 documented cluster munitions deaths in 31 nations. The estimated number of total cluster munitions casualties, however, is an astonishing 55,000 people.

While cluster munitions are intended for military targets, in actuality civilians have accounted for 94% of cluster munition casualties.

Death and injury from unexploded ordnance left behind by cluster munitions continues to kill civilians to this day. Today, 23 States remain contaminated by unexploded ordnance left from cluster munitions.

Last year, nine of these countries suffered casualties from unexploded ordnance. They were: Croatia, Iraq, Laos, Lebanon, Cambodia, South Sudan, Sudan, Syria and Vietnam.

More tragically, despite the risk they pose to civilians, cluster bombs continue to be used in conflicts.

Since July 2012, Syrian government forces have used cluster munitions in 10 of the country's 14 governates.

Human Rights Watch has documented that the Syrian government has used seven types of cluster munitions to date, six of which were manufactured in the former Soviet Union and the seventh of which is Egyptian-made.

In 2012 and 2013, the Landmine and Cluster Munition Monitor recorded 1,584 deaths from government-launched cluster munitions in Syria. Approximately 97 percent of the deaths directly linked to cluster munitions were civilians.

For the first time, Human Rights Watch has also obtained evidence that the Islamic State of Iraq and the Levant, known as ISIL, has also used cluster bombs.

According to witness testimony and photographic evidence, ISIL used cluster bombs on at least two occasions near the besieged town of Kobani.

Terrorist groups and other non-state actors would not be able to obtain and use cluster bombs if the world adopted the Oslo Treaty on Cluster munitions.

The Oslo Treaty bans the production, sale, stockpiling and use of cluster munitions. It came into effect in 2010 and to date has been ratified by 88 nations.

Under the Treaty, 22 nations have destroyed 1.16 million cluster bombs and nearly 140 million submunitions.

Unfortunately, the United States is neither a signatory nor state party to the Oslo Treaty.

In fact, the United States maintains a stockpile of 5.5 million cluster munitions containing 728 million submunitions. These bomblets have an estimated failure rate of between 5 and 15 percent.

Rather than adopting the increasing international consensus that cluster bombs should be banned, the Pentagon continues to assert that they are ''legitimate weapons with clear military utility in combat.''

I respectfully disagree. The benefit of using cluster bombs is outweighed by the continuing threat they pose to civilians long after the cessation of hostilities.

The Cluster Munitions Civilian Protection Act would immediately ban cluster bombs with unacceptable unexploded ordnance rates and in areas where civilians are known to be present.

Passing this legislation would move the United States closer to abiding by the requirements of the Oslo Treaty, which has been ratified by many of our allies, including the United Kingdom, France and Germany.

Since 2008 the Congress has banned the export of cluster munitions with a greater than one percent unexploded ordnance rate. While banning the export of these indiscriminate weapons was a positive first step, I strongly believe the United States can do better.

This body cannot compel the administration to sign the Oslo Treaty. However, we can surely take steps to abide by its spirit. Passing the Cluster Munitions Civilian Protection Act would do exactly that.

I urge my colleagues to support this bill.

By Mrs. FEINSTEIN (for herself, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Mr. BOOKER, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HEINRICH, Ms. HIRONO, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. LEAHY, Mr. MARKEY, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Mr. REED, Mr. REID, Mr. SANDERS, Mr. SCHATZ, Mr. SCHUMER, Mrs. SHAHEEN, Ms. STABENOW, Mr. TESTER, Mr. UDALL, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 29. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill to fully repeal the Defense of Marriage Act, DOMA, and ensure that married same-sex couples are accorded equal treatment by the federal government.

When I first introduced this bill in 2011, only 5 States and the District of Columbia recognized same-sex marriage.

Today, due to a combination of actions by legislatures, voters, and the courts, 36 States and D.C. recognize same-sex marriage. Florida joined the group just this week.

