

- (1) lease or exchange agreement;
- (2) modification to a lease or exchange agreement;
- (3) storage agreement;
- (4) modification to a storage agreement;
- (5) agreement for conserved water; or
- (6) modification to an agreement for conserved water.

(b) **SECRETARIAL AGREEMENTS.**—The Secretary is authorized to enter into a lease or exchange agreement, a storage agreement, or an agreement for conserved water with the CRIT, subject to the condition that the Secretary pays the fair market value for the CRIT reduced consumptive use.

(c) **REQUIREMENTS.**—

(1) **LEASE OR EXCHANGE AGREEMENTS AND STORAGE AGREEMENTS.**—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, or any storage agreement, or any modification to a storage agreement, that is not in compliance with—

(A) this Act; and

(B) the agreement entered into between the CRIT, the State, and the Secretary under section 10(a).

(2) **AGREEMENTS FOR CONSERVED WATER.**—The Secretary shall not approve any agreement for conserved water, or any modification to an agreement for conserved water, that is not in compliance with—

(A) this Act; and

(B) other applicable Federal law, including any program authorized by Federal law.

(3) **PERMANENT ALIENATION.**—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, any storage agreement, or any modification to a storage agreement, or any agreement for conserved water, or any modification to an agreement for conserved water, that permanently alienates any portion of the CRIT decreed allocation.

(d) **OTHER REQUIREMENTS.**—The requirement for Secretarial approval under subsection (a) shall satisfy the requirements of section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177).

(e) **AUTHORITY OF THE SECRETARY.**—Nothing in this Act, or any agreement entered into or approved by the Secretary under this Act, including any lease or exchange agreement, storage agreement, or agreement for conserved water, shall diminish or abrogate the authority of the Secretary to act under applicable Federal law or regulation, including the Consolidated Decree.

#### **SEC. 8. RESPONSIBILITIES OF THE SECRETARY.**

(a) **COMPLIANCE.**—When approving a lease or exchange agreement, a storage agreement, or an agreement for conserved water, the Secretary shall promptly comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental laws and regulations.

(b) **DOCUMENTATION.**—The Secretary shall document any lease or exchange agreement, storage agreement, or agreement for conserved water in the Water Accounting Report.

#### **SEC. 9. AGREEMENT BETWEEN THE CRIT AND THE STATE.**

(a) **IN GENERAL.**—Before entering into the first lease or exchange agreement or storage agreement, the CRIT shall enter into an agreement with the State that outlines all notice, information sharing, and collaboration requirements that shall apply to any potential lease or exchange agreement or storage agreement the CRIT may enter into.

(b) **REQUIREMENT.**—The agreement required under subsection (a) shall include a provision that requires the CRIT to submit to the State all documents regarding a potential lease or exchange agreement or storage agreement.

#### **SEC. 10. AGREEMENT BETWEEN THE CRIT, THE STATE, AND THE SECRETARY.**

(a) **IN GENERAL.**—Before approving the first lease or exchange agreement or storage agreement under section 7, the Secretary shall enter into an agreement with the State and the CRIT that describes the procedural, technical, and accounting methodologies for any lease or exchange agreement or storage agreement the CRIT may enter into, including quantification of the reduction in consumptive use and water accounting.

(b) **NEPA.**—The execution of the agreement required under subsection (a) shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) **EFFECT.**—Nothing in this Act prohibits the Secretary from agreeing with the CRIT and the State to a modification to an agreement entered into under subsection (a) (including an appendix or exhibit to the agreement) if the modification—

(1) is in compliance with this Act; and

(2) does not otherwise require congressional approval under section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177) or any other provision of law.

#### **SEC. 11. NO EFFECT ON THE CRIT DECREED ALLOCATION.**

(a) **TEMPORARY USE.**—A lease or exchange agreement, a storage agreement, or an agreement for conserved water—

(1) shall provide for the temporary use, storage, or conservation of a portion of the consumptive use off the Reservation; and

(2) shall not permanently alienate the decreed allocation.

(b) **PRIORITY STATUS.**—

(1) **IN GENERAL.**—The lease or exchange of a portion of the consumptive use shall not cause that portion to lose or change its priority under the Consolidated Decree.

(2) **NONUSE.**—Any nonuse by a person who is a party to any lease or exchange agreement or storage agreement with the CRIT shall not result in forfeiture, abandonment, relinquishment, or other loss by the CRIT of all or any portion of the decreed allocation.

(c) **RESERVATION OF RIGHTS.**—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not reduce or limit the right of the CRIT to use the remaining portion of the decreed allocation on the Reservation.

