

S. 1335

At the request of Ms. MURKOWSKI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1335, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 1360

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1360, a bill to amend the Improper Payments Elimination and Recovery Improvement Act of 2012, including making changes to the Do Not Pay initiative, for improved detection, prevention, and recovery of improper payments to deceased individuals, and for other purposes.

S. 1386

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1386, a bill to provide for enhanced embassy security, and for other purposes.

S. 1392

At the request of Mrs. SHAHEEN, the names of the Senator from Delaware (Mr. COONS), the Senator from Maine (Ms. COLLINS), the Senator from Virginia (Mr. WARNER) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1823

At the request of Mr. JOHNSON of Wisconsin, the names of the Senator from Wisconsin (Ms. BALDWIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1823 intended to be proposed to S. 1243, an original bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2014, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOOZMAN:

S. 1402. A bill to repeal the Federal estate and gift taxes; to the Committee on Finance.

Mr. President, part of the American Dream is to build an inheritance that will benefit our future generations. The death tax works against that idea by making planning and passing on family farms and businesses to the next generation even more difficult. Often times the cost is too much to absorb and families end up spending their hard-earned money on attorney fees, selling their land or business and its assets, or laying off workers just to pay Uncle Sam. We need to eliminate policies like the death tax that create unnecessary burdens on our agriculture community and family businesses. The Death Tax Repeal Act would permanently eliminate the federal estate and

gift taxes that punish America's agriculture producers and small business owners. According to a study by Douglas Holtz-Eakin, a former director of the non-partisan Congressional Budget Office, repealing the death tax would create 1.5 million additional small business jobs and would decrease the national unemployment rate by nearly 1 percent.

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. 1402

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 "Death Tax Repeal Act".

SEC. 2. REPEAL OF ESTATE AND GIFT TAXES.

(a) IN GENERAL.—Subtitle B of the Internal Revenue Code of 1986 (relating to estate, gift, and generation-skipping taxes) is hereby repealed.

(b) EFFECTIVE DATE.—The repeal made by subsection (a) shall apply to estates of decedents dying, gifts made, and generation-skipping transfers made after the date of the enactment of this Act.

By Mr. DURBIN (for himself, Mr. LEE, and Mr. LEAHY):

S. 1410. A bill to focus limited Federal resources on the most serious offenders; to the Committee on the Judiciary.

Mr. DURBIN. 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. 1410

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 "Smarter Sentencing Act of 2013".

SEC. 2. APPLICABILITY OF STATUTORY MINIMUMS.

Section 3553(f)(1) of title 18, United States Code, is amended by striking "defendant" and all that follows through "point" and inserting "criminal history category for the defendant is not higher than category 2".

SEC. 3. CLARIFICATION OF APPLICABILITY OF THE FAIR SENTENCING ACT.

(a) DEFINITION OF COVERED OFFENSE.—In this section, the term "covered offense" means a violation of a Federal criminal statute, the statutory penalties for which were modified by section 2 or 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), that was committed before August 3, 2010.

(b) DEFENDANTS PREVIOUSLY SENTENCED.—A court that imposed a sentence for a covered offense, may, on motion of the defendant, the Director of the Bureau of Prisons, the attorney for the Government, or the court, impose a reduced sentence as if sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372) were in effect at the time the covered offense was committed.

(c) LIMITATIONS.—No court shall entertain a motion made under this section to reduce

a sentence if the sentence was previously imposed or previously reduced in accordance with the amendments made by sections 2 and 3 of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372) or if a motion made under this section to reduce the sentence was previously denied. Nothing in this section shall be construed to require a court to reduce any sentence pursuant to this section.

SEC. 4. SENTENCING MODIFICATIONS FOR CERTAIN DRUG OFFENSES.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(b)(1) of the Controlled Substances Act (21 U.S.C. 841(b)(1)) is amended—

(1) in subparagraph (A), in the flush text following clause (viii)—

(A) by striking "10 years or more" and inserting "5 years or more"; and

(B) by striking "such person shall be sentenced to a term of imprisonment which may not be less than 20 years and" and inserting "such person shall be sentenced to a term of imprisonment which may not be less than 10 years and"; and

(2) in subparagraph (B), in the flush text following clause (viii)—

(A) by striking "5 years" and inserting "2 years"; and

(B) by striking "not be less than 10 years" and inserting "not be less than 5 years".

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the flush text following subparagraph (H)—

(A) by striking "not less than 10 years" and inserting "not less than 5 years"; and

(B) by striking "such person shall be sentenced to a term of imprisonment of not less than 20 years" and inserting "such person shall be sentenced to a term of imprisonment of not less than 10 years"; and

(2) in paragraph (2), in the flush text following subparagraph (H)—

(A) by striking "5 years" and inserting "2 years"; and

(B) by striking "10 years" and inserting "5 years".

SEC. 5. DIRECTIVE TO THE SENTENCING COMMISSION.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense under section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to ensure that the guidelines and policy statements are consistent with the amendments made by sections 2 and 4 of this Act and reflect the intent of Congress that such penalties be decreased in accordance with the amendments made by section 4 of this Act.

(b) CONSIDERATIONS.—In carrying out this section, the United States Sentencing Commission shall consider—

(1) the mandate of the United States Sentencing Commission, under section 994(g) of title 28, United States Code, to formulate the sentencing guidelines in such a way as to "minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons";

(2) the findings and conclusions of the United States Sentencing Commission in its October 2011 report to Congress entitled, Mandatory Minimum Penalties in the Federal Criminal Justice System;

(3) the fiscal implications of any amendments or revisions to the sentencing guidelines or policy statements made by the United States Sentencing Commission;

(4) the relevant public safety concerns involved in the considerations before the United States Sentencing Commission;

(5) the intent of Congress that penalties for violent and serious drug traffickers who present public safety risks remain appropriately severe; and

(6) the need to reduce and prevent racial disparities in Federal sentencing.

(c) **EMERGENCY AUTHORITY.**—The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 120 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

SEC. 6. REPORT BY ATTORNEY GENERAL.

Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report outlining how the reduced expenditures on Federal corrections and the cost savings resulting from this Act will be used to help reduce overcrowding in the Federal Bureau of Prisons, help increase proper investment in law enforcement and crime prevention, and help reduce criminal recidivism, thereby increasing the effectiveness of Federal criminal justice spending.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 1414. A bill to provide for the conveyance of certain Federal land in the State of Oregon to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce two bills that are aimed at righting past wrongs and fostering the self-sufficiency of proud nations. The Canyon Mountain Land Conveyance Act of 2013 and the Oregon Coastal Land Conveyance Act will provide homelands for the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, respectively—two tribes that are currently without a land base or that have only a nominal land base. I am pleased to be joined in this effort by my friend and colleague, Senator MERKLEY.

Our country's official policies toward its native peoples have changed over time since the founding of the United States. When European settlers came to American shores, they recognized that the lands on which our Nation now sits were occupied by millions of people organized by hundreds of governments, and these European colonial powers respected these governments as fellow sovereigns. In the late 1700's, when our great Nation was born, it followed suit, making treaties with the governments of the various tribes and aiming to get along with them to ensure peace and prosperity for all. As our Nation became more powerful, its

policies toward Native peoples and governments shifted with the political tides of those times. If you examine history books, some of the darkest episodes in our history can be found in the chapters written about our federal government's treatment of the first Americans.

Our Nation's past is littered with failed policies toward its first peoples, and one of those failed policies—that to which scholars refer to as, “Termination”—had a profoundly negative impact on my State. During the 1950's, the federal government was not in the business of honoring the treaties it made with the Indian tribes nor was it interested in living up to its trust responsibility toward its first peoples. Importantly, and as an aside, the tribes had bargained for these rights in exchange for the millions of acres of lands ceded to the United States to enable our westward expansion. At that time, our official Federal stance was focused on terminating the government-to-government relationships between tribal governments and the United States. In my own State of Oregon, several tribes west of the Cascade Mountains were terminated, including the two that are the subjects of the bills I am introducing today. The Termination Era had tragic effects on those tribes that lost Federal recognition. Members of terminated tribes struggled to retain their cultural and religious identities and to survive in a new landscape in which federal programs for their health, education, and housing did not exist.

The Termination Era was such a disaster that the Federal Government formally rebuked it a mere twenty years later when Presidents Johnson and Nixon ushered in the Self-Determination Era. Now, our Federal stance toward tribes is one that respects tribal sovereignty and supports a tribe's right to determine its own destiny while at the same time, fulfilling our duty as trustee to the various tribes. Our Federal policy of self-determination has been lauded by scholars as being the only Federal Indian policy that has succeeded in benefitting our native peoples. Self-Determination Era policies have resulted in an economic boom all over Indian Country as tribes have used Federal assistance to create jobs for Indians and non-Indians alike all across the Nation, much of the time in rural areas where economic opportunities would otherwise not exist. Many of the tribes in my State, for instance, have been able to build their economies, become more self-sufficient and provide valuable goods and services as well as jobs to surrounding community members.

For a tribe to fully exercise its governmental powers—to protect and nurture its members, to retain its cultural and religious heritage, and to grow its economy—it needs a land base. Even though the Cow Creek and Coos tribes were restored to Federal recognition in the 1980's, they still have not been

given back any of their former land from which they can exercise their inherent authority as sovereigns. My bills would provide home bases for these tribes from which they can flourish.

The bills I am introducing today convey 17,826 and 14,804 acres of land that is now managed by the Bureau of Land Management, to the Secretary of the Interior to hold in trust for the Cow Creek Band of Umpqua Tribe of Indians and the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians, respectively. The bills specify that commercial forestry activities taking place on the land must be done pursuant to all applicable federal laws, and because both of the tribes already own casinos, they specify that the land cannot be used for gaming purposes. Lastly, to address the concerns of counties over lost timber revenues from the Oregon and California Railroad lands within the conveyances, the bills contain provisions ensuring there will be no net loss of O&C lands to the counties.

I want to thank the tribes, counties, and other stakeholders for working together to find the common ground which made these bills a reality.

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

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

S. 1414

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 “Oregon Coastal Land Conveyance Act”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 14,804 acres of Federal land, as generally depicted on the map entitled “Oregon Coastal Land Conveyance”, and dated March 27, 2013.

(2) **PLANNING AREA.**—The term “planning area” means land—

(A) administered by the Director of the Bureau of Land Management; and

(B) located in—

(i) the Coos Bay District;

(ii) the Eugene District;

(iii) the Medford District;

(iv) the Roseburg District;

(v) the Salem District; and

(vi) the Klamath Falls Resource Area of the Lakeview District.

(3) **DEFINITION OF PUBLIC DOMAIN LAND.**—

(A) **IN GENERAL.**—In this subsection, the term “public domain land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) **EXCLUSION.**—The term “public domain land” does not include any land managed in accordance with the Act of August 28, 1937 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TRIBE.**—The term “Tribe” means the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians.

SEC. 3. CONVEYANCE.

(a) **IN GENERAL.**—Subject to valid existing rights, including rights-of-way, all right,

title, and interest of the United States in and to the Federal land, including any improvements located on the Federal land, appurtenances to the Federal land, and minerals on or in the Federal land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

(b) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 4. MAP AND LEGAL DESCRIPTION.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Federal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) **PUBLIC AVAILABILITY.**—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 5. ADMINISTRATION.

(a) **IN GENERAL.**—Unless expressly provided in this Act, nothing in this Act affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) **PROHIBITIONS.**—

(1) **EXPORTS OF UNPROCESSED LOGS.**—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Federal land.

(2) **NON-PERMISSIBLE USE OF LAND.**—Any real property taken into trust under section 3 shall not be eligible, or used, for any gaming activity carried out under Public Law 100-497 (25 U.S.C. 2701 et seq.).

SEC. 6. FOREST MANAGEMENT.

Any commercial forestry activity that is carried out on the Federal land shall be managed in accordance with all applicable Federal laws.

SEC. 7. LAND RECLASSIFICATION.

(a) **IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD LAND.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any land owned by the Oregon and California Railroad that is conveyed under section 3.

(b) **IDENTIFICATION OF PUBLIC DOMAIN LAND.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land that—

(1) is approximately equal in acreage and condition as the land identified under subsection (a); and

(2) is located within the planning area.

(c) **MAPS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register 1 or more maps depicting the land identified in subsections (a) and (b).

(d) **RECLASSIFICATION.**—

(1) **IN GENERAL.**—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as land owned by the Oregon and California Railroad.

(2) **APPLICABILITY.**—The Act of August 28, 1937 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.) shall apply to land reclassified as land owned by the Oregon and California Railroad under paragraph (1)(B).

S. 1415

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 “Canyon Mountain Land Conveyance Act of 2013”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 17,826 acres of Federal land, as generally depicted on the map entitled “Canyon Mountain Land Conveyance”, and dated June 27, 2013.