This progress is nothing short of amazing. Over 70 percent of Americans now live in a State where same-sex couples can marry.

The Supreme Court's landmark decision in United States v. Windsor, which struck down Section 3 of DOMA, has caused most federal agencies to accord equal rights and responsibilities to married same-sex couples.

But, despite this progress, the mission of ensuring full equality under Federal law for married same-sex couples is still unaccomplished.

This bill will accomplish that mission. It will strike DOMA from Federal law, and ensure that legally married same-sex couples are treated equally by the federal government, period.

I want to thank my 41 colleagues who have cosponsored this bill.

For my colleagues who have not yet supported this bill: if you believe that couples who are married should be treated that way by the federal government, you should cosponsor this bill. It is as simple as that.

Two major agencies, which serve millions and millions of Americans—the Social Security Administration and Department of Veterans Affairs—still deny benefits to some married couples depending on where the couple has lived. This bill would fix that problem.

Let me address Social Security first. An example of the discrimination married same-sex couples still face is the case of Kathy Murphy and Sara Barker. According to a legal filing, this couple married in Massachusetts and shared a ranch house in Texas for nearly 30 years.

In 2010, when Sara was 60 years old, she was diagnosed with an aggressive form of cancer. Sara went through several surgeries and chemotherapy, and Kathy was Sara's caregiver.

Sara passed away on March 10, 2012. As the complaint states: ''Kathy lost her partner of more than thirty years and the love of her life.''

In July 2014—over a year after she applied—Kathy's application for survivor's benefits from Social Security was denied because they lived in Texas together, and Texas does not recognize them as married.

This cost her an estimated $1,200 per month in Federal survivor's benefits.

Veterans and active-duty military personnel in same-sex marriages also are being denied equal treatment by the Department of Veterans Affairs.

Many of these brave individuals have served our country overseas or in war zones, but they may nevertheless be denied a huge range of benefits our nation grants to those who have served in the Armed Forces.

A court filing by the American Military Partners Association explains that:

> lesbian and gay veterans and their spouses and survivors . . . will be denied or disadvantaged in obtaining spousal veterans benefits such as disability compensation, death pension benefits, home loan guarantees, and rights to burial together in national cemeteries.

This is wrong. Our married gay and lesbian soldiers put their lives on the line for our country the same way other soldiers do.

We owe them the same debt of gratitude we owe to all other men and women who serve, and this bill would ensure that we fulfill that solemn obligation.

Continued discrimination against married same-sex couples is not limited to these benefits programs.

Other Federal laws are not part of programs administered by agencies, but they nevertheless are designed to protect families, including spouses.

Let me just give one example—Section 115 of Title 18. Among other things, this law makes it a crime to assault, kidnap, or murder a spouse of Federal law enforcement officer, with the intent to influence or retaliate against the officer.

This law protects the ability of people like FBI agents and federal prosecutors to serve the public knowing there is protection from violence against their families.

These agents and prosecutors investigate and prosecute people like drug kingpins, terrorists, and organized crime figures.

But, even today, it is not clear whether this vital protection for these officers covers those in lawful same-sex marriages everywhere in the country.

These public servants, who protect all of us, should not have to worry that they lack the full protection we provide to their colleagues—but that is the situation we confront today. This bill would fix it.

In addition, Section 2 of DOMA—which was not expressly addressed by the Supreme Court—continues to pose a serious risk to legal relief received by victims of crime and civil wrongs. This bill would repeal it.

Section 2 of DOMA is the full faith and credit provision of DOMA, and it has been the subject of many misconceptions.

When DOMA was enacted, some claimed Section 2 was designed to prevent the Full Faith and Credit Clause of the Constitution from forcing a state to recognize a marriage from another state.

But states have never needed permission from Congress to decide whether to recognize an out-of-state marriage. States have done that under their own laws, subject to other constitutional guarantees like the Equal Protection Clause.