(d) **STORAGE AGREEMENTS.**—A storage agreement entered into under this Act shall account for the quantity of water in storage off the Reservation in accordance with applicable State law.

#### **SEC. 12. ALLOTTEE USE OF WATER.**

(a) **INTERFERENCE.**—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not directly or indirectly interfere with, or diminish, any entitlement to water for an allottee under Federal or Tribal law.

(b) **WATER RIGHTS OF ALLOTTEES.**—The Secretary shall protect the rights of the allottees to a just and equitable distribution of water for irrigation purposes, pursuant to section 7 of the Act of February 8, 1887 (commonly known as the “Indian General Allotment Act”) (24 Stat. 390, chapter 119; 25 U.S.C. 381) (referred to in this section as the “Act”).

(c) **RELIEF UNDER TRIBAL LAW.**—Prior to asserting any claim against the United States pursuant to the Act, or any other applicable law, an allottee shall exhaust all remedies available under applicable Tribal law.

(d) **RELIEF UNDER THE INDIAN GENERAL ALLOTMENT ACT.**—Following an exhaustion of remedies available under applicable Tribal law, an allottee may seek relief under the Act or any other applicable law.

(e) **RELIEF FROM THE SECRETARY.**—Following exhaustion of remedies available under the Act,

or any other applicable law, an allottee may petition the Secretary for relief.

#### **SEC. 13. CONSIDERATION PAID TO THE CRIT.**

The CRIT, and not the United States in any capacity, shall be entitled to all consideration due to the CRIT under any lease or exchange agreement, storage agreement, or agreement for conserved water.

#### **SEC. 14. LIABILITY OF THE UNITED STATES.**

(a) **LIMITATION OF LIABILITY.**—The United States shall not be liable to the CRIT or to any party to a lease or exchange agreement, a storage agreement, or an agreement for conserved water in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement, storage agreement, or agreement for conserved water, including any claim relating to the terms included in such an agreement, except for claims relating to the requirements of section 8(a).

(b) **OBLIGATIONS.**—The United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(1) any funds received by the CRIT as consideration under any lease or exchange agreement, storage agreement, or agreement for conserved water; or

(2) the expenditure of such funds.

#### **SEC. 15. APPLICATION.**

(a) **IN GENERAL.**—This Act shall only apply to the portion of the decreed allocation that is available for use in the State.

(b) **REQUIREMENT.**—The portion of the decreed allocation that is available for use in the State shall not be used, directly or indirectly outside the Lower Basin in the State or in the counties of Navajo, Apache, or Cochise in the State.

#### **SEC. 16. RULE OF CONSTRUCTION.**

Nothing in this Act establishes, or shall be considered to establish, a precedent in any litigation involving, or alters, affects, or quantifies, any water right with respect to—

(1) the United States;

(2) any other Indian Tribe, band, or community;

(3) any State or political subdivision or district of a State; or

(4) any person.

Mr. SCHATZ. I ask unanimous consent that the committee-reported substitute amendment be agreed to; the bill, as amended, 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 committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 3308), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### **BLACKWATER TRADING POST LAND TRANSFER ACT**

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 59, H.R. 478.

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

The senior assistant legislative clerk read as follows:

A bill (H.R. 478) to direct the Secretary of the Interior to take certain land located in Pinal County, Arizona, into trust for the benefit of the Gila River Indian Community, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHATZ. I ask unanimous consent that the bill be read a third time.

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

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

Mr. SCHATZ. I know of no further debate on this bill.

The PRESIDING OFFICER. Is there further debate?

If not, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 478) was passed.

Mr. SCHATZ. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table.

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

## DURBIN FEELING NATIVE AMERICAN LANGUAGES ACT OF 2021

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 175, S. 1402.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1402) to amend the Native American Languages Act to ensure the survival and continuing vitality of Native American languages, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs.

Mr. SCHATZ. I ask unanimous consent that the Schatz substitute amendment at the desk be agreed to.

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

The amendment (No. 6544) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Durbin Feeling Native American Languages Act of 2022".

### SEC. 2. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) IN GENERAL.—Section 106 of the Native American Languages Act (25 U.S.C. 2905) is amended by adding at the end the following:

"(c) EVALUATION; REPORT.—Not later than 1 year after the date of enactment of this subsection, the President shall—

"(1) require the heads of the various Federal departments, agencies, and instrumentalities to carry out an evaluation described in subsection (a)(1); and

"(2) submit to Congress a report that describes—

"(A) the results of the evaluations; and

"(B) the recommendations of the Secretary of the Interior, the Secretary of Health and Human Services, and the Secretary of Education, after consultation with Indian tribes, traditional leaders, and representatives of Native American language communities, for amendments to Federal laws that are needed—

"(i) to bring the Federal laws into compliance with this Act;

"(ii) to improve interagency coordination for purposes of supporting revitalization,

maintenance, and use of Native American languages; and

"(iii) to reduce duplication, inefficiencies, and barriers Native American language communities face in accessing Federal programs to support efforts to revitalize, maintain, or increase the use of Native American languages.".