(2) **PLANNING AREA.**—The term “planning area” means land—

(A) administered by the Director of the Bureau of Land Management; and

(B) located in—

(i) the Coos Bay District;

(ii) the Eugene District;

(iii) the Medford District;

(iv) the Roseburg District;

(v) the Salem District; and

(vi) the Klamath Falls Resource Area of the Lakeview District.

(3) **DEFINITION OF PUBLIC DOMAIN LAND.**—

(A) **IN GENERAL.**—In this subsection, the term “public domain land” has the meaning given the term “public lands” in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) **EXCLUSION.**—The term “public domain land” does not include any land managed in accordance with the Act of August 28, 1937 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **TRIBE.**—The term “Tribe” means the Cow Creek Band of Umpqua Tribe of Indians.

SEC. 3. CONVEYANCE.

(a) **IN GENERAL.**—Subject to valid existing rights, including rights-of-way, all right, title, and interest of the United States in and to the Federal land, including any improvements located on the Federal land, appurtenances to the Federal land, and minerals on or in the Federal land, including oil and gas, shall be—

(1) held in trust by the United States for the benefit of the Tribe; and

(2) part of the reservation of the Tribe.

(b) **SURVEY.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete a survey of the boundary lines to establish the boundaries of the land taken into trust under subsection (a).

SEC. 4. MAP AND LEGAL DESCRIPTION.

(a) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Federal land with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(b) **FORCE AND EFFECT.**—The map and legal description filed under subsection (a) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical errors in the map or legal description.

(c) **PUBLIC AVAILABILITY.**—The map and legal description filed under subsection (a) shall be on file and available for public inspection in the Office of the Secretary.

SEC. 5. ADMINISTRATION.

(a) **IN GENERAL.**—Unless expressly provided in this Act, nothing in this Act affects any right or claim of the Tribe existing on the date of enactment of this Act to any land or interest in land.

(b) **PROHIBITIONS.**—

(1) **EXPORTS OF UNPROCESSED LOGS.**—Federal law (including regulations) relating to

the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Federal land.

(2) **NON-PERMISSIBLE USE OF LAND.**—Any real property taken into trust under section 3 shall not be eligible, or used, for any gaming activity carried out under Public Law 100-497 (25 U.S.C. 2701 et seq.).

SEC. 6. FOREST MANAGEMENT.

Any commercial forestry activity that is carried out on the Federal land shall be managed in accordance with all applicable Federal laws.

SEC. 7. LAND RECLASSIFICATION.

(a) **IDENTIFICATION OF OREGON AND CALIFORNIA RAILROAD LAND.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary shall identify any land owned by the Oregon and California Railroad that is conveyed under section 3.

(b) **IDENTIFICATION OF PUBLIC DOMAIN LAND.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall identify public domain land that—

(1) is approximately equal in acreage and condition as the land identified under subsection (a); and

(2) is located within the planning area.

(c) **MAPS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress and publish in the Federal Register 1 or more maps depicting the land identified in subsections (a) and (b).

(d) **RECLASSIFICATION.**—

(1) **IN GENERAL.**—After providing an opportunity for public comment, the Secretary shall reclassify the land identified in subsection (b) as land owned by the Oregon and California Railroad.

(2) **APPLICABILITY.**—The Act of August 28, 1937 (50 Stat. 874, chapter 876; 43 U.S.C. 1181a et seq.) shall apply to land reclassified as land owned by the Oregon and California Railroad under paragraph (1)(B).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 207—DESIGNATING AUGUST 16, 2013, AS “NATIONAL AIRBORNE DAY”

Mr. REED of Rhode Island (for himself, Ms. MURKOWSKI, Mr. BEGICH, Mrs. HAGAN, Mr. REID of Nevada, Mr. WHITEHOUSE, Mr. CHAMBLISS, Mr. COCHRAN, Mr. WICKER, Mr. BLUMENTHAL, Mr. TESTER, Mr. BAUCUS, Mr. MORAN, Mr. ISAKSON, Ms. COLLINS, Mr. BLUNT, Mr. BURR, Mr. CASEY, and Mrs. MURRAY) submitted the following resolution; which was considered and agreed to:

S. RES. 207

Whereas the members of the airborne forces of the Armed Forces of the United States have a long and honorable history as bold and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the ground combat power of the United States by air transport to the far reaches of the battle area and to the far corners of the world;

Whereas the experiment of the United States with airborne operations began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and 48 volunteers began training in July 1940;

Whereas August 16 marks the anniversary of the first official Army parachute jump, which took place on August 16, 1940, to test the innovative concept of inserting United