

(ii) require a permit from the Secretary concerned;

(B) administrative procedures for obtaining a permit under subparagraph (A);

(C) subject to subsection (c), the fees required to obtain that permit;

(D) the permissible use of motorized and nonmotorized vehicles and equipment by a community user or the governing body of a qualified land grant-merced for noncommercial historical-traditional use on land under the jurisdiction of the Secretary concerned;

(E) the permissible use of mechanized vehicles or equipment by a community user or governing body of a qualified land grant-merced for historical-traditional use on land under the jurisdiction of the Secretary concerned; and

(F) the permissible use of non-native material by a community user or the governing body of a qualified land grant-merced for any of the uses covered in paragraphs (2) and (3) on land under the jurisdiction of the Secretary concerned.

(2) **ROUTINE MAINTENANCE AND MINOR IMPROVEMENTS.**—Written guidance issued under subsection (a) shall address routine maintenance and minor improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) cleaning, repair, or replacement-in-kind of infrastructure;

(B) maintenance and upkeep of a trail, road, cattle guard, culvert, or fence;

(C) maintenance and upkeep of a monument or shrine;

(D) maintenance and upkeep of a community cemetery;

(E) maintenance and upkeep of a livestock well, water lines, water storage container, or water tank; and

(F) any other routine maintenance or minor improvement associated with historical-traditional uses identified by any of the entities described in subsection (a) in the process of developing the guidance.

(3) **MAJOR IMPROVEMENTS.**—Written guidance issued under subsection (a) may describe the process for managing major improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) construction or expansion of a community water or wastewater system;

(B) construction or major repair of a livestock well, water lines, water storage container, or water tank;

(C) construction or major repair of a monument or shrine;

(D) installation of a cattle guard;

(E) construction of a trail, road, or fence;

(F) construction or expansion of a cemetery; and

(G) any other major improvement associated with historical-traditional uses, as determined by the Secretaries concerned.

(4) **NOTICE AND COMMENT.**—Written guidance issued under subsection (a) shall set forth the policies and procedures for notice and comment on planning decisions, routine engagement, and major Federal actions that could impact historical-traditional uses of a qualified land grant merced, and methods of providing notice under subsection (a), including—

(A) online public notice;

(B) printed public notice;

(C) mail, including certified mail, and email notifications to governing bodies through a listserv; and

(D) mail, including certified mail, and email notifications to the Land Grant Council.

(c) **FEES FOR QUALIFIED LAND GRANT-MERCEDES.**—Where the Secretary concerned is authorized to consider the fiscal capacity of

the applicant in determining whether to reduce or waive a fee for a permit for historical-traditional uses, the Secretary shall consider—

(1) the socioeconomic conditions of community users; and

(2) the annual operating budgets of governing bodies of qualified land grant-mercedes.

#### **SEC. 4. CONSIDERATION OF HISTORICAL-TRADITIONAL USE IN LAND MANAGEMENT PLANNING.**

In developing, maintaining, and revising land management plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 6 of the National Forest Management Act (16 U.S.C. 1604), as applicable, the Secretary concerned shall, in accordance with applicable law, consider and, as appropriate, provide for and evaluate impacts to historical-traditional uses by qualified land grants-mercedes.

#### **SEC. 5. SAVINGS.**

Nothing in this Act shall be construed—

(1) to impact the State's authority to regulate water rights, in conformance with all State and Federal laws and regulations;

(2) to impact the State's authority to regulate the management of game and fish, in conformance with all State and Federal laws and regulations;

(3) to impact any valid existing rights or valid permitted uses, including grazing permits;

(4) to create any implicit or explicit right to grazing on Federal lands; or

(5) to alter or diminish any rights reserved for an Indian Tribe or members of an Indian Tribe by treaty or Federal law.

#### **AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 271, S. 2524.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2524) to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2524) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2524

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

#### **SECTION 1. ELIGIBILITY FOR CERTAIN PROGRAMS.**

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended, in the undesignated matter following paragraph (3), by striking subparagraph (E) and inserting the following:

“(E) an interest in a Settlement Trust or an amount distributed from or benefit provided by a Settlement Trust to a Native or descendant of a Native who is an aged, blind, or disabled individual (as defined in section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)).”.

#### **FISSION FOR THE FUTURE ACT OF 2021**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3428 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read, as follows:

A bill (S. 3428) to require the Secretary of Energy to establish a program to provide Federal financial assistance to support advanced nuclear reactors and associated supply chain infrastructure, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Manchin amendment at the desk be considered and agreed to and the bill, as amended, be read a third time.

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

The amendment (No. 6627), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3428), as amended, was passed.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the amendment to the title be considered and agreed to and the motions to reconsider be considered made and laid upon the table.

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

The title amendment (No. 6628) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to require the Secretary of Energy to establish a Nuclear Fuel Security Program, expand the American Assured Fuel Supply Program, and submit a report on a civil nuclear credit program, and for other purposes.”.

#### **RICK BOUCHER AMPHITHEATER**

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3873 and the Senate

proceed to its immediate consideration.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read, as follows:

A bill (S. 3873) to designate the outdoor amphitheater at the Blue Ridge Music Center in Galax, Virginia, as the “Rick Boucher Amphitheater.”

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 3873) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3873

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

**SECTION 1. DESIGNATION OF THE RICK BOUCHER AMPHITHEATER.**

(a) DESIGNATION.—The outdoor amphitheater at the Blue Ridge Music Center, located at 700 Foothills Road, Galax, Virginia, a facility within the Blue Ridge Parkway, which is a unit of the National Park System, shall be known and designated as the “Rick Boucher Amphitheater”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the outdoor amphitheater referred to in subsection (a) shall be deemed to be a reference to the “Rick Boucher Amphitheater”.

ORDERS FOR FRIDAY, DECEMBER 23, 2022, THROUGH TUESDAY, JANUARY 3, 2023

Mr. SCHUMER. Mr. President, finally, I ask unanimous consent that when the Senate completes its business today, it convene for a pro forma session only, with no business conducted, on the following dates and times: Friday, December 23, at 11 a.m.; Tuesday, December 27, at 5:30 p.m.; Friday, December 30, at 9:30 a.m.; and Tuesday, January 3, at 11:30 a.m.

Following the January 3 pro forma, the Senate will convene at 12 noon, pursuant to the Constitution; further, I ask that following the prayer and the pledge and following the presentation of certificates of election and the swearing-in of elected Members and the required live quorum, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. SCHUMER. For the information of the Senate, on January 3, the swearing-in of our new and recently elected Senators will be at noon, followed by a live quorum.

**ADJOURNMENT UNTIL 11 A.M.  
TOMORROW**

Mr. SCHUMER. Mr. President, if there is no further business to come be-

fore the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:06 p.m., adjourned until Friday, December 23, 2022, at 11 a.m.

**DISCHARGED NOMINATION**

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

TERRENCE EDWARDS, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE NATIONAL RECONNAISSANCE OFFICE.

**CONFIRMATIONS**

Executive nominations confirmed by the Senate December 22, 2022:

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

REBECCA E. JONES GASTON, OF OREGON, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

**DEPARTMENT OF DEFENSE**

FRANKLIN R. PARKER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

**EXECUTIVE OFFICE OF THE PRESIDENT**

DOUGLAS J. MCKALIP, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR.

**DEPARTMENT OF DEFENSE**

MILANCIY DANIELLE HARRIS, OF VIRGINIA, TO BE A DEPUTY UNDER SECRETARY OF DEFENSE.

**DEPARTMENT OF AGRICULTURE**

JOSE EMILIO ESTEBAN, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

**DEPARTMENT OF DEFENSE**

TERRENCE EDWARDS, OF MARYLAND, TO BE INSPECTOR GENERAL OF THE NATIONAL RECONNAISSANCE OFFICE.