(b) SURVEY ON NATIVE AMERICAN LANGUAGES.—The Native American Languages Act (25 U.S.C. 2901 et seq.) is amended by adding at the end the following:

### "SEC. 108. SURVEY ON NATIVE AMERICAN LANGUAGES.

"(a) IN GENERAL.—Not later than 18 months after the date of enactment of this section, and every 5 years thereafter, the Secretary of Health and Human Services, acting through the Commissioner of the Administration for Native Americans (referred to in this section as the 'Secretary'), shall undertake a survey of the use of all Native American languages in the United States.

"(b) UPDATES.—Prior to conducting each subsequent survey after the initial survey under subsection (a), the Secretary shall update the survey in accordance with this section.

"(c) CONSULTATION REQUIRED.—The Secretary shall design the initial survey under subsection (a) and each updated survey under subsection (b)—

"(1) in consultation with Indian tribes; and

"(2) after considering feedback received from Native American language speakers and experts.

"(d) CONTENTS.—Each survey under subsection (a) shall solicit—

"(1) information on which Native American languages are currently spoken;

"(2) estimates of the number of speakers of each Native American language;

"(3) any language usage statistics or information that the Secretary, in consultation with Indian tribes and Native American language speakers and experts, determines to be relevant and appropriate;

"(4) information on the types of Native American language maintenance and revitalization projects and practices that are currently being carried out;

"(5) information on any unmet Native American language resource needs of Indian tribes and Native American language communities; and

"(6) any other information that the Secretary, in consultation with Indian tribes and Native American language speakers and experts, determines to be necessary.

"(e) COORDINATION.—The Secretary may coordinate, and enter into cooperative agreements with, the Director of the Bureau of the Census for the purposes of carrying out this section.

"(f) OUTREACH AND ENGAGEMENT.—

"(1) IN GENERAL.—The Secretary shall carry out outreach and engagement activities to provide Indian tribes, Native American language communities, and the public information about—

"(A) opportunities to provide input on the development and design of each survey under subsection (a), including information on the consultations required under subsection (c);

"(B) the goals and purpose of the surveys conducted under subsection (a); and

"(C) the benefits and importance of participation in surveys under subsection (a).

"(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS AUTHORIZED.—The Secretary may carry out the outreach and engagement activities required under paragraph (1)—

"(A) directly;

"(B) in partnership with the Bureau of the Census; or

"(C) through grants to, or contracts or cooperative agreements with—

"(i) Indian tribes;

"(ii) tribal organizations; and

"(iii) nonprofit organizations that work with Indian tribes, Native American language programs, and Native American language communities.

"(g) LIMITATION.—Nothing in this section requires an Indian tribe, Native American language community, or Native American language speaker—

"(1) to participate in a survey under subsection (a); or

"(2) to provide specific or culturally sensitive information in completing such a survey.

"(h) AVAILABILITY OF SURVEY MATERIALS AND FINDINGS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and prior to conducting each survey under subsection (a), the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committees on Education and Labor and Natural Resources of the House of Representatives, and make publicly available, a description of—

"(A) the feedback received under subsection (c) on the design of the survey;

"(B) the form and content of the survey;

"(C) the plan for deploying the survey to ensure a robust response; and

"(D) how the Secretary will ensure any survey enumeration efforts are culturally informed and appropriate.

"(2) RESULTS.—Not later than 90 days after the date on which analysis of each survey under subsection (a) is completed, the Secretary shall submit to the Committee on Indian Affairs of the Senate and the Committees on Education and Labor and Natural Resources of the House of Representatives, and make publicly available, the results of the survey.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$1,500,000 for each fiscal year—

"(1) preceding a fiscal year during which a survey under subsection (a) is conducted; and

"(2) during which a survey under that subsection is conducted."

Mr. SCHATZ. I ask unanimous consent that the bill, as amended, be considered read a third time.

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

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

Mr. SCHATZ. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1402), as amended, was passed.

Mr. SCHATZ. I ask that the motion to reconsider be considered made and laid upon the table.

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

## NATIVE AMERICAN LANGUAGE RESOURCE CENTER ACT OF 2021

Mr. SCHATZ. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 176, S. 989.

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

The senior assistant legislative clerk read as follows: