

MURRAY, Mr. DURBIN, Mr. SCHUMER, Mr. UDALL, Mr. HEINRICH, Mr. BOOKER, Mr. GARDNER, Mr. CRUZ, and Mr. FRANKEN) submitted the following resolution; which was considered and agreed to:

S. RES. 455

Whereas May 5, or “Cinco de Mayo” in Spanish, is celebrated each year as a date of importance by Mexican and Mexican-American communities;

Whereas the Cinco de Mayo holiday commemorates May 5, 1862, the date on which Mexicans defeated the French at the Battle of Puebla, 1 of the many battles that the Mexican people won in their long and brave fight for independence, freedom, and democracy;

Whereas the victory of Mexico over France at the Battle of Puebla represented a historic triumph for the Mexican government during the Franco-Mexican war of 1861-1867 and bolstered the resistance movement;

Whereas the success of Mexico at the Battle of Puebla reinvigorated the spirits of the Mexican people and provided a renewed sense of unity and strength;

Whereas the French army, which had not experienced defeat against any of the finest troops of Europe in more than half a century, sustained a disastrous loss at the hands of an outnumbered and ill-equipped, but highly spirited and courageous, Mexican army;

Whereas the courageous spirit that Mexican General Ignacio Zaragoza and his men displayed during that historic battle can never be forgotten;

Whereas in a larger sense, Cinco de Mayo symbolizes the right of a free people to self-determination, just as Benito Juarez, the president of Mexico during the Battle of Puebla, once said, “El respeto al derecho ajeno es la paz”, meaning “respect for the rights of others is peace”;

Whereas the sacrifice of Mexican fighters was instrumental in keeping Mexico from falling under European domination while, in the United States, the Union Army battled Confederate forces in the Civil War;

Whereas Cinco de Mayo serves as a reminder—

(1) that the foundation of the United States was built by individuals from many countries and diverse cultures who were willing to fight and die for freedom; and

(2) of the close ties between the people of Mexico and the people of the United States;

Whereas Cinco de Mayo encourages the celebration of a legacy of strong leaders and a sense of vibrancy in communities; and

Whereas Cinco de Mayo serves as a reminder to provide more opportunities for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historic struggle of the people of Mexico for independence and freedom, which Cinco de Mayo commemorates; and

(2) encourages the people of the United States to observe Cinco de Mayo with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3884. Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. CORNYN, Mr. WHITEHOUSE, Mr. LEE, Mr. SCHUMER, Mr. GRAHAM, Mr. LEAHY, Mr. BOOKER, Mr. COCHRAN, Mr. BENNET, Mr. KIRK, Mr. MANCHIN, Mr. SULLIVAN, Mr. DAINES, Ms. MIKULSKI, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2123, to reform sentencing laws and correctional institutions, and for other purposes; which was ordered to lie on the table.

SA 3885. Mr. McCONNELL (for Mr. MENENDEZ) proposed an amendment to the bill S. 1875, to support enhanced accountability for United States assistance to Afghanistan, and for other purposes.

SA 3886. Mr. McCONNELL (for Mr. CORKER) proposed an amendment to the bill S. 1635, to authorize the Department of State for fiscal year 2016, and for other purposes.

TEXT OF AMENDMENTS

SA 3884. Mr. GRASSLEY (for himself, Mr. DURBIN, Mr. CORNYN, Mr. WHITEHOUSE, Mr. LEE, Mr. SCHUMER, Mr. GRAHAM, Mr. LEAHY, Mr. BOOKER, Mr. COCHRAN, Mr. BENNET, Mr. KIRK, Mr. MANCHIN, Mr. SULLIVAN, Mr. DAINES, Ms. MIKULSKI, and Mr. NELSON) submitted an amendment intended to be proposed by him to the bill S. 2123, to reform sentencing laws and correctional institutions, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, line 12, insert “and for which the offender’s release from any term of imprisonment was within 15 years of the commencement of the instant offense” before the period.

On page 146, line 11, insert “a term of imprisonment may be reduced only if the defendant has not been convicted of any serious violent felony and” after “offense,”.

On page 146, line 12, strike “may”.

On page 146, beginning on line 15, strike “, reduce the term of imprisonment for the offense”.

On page 146, line 21, strike “if such” and insert “finds”.

On page 147, line 7, insert “, including a review of any prior criminal conduct or any other relevant information from Federal, State, and local authorities” after “section”.

On page 147, strike lines 11 through 20, and insert the following:

(1) in subsection (f)—

(A) in the matter preceding paragraph (1)—

(i) by striking “or section 1010” and inserting “, section 1010”; and

(ii) by inserting “, or section 70503 or 70506 of title 46” after “963”;

(B) by striking paragraph (1) and inserting the following:

“(1) the defendant does not have—

“(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

“(B) a prior 3-point offense, as determined under the sentencing guidelines; and

“(C) a prior 2-point violent offense, as determined under the sentencing guidelines;”;

and

(C) after paragraph (5), by inserting the following:

“Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.”; and

On page 148, strike lines 15 through 25 and insert the following:

“(h) DEFINITION OF VIOLENT OFFENSE.—As used in this section, the term ‘violent offense’ means a ‘crime of violence’, as defined in section 16, that is punishable by imprisonment.”.

On page 149, line 13, strike “or section” and insert “, section”.

On page 149, line 14, insert “, or section 70503 or 70506 of title 46,” after “963”.

On page 150, strike lines 7 through 14 and insert the following:

“(3) the defendant was not an organizer, leader, manager, or supervisor of other par-

ticipants in the offense, as determined under the sentencing guidelines;

On page 150, line 20, insert “, unless the defendant was a minor or minimal participant, as determined under the sentencing guidelines” before the semicolon.

On page 151, between lines 8 and 9, insert the following:

“Information disclosed by a defendant under this subsection may not be used to enhance the sentence of the defendant unless the information relates to a violent offense.

On page 152, strike lines 10 through 20 and insert the following: “United States Code, is amended, in the matter preceding clause (i), by striking ‘second or subsequent conviction under this subsection’ and inserting ‘violation of this subsection that occurs after a prior conviction under this subsection has become final’.”.

On page 153, line 8, insert “a term of imprisonment may be reduced only if the instant violation was for a drug trafficking offense that did not involve a violation of clause (ii) or (iii) of section 924(c)(1)(A) of title 18, United States Code, the defendant has not otherwise been convicted of any serious violent felony, and” after “offense,”.

On page 153, line 9, strike “may”.

On page 153, beginning on line 12, strike “, reduce the term of imprisonment for the offense”.

On page 153, line 18, strike “if such” and insert “finds”.

On page 154, line 4, insert “, including a review of any prior criminal conduct or any other relevant information from Federal, State, and local authorities” after “section”.

Beginning on page 154, strike line 5 and all that follows through page 155, line 23.

On page 156, line 1, strike “106” and insert “105”.

On page 157, line 1, strike “107” and insert “106”.

On page 158, line 1, strike “108” and insert “107”.

On page 162, line 3, strike “109” and insert “108”.

On page 162, line 25, insert “and organized by Federal district where applicable” after “paragraph (1)”.

On page 163, line 5, insert “, including referrals from investigative agencies of the Department of Justice,” after “prosecution”.

On page 166, between lines 12 and 13, insert the following:

SEC. 109. FENTANYL.

(a) CONTROLLED SUBSTANCES ACT AMENDMENT.—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding at the end the following:

“(8)(A) In the case of a violation of subsection (a), if the mixture or substance containing a detectable amount of heroin also contains a detectable amount of N-phenyl-N-[1-(2-phenylethyl) -4-piperidinyl] propanamide or any analogue of N-phenyl-N-[1-(2-phenylethyl) -4-piperidinyl] propanamide, then a court shall—

“(i) not impose a term of probation; and

“(ii) in addition to the term of punishment for the violation of this section, impose a term of imprisonment not to exceed 5 years.

“(B) A term of imprisonment imposed on a person under subparagraph (A)(ii) may not run concurrently with any term of imprisonment imposed on the person under any other provision of law.

“(9)(A) In the case of a violation of subsection (a), if the mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl) -4-piperidinyl] propanamide or any analogue of N-phenyl-N-[1-(2-phenylethyl) -4-piperidinyl] propanamide was represented to be or sold as heroin, then a court shall—

“(i) not impose a term of probation; and