Thus, repealing Section 2 of DOMA simply would not force a State, or a religious institution, to recognize a particular marriage.

While it is on the books, Section 2 may have a very serious impact: it may nullify legal relief awarded to victims of crime and other civil wrongs.

There is a general rule that the judgments of one state's courts will be enforced in another state's courts.

But Section 2 purports to exempt any ''right or claim arising from'' a same-sex marriage from this rule.

Imagine a woman killed by a drunk driver. Her surviving spouse would have a civil claim for wrongful death, or might obtain restitution in a criminal case.

But DOMA could prevent the court judgments in those cases from being enforced in the perpetrator's home State, allowing him to avoid the consequences of his actions.

The same problem could arise in numerous types of cases, such as assaults, batteries, and insurance claims.

Same-sex married couples are the only class of people who are burdened by this sort of legal disability, which hinders the court system from protecting them the same way that it does other citizens.

This is wrong, and it must be repealed.

As a Senator from California, I come to this bill with a strong sense of history.

In 1948, the California Supreme Court became the first state court to find that a ban on interracial marriage violates the Equal Protection Clause. At the time, 29 states still prohibited interracial marriage.

Prohibitions on interracial marriage then were eliminated in 13 other states, so that when the Supreme Court decided Loving v. Virginia in 1967, only 16 states retained bans on interracial marriage.

I very much hope that is where we are today on same-sex marriage.

People of all stripes have come to believe that loving and committed same-sex couples are worthy of the same dignity and respect other couples receive. Public opinion has changed dramatically, and 36 states now recognize same-sex marriage.

The tide has shifted, I hope irreversibly so.

But here, in Congress, we still have work to do.

We must end the discrimination married same-sex couples continue to face at the federal level.

DOMA remains on the books, where it should never have been placed. It could be revived by a different Supreme Court majority.

A future administration also could interpret other laws differently than this Administration has done, potentially restricting the availability of key benefits even further.

The solution is simple: pass this bill, which would eliminate DOMA and accord equal treatment under Federal law for married same-sex couples.

Let me again thank my cosponsors for joining me in this effort, and to urge my other colleagues on both sides of the aisle to support this legislation.

By Ms. COLLINS (for herself, Mr. DONNELLY, Ms. MURKOWSKI, and Mr. MANCHIN):

S. 30. A bill to amend the Internal Revenue Code of 1986 to modify the definition of full-time employee for purposes of the employer mandate in the Patient Protection and Affordable Care Act; to the Committee on Finance.

Ms. COLLINS. Mr. President, today, Senator DONNELLY and I are reintroducing the Forty Hours is Full-time Act to correct a serious flaw in the Affordable Care Act, also known as Obamacare, that is already causing workers to have their hours reduced and their pay cut. We are pleased to be joined in this bipartisan effort by Senators MURKOWSKI and MANCHIN. Our legislation would raise the threshold for ''full-time'' work in Obamacare to the standard 40 hours a week. This is consistent with the threshold for overtime eligibility under the Fair Labor Standards Act, and the common-sense understanding of ''full-time'' work.

Under Obamacare, an employee working just 30 hours a week is defined as ''full-time,'' a definition that is completely out-of-step with standard employment practices in the U.S. today. According to a survey published by the Bureau of Labor Statistics, the average American actually works 8.7 hours per day, which equates to roughly 44 hours a week. The Obamacare definition is nearly one-third lower than actual practice.

Similarly, the Obamacare definition of ''full-time'' employee is ten hours a week fewer than the 40 hours per week used by the GAO in its study of the budget and staffing required by the IRS to implement Obamacare. In that report, the GAO described a ''full-time equivalent'' as: ''a measure of staff hours equal to those of an employee who works 2,080 hours per year, or 40 hours per week. . . .'' Even the Office of Management and Budget recognizes that 30–hours is not ''full-time.'' A circular it issued to Federal agencies actually directs them to calculate staffing levels using more than 40 hours a week as a ''full-time equivalent.''

The effect of using the 30–hour a week threshold is to artificially drive-up the number of ''full-time'' workers for purposes of calculating the penalties to which employers are exposed under Obamacare. These penalties begin at $40,000 for businesses with 50 employees, plus $2,000 for each additional ''full-time equivalent'' employee. While these draconian penalities were scheduled to begin in January of last year, we have yet to feel their full effect because the Obama administration delayed their implementation through 2014, perhaps knowing the negative impact that will result. But that artificial grace-period expired January 1 for employers with 100 or more workers and will end for employers with between 50 and 99 employees in January of next year.

Needless to say, these penalties will force many employers to restrict or reduce the hours their employees are allowed to work, so they are no longer considered ''full-time'' for the purposes of the law. In addition, these penalties will discourage employers from growing or adding jobs, particularly those close to the 50–job trigger.

These are not hypothetical concerns. According to the Investors Business Daily, more than 450 employers had cut work hours or staffing levels in response to Obamacare as of September of last year. Employees of for-profit businesses are not the only ones threatened by Obamacare's illogical definition of full-time work. Public sector employees and those who work for non-profits are also affected.

I am concerned that educators, school employees, and students will be particularly hard hit. As the ASAA, the School Superintendents Association, explained in a letter in support of our bill, Obamacare's 30–hour threshold puts an ''undue burden on school systems across the Nation, many of [which] will struggle to staff their schools to meet their educational mission'' while complying with this requirement.

For example, the school superintendent of Bangor, ME, has told me that Obamacare will require that school district to reduce substitute teacher hours to make sure they don't exceed 29 hours a week. This will harm not only the substitute teachers who want and need more work, but it will also harm students by causing unnecessary disruption in the classroom.

Likewise, in Indiana, a county school district had to reduce the hours of part-time school bus drivers to make sure they do not work more than the 30–hour threshold. As a result, the school district has been forced to cut field trips and transportation to athletic events, and employees who used to work more than 30 hours total in two jobs have been forced to give up one of their jobs, hurting their financial security.

The 30–hour rule will also affect our Nation's institutions of higher education. According to the College and University Professional Association for Human Resources, Obamacare's full-time work definition has already caused 122 schools to announce new policies capping hours for students and faculty.

It is troubling that the 30–hour threshold will also harm delivery of home care services. The requirement will likely result in reduced access to needed services for some of our Nation's most vulnerable citizens: homebound seniors, individuals with disabilities, and recently discharged hospital and nursing home patients. Information provided to my office by the Home Care & Hospice Alliance of Maine shows that many of its member organizations will be forced to reduce work hours for employees or even to cease operations due to Obamacare's definition of ''full-time'' work. If that happens, hundreds of home care workers could lose their jobs, and a thousand seniors could lose access to home care services—in Maine alone.

Data from Maine's Medicaid program show that home care services are extremely cost-effective compared to alternatives. Thus, by making it harder for home care service providers to give their workers the hours they need,

Obamacare's definition of ''full-time'' work will end up reducing the home care services available to seniors, depriving them of care or forcing them into costlier care, driving up Federal costs.

Before I close, I would like to read a few lines from a letter I recently received from Randy Wadleigh, the owner of a well-known and much-loved restaurant institution in Maine called ''Governor's.'' Randy's letter sums up what Maine employers have always told me—their employees are the heart and souls of their businesses, and are the face of their companies to the public. As Randy puts it, businesses recognize the importance of their workers ''because without GREAT employees, businesses really don't have anything. [The 30–hour threshold] is hurting many of our employees. They don't understand it, they can't afford it and they just want to work more hours.''

The bipartisan bill we are introducing today will protect these workers by changing the definition of ''full-time'' work in the ACA to 40 hours a week, and making a corresponding change in the definition of ''full-time equivalent'' employee to 174 hours per month. This is a sensible definition in keeping with actual practice.

Among the many organizations that have endorsed our bill are: the College & University Professional Association for Human Resources, the National Association for Home Care & Hospice, the American Hotel & Lodging Association, the American Staffing Association, the Asian American Hotel Owners Association, the Associated Builders and Contractors, the Food Marketing Institute, the International Franchise Association, the National Association of Convenience Stores, the National Association of Health Underwriters, the American Rental Association, the National Association of Manufacturers, the National Association of Theatre Owners, the National Grocers Association, the National Federation of Independent Business, the National Restaurant Association, the National Retail Federation, the Retail Industry Leaders Association, ASAA, the School Superintendents Association, the Society for Human Resource Management, and the U.S. Chamber of Commerce.

Regardless of the varying views of Senators on the Affordable Care Act, surely we ought to be able to agree to fix this problem in the law that is hurting workers' paychecks and creating chaos for employers. I urge my colleagues to support this bipartisan legislation.

Mr. President, I ask unanimous consent that the letters of support be printed in the RECORD.

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

DECEMBER 19, 2014.

U.S. SENATE,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of AASA: The School Superintendents Association, the Association of Educational Service Agencies, the National Rural Education Association and the National Rural Education Advocacy Coalition, I write to express our support for the Forty Hours is Full Time Act. Collectively, we represent public school superintendents, educational service agency administrators and school system leaders across the country, as well as our nation's rural schools and communities. We have followed closely the Affordable Care Act and stand ready to implement the law, and see your proposed legislation as one way to alleviate an unnecessarily burdensome regulation.

The Forty House is Full Time Act would change the definition of ''full time'' in the Affordable Care Act (ACA) to 40 hours per week and the number of hours counted toward a ''full time equivalent'' employee to 174 hours per month. The current ACA arbitrarily sets the bar for a full work week to 30 hours. This is inconsistent with how most Americans think: full-time is a 40 hour work week. The current definition causes confusion among employers who struggle to understand and comply with the new requirements, especially ones that are in conflict with long-standing practices built on the long-standing 40-hour work week premise.

We welcome the opportunity to ensure our employees have a positive work environment and we remain committed to providing a robust set of work benefits. We are concerned that the ACA, as currently written, puts additional, undue burden on school systems across the nation, many of whom will struggle to staff their schools to meet their educational mission while meeting the strict 30-hour regulation.

We applaud your continued leadership on this issue and look forward to seeing the Forty Hours is Full Time Act move forward.

Sincerely,

NOELLE M. ELLERSON,
AASA, The School Superintendents Association, Associate Executive Director, Policy & Advocacy, AESA, NREA and NREAC Legislative Liaison.

GOVERNOR'S RESTAURANT & BAKERY, GOVERNOR'S MANAGEMENT COMPANY, INC.,
Old Town, ME, December 22, 2014.

Re Definition of full time hours for the ACA

Hon. SUSAN COLLINS,
413 Dirksen Office Building,
Washington, DC.

DEAR SUSAN: Governor's Restaurants have been a staple in Maine since 1959. We have 6 locations and employ over 300 full and part time fine Maine folks while serving the great people of Maine. In general, we've had longevity because we pay attention to business and play by the rules dictated to us by local, state and federal agencies. In a nutshell, we take pride in doing the right things.

As our company's CEO, I recently conducted health insurance enrollment meetings at all of our locations for those 100+ eligible full time employees (as currently defined at 30 hours per week}. We are strongly in favor of changing the current definition of a full time employee from 30 hours to 40 hours . . . but not necessarily for the reason(s} you may think.

On behalf of our employees, we've just got to increase the threshold to 40 hours. Our offered health plan is defined as affordable and meets minimum standards as defined by the law, but when you express to the employee that they must contribute +/−$30 per week it becomes a heartfelt choice to pay for food, child care, rent OR pay for health care. On more than one occasion, I had employees (all of whom worked less than 32 hours per week} break down in tears because they just can't afford coverage. At the same time, those that worked over 38 hours, were more likely to participate and in fact could afford coverage.

When ACA was first introduced, I could never understand why the law defined 30 hours per week. Our company has had to make dramatic cuts in hours to some staffers to reduce exposure. But once again this hurts the employee.

So you see the obvious selfish thing to do as a business person is to cry foul about the health care law and how it affects our bottom line. But our company takes a bit of a different approach. We recognize the importance of our people because without GREAT employees, business owners really don't have anything. This law is hurting many of our employees. They don't understand it, they can't afford it and they just want to work more hours. 30 hours is too restrictive to them. 40 would be better for them and ultimately for business and such change would benefit both the employee and the employer.

Thanks for your great work in Washington.

Sincerely,

RANDY WADLEIGH,
Owner and CEO,
Governor's Management Company.

By Mrs. FEINSTEIN (for herself, Mr. UDALL, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mr. GRASSLEY, and Ms. HEITKAMP):

S. 32. A bill to provide the Department of Justice with additional tools to target extraterritorial drug trafficking activity, and for other purposes; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Transnational Drug Trafficking Act of 2015 with my colleagues and friends, Senators CHARLES GRASSLEY, RICHARD BLUMENTHAL, HEIDI HEITKAMP, AMY KLOBUCHAR and TOM UDALL.

This bill, which passed the Senate unanimously in the last Congress, supports the Obama Administration's Strategy to Combat Transnational Organized Crime by providing the Department of Justice with crucial tools to combat the international drug trade. As drug traffickers find new and innovative ways to avoid prosecution, we cannot allow them to exploit loopholes because our laws lag behind.

This legislation has three main components. First, it puts in place penalties for extraterritorial drug trafficking activity when individuals have reasonable cause to believe that illegal drugs will be trafficked into the United States. Current law says that drug traffickers must know that illegal drugs will be trafficked into the United States and this legislation would lower the knowledge threshold to reasonable cause to believe.

The Department of Justice has informed my office that, it sees drug traffickers from countries like Colombia, Bolivia and Peru who produce cocaine but then outsource transportation of the cocaine to the United States to violent Mexican drug trafficking organizations. Under current law, our ability to prosecute source-nation traffickers from these countries is limited since there is often no direct evidence of their knowledge that illegal drugs were intended for the United

States. But let me be clear: drugs produced in these countries fuel violent crime throughout the Western Hemisphere as well as addiction and death in the United States.

Second, this bill puts in place penalties for precursor chemical producers from foreign countries, such as those producing pseudoephedrine used for methamphetamine, who illegally ship precursor chemicals into the United States knowing that these chemicals will be used to make illegal drugs.

Third, this bill makes a technical fix to the Counterfeit Drug Penalty Enhancement Act, which increases penalties for the trafficking of counterfeit drugs. The fix, requested by the Department of Justice, puts in place a ''knowing'' requirement which was unintentionally left out of the original bill. The original bill makes the mere sale of a counterfeit drug a Federal felony offense regardless of whether the seller knew the drug was counterfeit. Under the original bill, a pharmacist could be held criminally liable if he or she unwittingly sold counterfeit drugs to a customer. Adding a ''knowing'' requirement corrects this problem.

As Co-Chair of the Senate Caucus on International Narcotics Control and as a public servant who has focused on narcotics issues for many years, I know that we cannot sit idly by as drug traffickers find new ways to circumvent our laws. The illegal drug trade is constantly evolving and it is critical that our legal framework keeps pace. We must provide the Department of Justice with all of the tools it needs to prosecute drug kingpins both here at home and abroad.

By Mrs. FEINSTEIN (for herself, Mrs. SHAHEEN, Ms. AYOTTE, Mr. SCHUMER, Mr. BLUMENTHAL, Ms. KLOBUCHAR, Mrs. BOXER, Mr. PORTMAN, and Mr. WHITEHOUSE):

S. 36. A bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce the Protecting Our Youth from Dangerous Synthetic Drugs Act of 2015, with my colleagues, Senators KELLY AYOTTE, RICHARD BLUMENTHAL, BARBARA BOXER, AMY KLOBUCHAR, ROB PORTMAN, CHARLES SCHUMER, JEANNE SHAHEEN and SHELDON WHITEHOUSE. This legislation addresses the significant harm that synthetic drugs cause our communities.

When Congress outlawed several synthetic drugs in 2012, traffickers did not stop producing them. Instead, they slightly altered the drugs' chemical structure to skirt the law, producing ''controlled substance analogues'' which are dangerous, chemically similar to Schedule I substances, and mimic the effects of drugs like ecstasy, cocaine, PCP, and LSD.

Manufacturers of synthetic drugs often prey upon youth, selling products such as Scooby Snax, Potpourri, and Joker Herbal. But make no mistake: these products are dangerous. In the first ten months of 2014 alone, poison centers nationwide responded to approximately 3,900 calls related to synthetic drugs.

Under current law, determining whether a substance meets the vague legal criteria of a ''controlled substance analogue'' results in a ''battle of experts'' inside the courtroom. Significantly, a substance ruled to be an analogue in one case is not automatically an analogue in a second case.

The Protecting Our Youth from Dangerous Synthetics Drug Act addresses these issues. This bill creates an interagency committee of scientists that will establish and maintain an administrative list of controlled substance analogues. The Committee is structured to respond quickly when new synthetic drugs enter the market.

Because virtually all of these controlled substance analogues arrive in bulk from outside our borders, the bill makes it illegal to import a controlled substance analogue on the list unless the importation is intended for nonhuman use.

Finally, the bill directs the U.S. Sentencing Commission to review, and if appropriate, amend the Federal sentencing guidelines for violations of the Controlled Substances Act pertaining to controlled substance analogues.

In sum, this bill sends a strong message to drug traffickers who attempt to circumvent our Nation's laws: no matter how you alter the chemical structure of synthetic drugs to try to get around the law, we will ban these substances to keep them away from our children.

By Mr. REED (for himself and Mr. BROWN):

S. 37. A bill to amend the Elementary and Secondary Education Act of 1965 to provide for State accountability in the provision of access to the core resources for learning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today, I am pleased to reintroduce the Core Opportunity Resources for Equity and Excellence Act with my colleague Senator Brown. I would also like to thank Representative Fudge for introducing companion legislation in the House of Representatives. This year, we will be commemorating the 50th anniversary of the Elementary and Secondary Education Act. Now is the time to reaffirm our commitment to educational equity, and in the words of President Johnson ''bridge the gap between helplessness and hope.''

As we embark upon reauthorizing this landmark legislation, we must ensure that our accountability systems in education measure our progress towards equity and excellence for all children. The CORE Act will help advance that goal by requiring states to include fair and equitable access to the core resources for learning in their accountability systems.

More than 60 years after the landmark decision of Brown v. Board of Education, one of the great challenges still facing this nation is stemming the tide of rising inequality. We have seen the rich get richer while middle class and low-income families have lost ground. We see disparities in opportunity starting at birth and growing over a lifetime. With more than one in five school-aged children living in families in poverty, according to Department of Education statistics, we cannot afford nor should we tolerate a public education system that fails to provide resources and opportunities for the children who need them the most.

We should look to hold our education system accountable for results and resources. And we know that resources matter. A recent study by researchers at Northwestern University and the University of California at Berkeley found that increasing per pupil spending by 20 percent for low-income students over the course of their K–12 schooling results in greater high school completion, higher levels of educational attainment, increased lifetime earnings, and reduced adult poverty.

In addition to funding, there are other opportunity gaps that we need to address. Survey data from the Department of Education's Office of Civil Rights show troubling disparities, such as the fact that Black, Latino, American Indian, Native Alaskan students, and English learners attend schools with higher concentrations of inexperienced teachers; nationwide, one in five high schools lacks a school counselor; and between 10 and 25 percent of high schools across the nation do not offer more than one of the core courses in the typical sequence of high school math and science, such as Algebra I and II, geometry, biology, and chemistry.

We are reintroducing the CORE Act to ensure that equity remains at the center of our federal education policy. Specifically, the CORE Act will require state accountability plans and state and district report cards to include measures on how well the state and districts provide the core resources for learning to their students. These resources include: high quality instructional teams, including licensed and profession-ready teachers, principals, school librarians, counselors, and education support staff; rigorous academic standards and curricula that lead to college and career readiness by high school graduation and are accessible to all students, including students with disabilities and English learners; equitable and instructionally appropriate class sizes; up-to-date instructional materials, technology, and supplies; effective school library programs; school facilities and technology, including physically and environmentally sound buildings and well-equipped instructional space, including laboratories and libraries; specialized instructional support teams, such as counselors, social

workers, nurses, and other qualified professionals; and effective family and community engagement programs.

These are things that parents in well-resourced communities expect and demand. We should do no less for children in economically disadvantaged communities. We should do no less for minority students or English learners or students with disabilities.

Under the CORE Act, States that fail to make progress on resource equity would not be eligible to apply for competitive grants authorized under the Elementary and Secondary Education Act. For school districts identified for improvement, the State would have to identify gaps in access to the core resources for learning and develop an action plan in partnership with the local school district to address those gaps.

The CORE Act is supported by a diverse group of organizations, including the American Association of Colleges of Teacher Education, American Federation of Teachers, American Library Association, Coalition for Community Schools, Education Law Center, Fair Test, First Focus Campaign for Children, League of United Latin American Citizens, National Association of School Psychologists, National Education Association, National Latino Education Research and Policy Project, Opportunity Action, Public Advocacy for Kids, Public Advocates, Inc., Southeast Asia Resource Action Center, and the Texas Center for Education Policy.

Working with this strong group of advocates and my colleagues in the Senate and in the House, it is my hope that we can build the support to include the CORE Act in the reauthorization of the Elementary and Secondary Education Act. I urge my colleagues to join us by cosponsoring this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT ORRIN G. HATCH, A SENATOR FROM THE STATE OF UTAH, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Orrin G. Hatch, a Senator from the State of Utah, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of the Honorable Orrin G. Hatch as President of the Senate pro tempore.

SENATE RESOLUTION 6—EXPRESSING THE THANKS OF THE SENATE TO THE HONORABLE PATRICK J. LEAHY FOR HIS SERVICE AS PRESIDENT PRO TEMPORE OF THE UNITED STATES SENATE AND TO DESIGNATE SENATOR LEAHY AS PRESIDENT PRO TEMPORE EMERITUS OF THE UNITED STATES SENATE

Mr. MCCONNELL (for Mr. REID of Nevada) submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the United States Senate expresses its deepest gratitude to Senator Patrick J. Leahy for his dedication and commitment during his service to the Senate as the President Pro Tempore.

Further, as a token of appreciation of the Senate for his long and faithful service, Senator Patrick J. Leahy is hereby designated President Pro Tempore Emeritus of the United States Senate.

SENATE RESOLUTION 7—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That the daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 8—ELECTING JULIE ADAMS AS SECRETARY OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That Julie E. Adams of Iowa be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the President of the United States be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

SENATE RESOLUTION 10—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF THE SECRETARY OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That the House of Representatives be notified of the election of the Honorable Julie E. Adams as Secretary of the Senate.

SENATE RESOLUTION 11—ELECTING FRANK LARKIN AS SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Frank J. Larkin of Maryland be, and he is hereby, elected Sergeant at Arms and Doorkeeper of the Senate.

SENATE RESOLUTION 12—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to: