to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1076. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1075 submitted by Mr. SCHUMER and intended to be proposed to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1077. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1078. Mr. SCHATZ (for himself and Ms. MURKOWSKI) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, supra.

SA 1079. Ms. WARREN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1080. Ms. WARREN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1081. Mr. MULLIN submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1082. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1083. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1084. Mr. DAINES (for himself and Mr. TESTER) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, supra.

SA 1085. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1086. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, supra; which was ordered to lie on the table.

SA 1087. Mr. REED (for himself and Mr. WICKER) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, supra.

SA 1088. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 1528, to streamline the sharing of information among Federal disaster assistance agencies, to expedite the delivery of life-saving assistance to disaster survivors, to speed the recovery of communities from disasters, to protect the security and privacy of information provided by disaster survivors, and for other purposes.

SA 1089. Mr. SCHUMER (for Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. CARPER, Mrs. CAPITO, Mr. KING, and Mr. MARSHALL)) proposed an amendment to the bill S. 788, to amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue fully electronic stamps under that Act, and for other purposes.

SA 1090. Mr. SCHUMER (for Mr. CRUZ (for himself, Mr. LUJÁN, Mr. CORNYN, and Mr. HEINRICH)) proposed an amendment to the bill S. 992, to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the Texas and New Mexico portions of the future Interstate-designated segments of the Port-to-Plains Corridor as Interstate Route 27, and for other purposes.

SA 1091. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 1858, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a deadline for applying for disaster unemployment assistance.

TEXT OF AMENDMENTS

SA 1073. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1063. BRIEFING ON AIR NATIONAL GUARD ACTIVE ASSOCIATIONS.

Not later than November 1, 2023, the Secretary of the Air Force shall brief the congressional defense committees on the potential increase in air refueling capacity and cost savings, including manpower, to be achieved by making all Air National Guard KC–135 units active associations.

SA 1074. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 936 proposed by Mr. SCHUMER to the amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 1075. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 3 days after the date of enactment of this Act.

SA 1076. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 1075 submitted by Mr. SCHUMER and intended to be proposed to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''3'' and insert ''4 days''.

SA 1077. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

SA 1078. Mr. SCHATZ (for himself and Ms. MURKOWSKI) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

DIVISION I—NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2023

SEC. 11001. SHORT TITLE.

This division may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2023''.

SEC. 11002. CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.

Section 105 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4115) is amended by adding at the end the following:

''(e) CONSOLIDATION OF ENVIRONMENTAL REVIEW REQUIREMENTS.—

''(1) IN GENERAL.—In the case of a recipient of grant amounts under this Act that is carrying out a project that qualifies as an affordable housing activity under section 202, if the recipient is using 1 or more additional sources of Federal funds to carry out the project, and the grant amounts received under this Act constitute the largest single source of Federal funds that the recipient reasonably expects to commit to the project at the time of environmental review, the Indian tribe of the recipient may assume, in addition to all of the responsibilities for environmental review, decision making, and action under subsection (a), all of the additional responsibilities for environmental review, decision making, and action under provisions of law that would apply to each Federal agency providing additional funding were the Federal agency to carry out the project as a Federal project.

''(2) DISCHARGE.—The assumption by the Indian tribe of the additional responsibilities for environmental review, decision making, and action under paragraph (1) with respect to a project shall be deemed to discharge the responsibility of the applicable Federal agency for environmental review, decision making, and action with respect to the project.

''(3) CERTIFICATION.—An Indian tribe that assumes the additional responsibilities under paragraph (1), shall certify, in addition to the requirements under subsection (c)—

''(A) the additional responsibilities that the Indian tribe has fully carried out under this subsection; and

''(B) that the certifying officer consents to assume the status of a responsible Federal official under the provisions of law that would apply to each Federal agency providing additional funding under paragraph (1).

''(4) LIABILITY.—

''(A) IN GENERAL.—An Indian tribe that completes an environmental review under this subsection shall assume sole liability for the content and quality of the review.

''(B) REMEDIES AND SANCTIONS.—Except as provided in subparagraph (C), if the Secretary approves a certification and release of funds to an Indian tribe for a project in accordance with subsection (b), but the Secretary or the head of another Federal agency providing funding for the project subsequently learns that the Indian tribe failed to carry out the responsibilities of the Indian tribe as described in subsection (a) or paragraph (1), as applicable, the Secretary or other head, as applicable, may impose appropriate remedies and sanctions in accordance with—

''(i) the regulations issued pursuant to section 106; or

''(ii) such regulations as are issued by the other head.

''(C) STATUTORY VIOLATION WAIVERS.—If the Secretary waives the requirements under this section in accordance with subsection (d) with respect to a project for which an Indian tribe assumes additional responsibilities under paragraph (1), the waiver shall prohibit any other Federal agency providing additional funding for the project from imposing remedies or sanctions for failure to comply with requirements for environmental review, decision making, and action under provisions of law that would apply to the Federal agency.''.

SEC. 11003. AUTHORIZATION OF APPROPRIATIONS.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended, in the first sentence, by striking ''2009 through 2013'' and inserting ''2024 through 2030''.

SEC. 11004. STUDENT HOUSING ASSISTANCE.

Section 202(3) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132(3)) is amended by inserting ''including college housing assistance'' after ''self-sufficiency and other services,''.

SEC. 11005. APPLICATION OF RENT RULE ONLY TO UNITS OWNED OR OPERATED BY INDIAN TRIBE OR TRIBALLY DESIGNATED HOUSING ENTITY.

Section 203(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(a)(2)) is amended by inserting ''owned or operated by a recipient and'' after ''residing in a dwelling unit''.

SEC. 11006. DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.

Section 203(g) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133(g)) is amended by striking ''$5,000'' and inserting ''$7,000''.

SEC. 11007. HOMEOWNERSHIP OR LEASE-TO-OWN LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C), by striking ''and'' at the end; and

(B) by adding at the end the following:

''(E) notwithstanding any other provision of this paragraph, in the case of rental housing that is made available to a current rental family for conversion to a homebuyer or a lease-purchase unit, that the current rental family can purchase through a contract of sale, lease-purchase agreement, or any other sales agreement, is made available for purchase only by the current rental family, if the rental family was a low-income family at the time of their initial occupancy of such unit; and''; and

(2) in subsection (c)—

(A) by striking ''The provisions'' and inserting the following:

''(1) IN GENERAL.—The provisions''; and

(B) by adding at the end the following:

''(2) APPLICABILITY TO IMPROVEMENTS.—The provisions of subsection (a)(2) regarding binding commitments for the remaining useful life of property shall not apply to improvements of privately owned homes if the cost of the improvements do not exceed 10 percent of the maximum total development cost for the home.''.

SEC. 11008. LEASE REQUIREMENTS AND TENANT SELECTION.

Section 207 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4137) is amended by adding at the end the following:

''(c) NOTICE OF TERMINATION.—The notice period described in subsection (a)(3) shall apply to projects and programs funded in part by amounts authorized under this Act.''.

SEC. 11009. INDIAN HEALTH SERVICE.

(a) IN GENERAL.—Subtitle A of title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended by adding at the end the following:

''SEC. 211. IHS SANITATION FACILITIES CONSTRUCTION.

''Notwithstanding any other provision of law, the Director of the Indian Health Service, or a recipient receiving funding for a housing construction or renovation project under this title, may use funding from the Indian Health Service for the construction of sanitation facilities under that project.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104–330; 110 Stat. 4016) is amended by inserting after the item relating to section 210 the following:

''Sec. 211. IHS sanitation facilities construction.''.

SEC. 11010. STATUTORY AUTHORITY TO SUSPEND GRANT FUNDS IN EMERGENCIES.

Section 401(a)(4) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)(4)) is amended—

(1) in subparagraph (A), by striking ''may take an action described in paragraph (1)(C)'' and inserting ''may immediately take an action described in paragraph (1)(C)''; and

(2) by striking subparagraph (B) and inserting the following:

''(B) PROCEDURAL REQUIREMENTS.—

''(i) IN GENERAL.—If the Secretary takes an action described in subparagraph (A), the Secretary shall provide notice to the recipient at the time that the Secretary takes that action.

''(ii) NOTICE REQUIREMENTS.—The notice under clause (i) shall inform the recipient that the recipient may request a hearing by not later than 30 days after the date on which the Secretary provides the notice.

''(iii) HEARING REQUIREMENTS.—A hearing requested under clause (ii) shall be conducted—

''(I) in accordance with subpart A of part 26 of title 24, Code of Federal Regulations (or successor regulations); and

''(II) to the maximum extent practicable, on an expedited basis.

''(iv) FAILURE TO CONDUCT A HEARING.—If a hearing requested under clause (ii) is not completed by the date that is 180 days after the date on which the recipient requests the hearing, the action of the Secretary to limit the availability of payments shall no longer be effective.''.

SEC. 11011. REPORTS TO CONGRESS.

Section 407 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4167) is amended—

(1) in subsection (a), by striking ''Congress'' and inserting ''Committee on Indian Affairs and the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives''; and

(2) by adding at the end the following:

''(c) PUBLIC AVAILABILITY.—The report described in subsection (a) shall be made publicly available, including to recipients.''.

SEC. 11012. 99-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

Section 702 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4211) is amended—

(1) in the section heading, by striking ''**50-YEAR**'' and inserting ''**99-YEAR**'';

(2) in subsection (b), by striking ''50 years'' and inserting ''99 years''; and

(3) in subsection (c)(2), by striking ''50 years'' and inserting ''99 years''.

SEC. 11013. AMENDMENTS FOR BLOCK GRANTS FOR AFFORDABLE HOUSING ACTIVITIES.

Section 802(e) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4222(e)) is amended by—

(1) by striking ''The Director'' and inserting the following:

''(1) IN GENERAL.—The Director''; and

(2) by adding at the end the following:

''(2) SUBAWARDS.—Notwithstanding any other provision of law, including provisions of State law requiring competitive procurement, the Director may make subawards to subrecipients, except for for-profit entities, using amounts provided under this title to carry out affordable housing activities upon a determination by the Director that such subrecipients have adequate capacity to carry out activities in accordance with this Act.''.

SEC. 11014. REAUTHORIZATION OF NATIVE HAWAIIAN HOMEOWNERSHIP PROVISIONS.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended by striking ''such sums as may be necessary'' and all that follows through the period at the end and inserting ''such sums as may be necessary for each of fiscal years 2024 through 2030.''.

SEC. 11015. TOTAL DEVELOPMENT COST MAXIMUM PROJECT COST.

Affordable housing (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) that is developed, acquired, or assisted under the block grant program established under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) shall not exceed by more than 20 percent, without prior approval of the Secretary of Housing and Urban Development, the total development cost maximum cost for all housing assisted under an affordable housing activity, including development and model activities.

SEC. 11016. COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS AND SPECIAL ACTIVITIES BY INDIAN TRIBES.

Section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305) is amended by adding at the end the following:

''(i) INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES AS COMMUNITY-BASED DEVELOPMENT ORGANIZATIONS.—

''(1) DEFINITION.—In this subsection, the term 'tribally designated housing entity' has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(2) QUALIFICATION.—An Indian tribe, a tribally designated housing entity, or a tribal organization shall qualify as a community-based development organization for purposes of carrying out new housing construction under this subsection under a grant made under section 106(a)(1).

''(j) SPECIAL ACTIVITIES BY INDIAN TRIBES.—An Indian tribe receiving a grant under paragraph (1) of section 106(a)(1) shall be authorized to directly carry out activities described in paragraph (15) of such section 106(a)(1).''.

SEC. 11017. SECTION 184 INDIAN HOME LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(1) by amending subsection (a) to read as follows:

''(a) AUTHORITY.—To provide access to sources of private financing to Indian families, Indian housing authorities, and Indian Tribes, who otherwise could not acquire housing financing because of the unique legal status of Indian lands and the unique nature of tribal economies, and to expand homeownership opportunities to Indian families, Indian housing authorities and Indian tribes on fee simple lands, the Secretary may guarantee not to exceed 100 percent of the unpaid principal and interest due on any loan eligible under subsection (b) made to an Indian family, Indian housing authority, or Indian Tribe on trust land and fee simple land.''; and

(2) in subsection (b)—

(A) by amending paragraph (2) to read as follows:

''(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.'';

(B) in paragraph (4)—

(i) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and adjusting the margins accordingly;

(ii) by striking ''The loan'' and inserting the following:

''(A) IN GENERAL.—The loan'';

(iii) in subparagraph (A), as so designated, by adding at the end the following:

''(v) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government, including any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(iv) by adding at the end the following:

''(B) DIRECT GUARANTEE PROCESS.—

''(i) AUTHORIZATION.—The Secretary may authorize qualifying lenders to participate in a direct guarantee process for approving loans under this section.

''(ii) INDEMNIFICATION.—

''(I) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this subparagraph was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this subparagraph to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(II) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation is involved in a direct guarantee process under this subparagraph, the Secretary shall require the original lender approved under this subparagraph to indemnify the Secretary for the loss regardless of when an insurance claim is paid.

''(C) REVIEW OF MORTGAGEES.—

''(i) IN GENERAL.—The Secretary may periodically review the mortgagees originating, underwriting, or servicing single family mortgage loans under this section.

''(ii) REQUIREMENTS.—In conducting a review under clause (i), the Secretary—

''(I) shall compare the mortgagee with other mortgagees originating or underwriting loan guarantees for Indian housing based on the rates of defaults and claims for guaranteed mortgage loans originated, underwritten, or serviced by that mortgagee;

''(II) may compare the mortgagee with such other mortgagees based on underwriting quality, geographic area served, or any commonly used factors the Secretary determines necessary for comparing mortgage default risk, provided that the comparison is of factors that the Secretary would expect to affect the default risk of mortgage loans guaranteed by the Secretary;

''(iii) shall implement such comparisons by regulation, notice, or mortgagee letter; and

''(I) may terminate the approval of a mortgagee to originate, underwrite, or service loan guarantees for housing under this section if the Secretary determines that the mortgage loans originated, underwritten, or serviced by the mortgagee present an unacceptable risk to the Indian Housing Loan Guarantee Fund established under subsection (i)—

''(aa) based on a comparison of any of the factors set forth in this subparagraph; or

''(bb) by a determination that the mortgagee engaged in fraud or misrepresentation.''; and

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: ''except, as determined by the Secretary, when there is a loan modification under subsection (h)(1)(B), the term of the loan shall not exceed 40 years''.

(b) LOAN GUARANTEES FOR INDIAN HOUSING.—Section 184(i)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(5)) is amended—

(1) in subparagraph (B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2030.''; and

(2) in subparagraph (C), by striking ''2008 through 2012'' and inserting ''2024 through 2030''.

SEC. 11018. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended—

(1) in subsection (b), by inserting '', and to expand homeownership opportunities to Native Hawaiian families who are eligible to receive a homestead under the Hawaiian Homes Commission Act, 1920 (42 Stat. 108) on fee simple lands in the State of Hawaii'' after ''markets'';

(2) in subsection (c)—

(A) by amending paragraph (2) to read as follows:

''(2) ELIGIBLE HOUSING.—The loan shall be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing.'';

(B) in paragraph (4)—

(i) in subparagraph (B)—

(I) by redesignating clause (iv) as clause (v); and

(II) by adding after clause (iii) the following:

''(iv) Any other lender that is supervised, approved, regulated, or insured by any agency of the Federal Government, including any entity certified as a community development financial institution by the Community Development Financial Institutions Fund established under section 104(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4703(a)).''; and

(ii) by adding at the end the following:

''(C) INDEMNIFICATION.—

''(i) IN GENERAL.—If the Secretary determines that a mortgage guaranteed through a direct guarantee process under this section was not originated in accordance with the requirements established by the Secretary, the Secretary may require the lender approved under this section to indemnify the Secretary for the loss, irrespective of whether the violation caused the mortgage default.

''(ii) DIRECT GUARANTEE ENDORSEMENT.—The Secretary may, dependent on the availability of systems development and staffing resources, delegate to eligible lenders the authority to directly endorse loans under this section.

''(iii) FRAUD OR MISREPRESENTATION.—If fraud or misrepresentation was involved in the direct guarantee endorsement process by a lender under this section, the Secretary shall require the approved direct guarantee endorsement lender to indemnify the Secretary for any loss or potential loss, regardless of whether the fraud or misrepresentation caused or may cause the loan default.

''(iv) IMPLEMENTATION.—The Secretary may implement any requirements described in this subparagraph by regulation, notice, or Dear Lender Letter.''.

(C) in paragraph (5)(A), by inserting before the semicolon at the end the following: ''except, as determined by the Secretary, when there is a loan modification under subsection (i)(1)(B), the term of the loan shall not exceed 40 years'';

(3) in subsection (d)—

(A) in paragraph (1), by adding at the end the following:

''(C) EXCEPTION.—When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii), subparagraphs (A) and (B) of this paragraph shall not apply.'';

(B) by amending paragraph (2) to read as follows:

''(2) STANDARD FOR APPROVAL.—

''(A) APPROVAL.—The Secretary may approve a loan for guarantee under this section and issue a certificate under this subsection only if the Secretary determines that there is a reasonable prospect of repayment of the loan.

''(B) EXCEPTIONS.—When the Secretary exercises its discretion to delegate direct guarantee endorsement authority pursuant to subsection (c)(4)(C)(ii)—

''(i) subparagraph (A) shall not apply; and

''(ii) the direct guarantee endorsement lender may issue a certificate under this paragraph as evidence of the guarantee in accordance with requirements prescribed by the Secretary.''; and

(C) in paragraph (3)(A), by inserting ''or, where applicable, the direct guarantee endorsement lender,'' after ''Secretary'' and

(4) in subsection (j)(5)(B), by inserting after the first sentence the following: ''There are authorized to be appropriated for those costs such sums as may be necessary for each of fiscal years 2024 through 2030.''.

SEC. 11019. DRUG ELIMINATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CONTROLLED SUBSTANCE.—The term ''controlled substance'' has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) DRUG-RELATED CRIME.—The term ''drug-related crime'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use a controlled substance.

(3) RECIPIENT.—The term ''recipient''—

(A) has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103); and

(B) includes a recipient of funds under title VIII of that Act (25 U.S.C. 4221 et seq.).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) ESTABLISHMENT.—The Secretary may, in consultation with the Bureau of Indian Affairs and relevant Tribal law enforcement agencies, make grants under this section to recipients of assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for use in eliminating drug-related and violent crime.

(c) ELIGIBLE ACTIVITIES.—Grants under this section may be used for—

(1) the employment of security personnel;

(2) reimbursement of State, local, Tribal, or Bureau of Indian Affairs law enforcement agencies for additional security and protective services;

(3) physical improvements which are specifically designed to enhance security;

(4) the employment of 1 or more individuals—

(A) to investigate drug-related or violent crime in and around the real property comprising housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(B) to provide evidence relating to such crime in any administrative or judicial proceeding;

(5) the provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with law enforcement officials;

(6) programs designed to reduce use of drugs in and around housing communities funded under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), including drug-abuse prevention, intervention, referral, and treatment programs;

(7) providing funding to nonprofit resident management corporations and resident councils to develop security and drug abuse prevention programs involving site residents;

(8) sports programs and sports activities that serve primarily youths from housing communities funded through and are operated in conjunction with, or in furtherance of, an organized program or plan designed to reduce or eliminate drugs and drug-related problems in and around those communities; and

(9) other programs for youth in school settings that address drug prevention and positive alternatives for youth, including education and activities related to science, technology, engineering, and math.

(d) APPLICATIONS.—

(1) IN GENERAL.—To receive a grant under this subsection, an eligible applicant shall submit an application to the Secretary, at such time, in such manner, and accompanied by—

(A) a plan for addressing the problem of drug-related or violent crime in and around of the housing administered or owned by the applicant for which the application is being submitted; and

(B) such additional information as the Secretary may reasonably require.

(2) CRITERIA.—The Secretary shall approve applications submitted under paragraph (1) on the basis of thresholds or criteria such as—

(A) the extent of the drug-related or violent crime problem in and around the housing or projects proposed for assistance;

(B) the quality of the plan to address the crime problem in the housing or projects proposed for assistance, including the extent to which the plan includes initiatives that can be sustained over a period of several years;

(C) the capability of the applicant to carry out the plan; and

(D) the extent to which tenants, the Tribal government, and the Tribal community support and participate in the design and implementation of the activities proposed to be funded under the application.

(e) HIGH INTENSITY DRUG TRAFFICKING AREAS.—In evaluating the extent of the drug-related crime problem pursuant to subsection (d)(2), the Secretary may consider whether housing or projects proposed for assistance are located in a high intensity drug trafficking area designated pursuant to section 707(b) of the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1706(b)).

(f) REPORTS.—

(1) GRANTEE REPORTS.—The Secretary shall require grantees under this section to provide periodic reports that include the obligation and expenditure of grant funds, the progress made by the grantee in implementing the plan described in subsection (d)(1)(A), and any change in the incidence of drug-related crime in projects assisted under section.

(2) HUD REPORTS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the system used to distribute funding to grantees under this section, which shall include descriptions of—

(A) the methodology used to distribute amounts made available under this section; and

(B) actions taken by the Secretary to ensure that amounts made available under section are not used to fund baseline local government services, as described in subsection (h)(2).

(g) NOTICE OF FUNDING AWARDS.—The Secretary shall publish on the website of the Department a notice of all grant awards made pursuant to section, which shall identify the grantees and the amount of the grants.

(h) MONITORING.—

(1) IN GENERAL.—The Secretary shall audit and monitor the program funded under this subsection to ensure that assistance provided under this subsection is administered in accordance with the provisions of section.

(2) PROHIBITION OF FUNDING BASELINE SERVICES.—

(A) IN GENERAL.—Amounts provided under this section may not be used to reimburse or support any local law enforcement agency or unit of general local government for the provision of services that are included in the baseline of services required to be provided by any such entity pursuant to a local cooperative agreement pursuant under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) or any provision of an annual contributions contract for payments in lieu of taxation with the Bureau of Indian Affairs.

(B) DESCRIPTION.—Each grantee under this section shall describe, in the report under subsection (f)(1), such baseline of services for the unit of Tribal government in which the jurisdiction of the grantee is located.

(3) ENFORCEMENT.—The Secretary shall provide for the effective enforcement of this section, as specified in the program requirements published in a notice by the Secretary, which may include—

(A) the use of on-site monitoring, independent public audit requirements, certification by Tribal or Federal law enforcement or Tribal government officials regarding the performance of baseline services referred to in paragraph (2);

(B) entering into agreements with the Attorney General to achieve compliance, and verification of compliance, with the provisions of this section; and

(C) adopting enforcement authority that is substantially similar to the authority provided to the Secretary under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.)

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each fiscal years 2024 through 2030 to carry out this section.

SEC. 11020. RENTAL ASSISTANCE FOR HOMELESS OR AT-RISK INDIAN VETERANS.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

''(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) ELIGIBLE INDIAN VETERAN.—The term 'eligible Indian veteran' means an Indian veteran who is—

''(aa) homeless or at risk of homelessness; and

''(bb) living—

''(AA) on or near a reservation; or

''(BB) in or near any other Indian area.

''(II) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

''(III) INDIAN; INDIAN AREA.—The terms 'Indian' and 'Indian area' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

''(IV) INDIAN VETERAN.—The term 'Indian veteran' means an Indian who is a veteran.

''(V) PROGRAM.—The term 'Program' means the Tribal HUD–VASH program carried out under clause (ii).

''(VI) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(ii) PROGRAM SPECIFICATIONS.—The Secretary shall use not less than 5 percent of the amounts made available for rental assistance under this paragraph to carry out a rental assistance and supported housing program, to be known as the 'Tribal HUD–VASH program', in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

''(iii) MODEL.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported housing program authorized under subparagraph (A) and applicable appropriations Acts, including administration in conjunction with the Secretary of Veterans Affairs.

''(II) EXCEPTIONS.—

''(aa) SECRETARY OF HOUSING AND URBAN DEVELOPMENT.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(bb) SECRETARY OF VETERANS AFFAIRS.—After consultation with Indian tribes, eligible recipients, and any other appropriate tribal organizations, the Secretary of Veterans Affairs may make necessary and appropriate modifications to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

''(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

''(v) FUNDING CRITERIA.—The Secretary shall award grants under the Program based on—

''(I) need;

''(II) administrative capacity; and

''(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

''(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—

''(I) submit to the Secretary, in a manner prescribed by the Secretary, reports on the utilization of rental assistance provided under the Program; and

''(II) provide to the Secretary information specified by the Secretary to assess the effectiveness of the Program in serving eligible Indian veterans.

''(vii) CONSULTATION.—

''(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with eligible recipients and any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

''(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any assistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

''(viii) WAIVER.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

''(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

''(ix) RENEWAL GRANTS.—The Secretary may—

''(I) set aside, from amounts made available for tenant-based rental assistance under this subsection and without regard to the amounts used for new grants under clause (ii), such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

''(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

''(x) REPORTING.—

''(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

''(aa) conduct a review of the implementation of the Program, including any factors that may have limited its success; and

''(bb) submit a report describing the results of the review under item (aa) to—

''(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans' Affairs, and the Committee on Appropriations of the Senate; and

''(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans' Affairs, and the Committee on Appropriations of the House of Representatives.

''(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

''(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

''(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

''(cc) proposed alternative legislation or regulations developed by the Secretary in consultation with recipients of grants under the Program to allow the use of formula current assisted stock within the Program.''.

SEC. 11021. CONTINUUM OF CARE.

(a) DEFINITIONS.—In this section—

(1) the terms ''collaborative applicant'' and ''eligible entity'' have the meanings given those terms in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360); and

(2) the terms ''Indian tribe'' and ''tribally designated housing entity'' have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(b) NONAPPLICATION OF CIVIL RIGHTS LAWS.—With respect to the funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading ''Homeless Assistance Grants'' in the Department of Housing and Urban Development Appropriations Act, 2021 (Public Law 116–260) and under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to applications by or awards for projects to be carried out—

(1) on or off reservation or trust lands for awards made to Indian tribes or tribally designated housing entities; or

(2) on reservation or trust lands for awards made to eligible entities.

(c) CERTIFICATION.—With respect to funds made available for the Continuum of Care program authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) under the heading ''Homeless Assistance Grants'' under section 231 of the Department of Housing and Urban Development Appropriations Act, 2020 (42 U.S.C. 11364a)—

(1) applications for projects to be carried out on reservations or trust land shall contain a certification of consistency with an approved Indian housing plan developed under section 102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112), notwithstanding section 106 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12706) and section 403 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361);

(2) Indian tribes and tribally designated housing entities that are recipients of awards for projects on reservations or trust land shall certify that they are following an approved housing plan developed under section102 of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4112); and

(3) a collaborative applicant for a Continuum of Care whose geographic area includes only reservation and trust land is not required to meet the requirement in section 402(f)(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360a(f)(2)).

SEC. 11022. LEVERAGING.

All funds provided under a grant made pursuant to this division or the amendments made by this division may be used for purposes of meeting matching or cost participation requirements under any other Federal housing program, provided that such grants made pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) are spent in accordance with that Act.

SA 1079. Ms. WARREN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2816. PRIORITIZATION OF CERTAIN MILITARY INSTALLATION RESILIENCE PROJECTS TO IMPROVE INFRASTRUCTURE AT CERTAIN FACILITIES DETERMINED TO BE CRITICAL TO NATIONAL SECURITY.

Section 2815 of title 10, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) PRIORITIZATION OF CERTAIN INFRASTRUCTURE PROJECTS.—In carrying out this section, the Secretary concerned shall prioritize projects that improve infrastructure that—

''(1) is owned by the United States Government; and

''(2) provides the sole means of ingress to and egress from a facility determined to be critical to the national security interests of the United States, as determined by the Secretary of Defense.''.

SA 1080. Ms. WARREN (for herself and Mr. MARKEY) submitted an amendment intended to be proposed by her to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXVIII, add the following:

SEC. 2816. INCREASE OF AMOUNT OF OPERATION AND MAINTENANCE FUNDS AUTHORIZED TO BE OBLIGATED ANNUALLY FOR MILITARY INSTALLATION RESILIENCE PROJECTS.

Section 2815(e)(3) of title 10, United States Code, is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

SA 1081. Mr. MULLIN submitted an amendment intended to be proposed by

him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10_____. OPERATIONS AND MAINTENANCE COSTS OF CERTAIN BUREAU OF RECLAMATION DAMS AND DIKES.

Section 4309(a) of the America's Water Infrastructure Act of 2018 (43 U.S.C. 377b note; Public Law 115–270) is amended—

(1) by striking ''one-year''; and

(2) by inserting ''and ending on December 31, 2026'' after ''2023''.

SA 1082. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title I, insert the following:

SEC. ___. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E–3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2024 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or in backup aircraft inventory any E–3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 16.

(b) EXCEPTION FOR PLAN.—If the Secretary of the Air Force submits to the congressional defense committees a plan for maintaining readiness and ensuring there is no lapse in mission capabilities, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16, beginning 30 days after the date on which the plan is so submitted.

(c) EXCEPTION FOR E–7 PROCUREMENT.—If the Secretary of the Air Force procures enough E–7 Wedgetail aircraft to accomplish the required mission load, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16 after the date on which such E–7 Wedgetail aircraft are delivered.

SA 1083. Mr. DAINES submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1049. PROHIBITION ON USE OF FUNDS FOR ADULT CABARET PERFORMANCES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2024 for the Department of Defense and no facilities owned or operated by Department of Defense may be used to host, advertise, or otherwise support an adult cabaret performance.

(b) DEFINITIONS.—In this section:

(1) ADULT CABARET PERFORMANCE.—The term ''adult cabaret performance'' means a performance that features topless dancers, go-go dancers, exotic dances, strippers, or male or female impersonators who provide entertainment that appeals to prurient interest.

(2) HOST, ADVERTISE, OR OTHERWISE SUPPORT.—The term ''host, advertise, or otherwise support'' includes such activities as social media, background checks, transportation or escort, meal services, event venues, non-governmental or non-military related flags, banners, and fliers.

SA 1084. Mr. DAINES (for himself and Mr. TESTER) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end, add the following:

DIVISION I—FORT BELKNAP INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT OF 2023

SEC. 11001. SHORT TITLE.

This division may be cited as the ''Fort Belknap Indian Community Water Rights Settlement Act of 2023''.

SEC. 11002. PURPOSES.

The purposes of this division are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; and

(B) the United States, acting as trustee for the Fort Belknap Indian Community and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Fort Belknap Indian Community and the State, to the extent that the Compact is consistent with this division;

(3) to authorize and direct the Secretary—

(A) to execute the Compact; and

(B) to take any other actions necessary to carry out the Compact in accordance with this division;

(4) to authorize funds necessary for the implementation of the Compact and this division; and

(5) to authorize the exchange and transfer of certain Federal and State land.

SEC. 11003. DEFINITIONS.

In this division:

(1) ALLOTTEE.—The term ''allottee'' means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BLACKFEET TRIBE.—The term ''Blackfeet Tribe'' means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

(3) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(4) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(5) COMPACT.—The term ''Compact'' means—

(A) the Fort Belknap-Montana water rights compact dated April 16, 2001, as contained in section 85–20–1001 of the Montana Code Annotated (2021); and

(B) any appendix (including appendix amendments), part, or amendment to the Compact that is executed to make the Compact consistent with this division.

(6) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date described in section 11011(f).

(7) FORT BELKNAP INDIAN COMMUNITY.—The term ''Fort Belknap Indian Community'' means the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation of Montana, a federally recognized Indian Tribal entity included on the list published by the Secretary pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(8) FORT BELKNAP INDIAN COMMUNITY COUNCIL.—The term ''Fort Belknap Indian Community Council'' means the governing body of the Fort Belknap Indian Community.

(9) FORT BELKNAP INDIAN IRRIGATION PROJECT.—

(A) IN GENERAL.—The term ''Fort Belknap Indian Irrigation Project'' means the Federal Indian irrigation project constructed and operated by the Bureau of Indian Affairs, consisting of the Milk River unit, including—

(i) the Three Mile unit; and

(ii) the White Bear unit.

(B) INCLUSIONS.—The term ''Fort Belknap Indian Irrigation Project'' includes any addition to the Fort Belknap Indian Irrigation Project constructed pursuant to this division, including expansion of the Fort Belknap Indian Irrigation Project, the Pumping Plant, delivery Pipe and Canal, the Fort Belknap Reservoir and Dam, and the Peoples Creek Flood Protection Project.

(10) IMPLEMENTATION FUND.—The term ''Implementation Fund'' means the Fort Belknap Indian Community Water Settlement Implementation Fund established by section 11013(a).

(11) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(12) LAKE ELWELL.—The term ''Lake Elwell'' means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(13) MALTA IRRIGATION DISTRICT.—The term ''Malta Irrigation District'' means the public corporation—

(A) created on December 28, 1923, pursuant to the laws of the State relating to irrigation districts; and

(B) headquartered in Malta, Montana.

(14) MILK RIVER.—The term ''Milk River'' means the mainstem of the Milk River and each tributary of the Milk River between the headwaters of the Milk River and the confluence of the Milk River with the Missouri River, consisting of—

(A) Montana Water Court Basins 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, and 40O; and

(B) the portion of the Milk River and each tributary of the Milk River that flows through the Canadian Provinces of Alberta and Saskatchewan.

(15) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term ''Milk River Project'' means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093),

commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term ''Milk River Project'' includes—

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(16) MISSOURI RIVER BASIN.—The term ''Missouri River Basin'' means the hydrologic basin of the Missouri River, including tributaries.

(17) OPERATIONS AND MAINTENANCE.—The term ''operations and maintenance'' means the Bureau of Indian Affairs operations and maintenance activities related to costs described in section 171.500 of title 25, Code of Federal Regulations (or a successor regulation).

(18) OPERATIONS, MAINTENANCE, AND REPLACEMENT.—The term ''operations, maintenance, and replacement'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to repairing, replacing, or rehabilitating a feature of a project.

(19) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM.—The term ''Pick-Sloan Missouri River Basin Program'' means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665)).

(20) PMM.—The term ''PMM'' means the Principal Meridian, Montana.

(21) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the area of the Fort Belknap Reservation in the State, as modified by this division.

(B) INCLUSIONS.—The term ''Reservation'' includes—

(i) all land and interests in land established by—

(I) the Agreement with the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 212), as modified by the Agreement with the Indians of the Fort Belknap Reservation of October 9, 1895 (ratified by the Act of June 10, 1896) (29 Stat. 350, chapter 398);

(II) the Act of March 3, 1921 (41 Stat. 1355, chapter 135); and

(III) Public Law 94–114 (25 U.S.C. 5501 et seq.);

(ii) the land known as the ''Hancock lands'' purchased by the Fort Belknap Indian Community pursuant to the Fort Belknap Indian Community Council Resolution No. 234–89 (October 2, 1989); and

(iii) all land transferred to the United States to be held in trust for the benefit of the Fort Belknap Indian Community under section 11006.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(23) ST. MARY UNIT.—

(A) IN GENERAL.—The term ''St. Mary Unit'' means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) INCLUSIONS.—The term ''St. Mary Unit'' includes—

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(24) STATE.—The term ''State'' means the State of Montana.

(25) TRIBAL WATER CODE.—The term ''Tribal water code'' means the Tribal water code enacted by the Fort Belknap Indian Community pursuant to section 11005(g).

(26) TRIBAL WATER RIGHTS.—The term ''Tribal water rights'' means the water rights of the Fort Belknap Indian Community, as described in Article III of the Compact and this division, including the allocation of water to the Fort Belknap Indian Community from Lake Elwell under section 11007.

(27) TRUST FUND.—The term ''Trust Fund'' means the Aaniiih Nakoda Settlement Trust Fund established for the Fort Belknap Indian Community under section 11012(a).

SEC. 11004. RATIFICATION OF COMPACT.

(a) RATIFICATION OF COMPACT.—

(1) IN GENERAL.—As modified by this division, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed to the extent that the amendment is executed to make the Compact consistent with this division.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this division, the Secretary shall execute the Compact, including all appendices to, or parts of, the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this division precludes the Secretary from approving any modification to an appendix to the Compact that is consistent with this division, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this division, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Compact and this division, the Fort Belknap Indian Community shall prepare any necessary environmental documents, except for any environmental documents required under section 11008, consistent with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation submitted under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities described in paragraph (2) shall be paid from funds deposited in the Trust Fund, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 11005. TRIBAL WATER RIGHTS.

(a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this division.

(3) CONFLICT.—In the event of a conflict between the Compact and this division, this division shall control.

(b) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this division, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this division;

(2) the availability of funding under this division and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), and this division to protect the interests of allottees.

(c) TRUST STATUS OF TRIBAL WATER RIGHTS.—The Tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Fort Belknap Indian Community and allottees in accordance with this division; and

(2) shall not be subject to loss through nonuse, forfeiture, or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF THE ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) ALLOCATIONS.—An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the Tribal water code or other applicable Tribal law.

(B) ACTION FOR RELIEF.—After the exhaustion of all remedies available under the Tribal water code or other applicable Tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or other applicable law.

(5) AUTHORITY OF THE SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF THE FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—The Fort Belknap Indian Community shall have the authority to allocate, distribute, and lease the Tribal water rights for use on the Reservation in accordance with the Compact, this division, and applicable Federal law.

(2) OFF-RESERVATION USE.—The Fort Belknap Indian Community may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, this division, and applicable Federal law—

(A) subject to the approval of the Secretary; or

(B) pursuant to Tribal water leasing regulations consistent with the requirements of subsection (f).

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the Tribal water code.

(f) TRIBAL WATER LEASING REGULATIONS.—

(1) IN GENERAL.—At the discretion of the Fort Belknap Indian Community, any water lease of the Fort Belknap Indian Community of the Tribal water rights for use on or off the Reservation shall not require the approval of the Secretary if the lease—

(A) is executed under tribal regulations, approved by the Secretary under this subsection;

(B) is in accordance with the Compact; and

(C) does not exceed a term of 100 years, except that a lease may include an option to renew for 1 additional term of not to exceed 100 years.

(2) AUTHORITY OF THE SECRETARY OVER TRIBAL WATER LEASING REGULATIONS.—

(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any Tribal water leasing regulations issued in accordance with paragraph (1).

(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any Tribal water leasing regulations issued in accordance with paragraph (1) if the Tribal water leasing regulations—

(i) provide for an environmental review process that includes—

(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

(II) a process for ensuring that—

(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Fort Belknap Indian Community; and

(bb) the Fort Belknap Indian Community provides responses to relevant and substantive public comments on those impacts prior to its approval of a water lease; and

(ii) are consistent with this division and the Compact.

(3) REVIEW PROCESS.—

(A) IN GENERAL.—Not later than 120 days after the date on which Tribal water leasing regulations under paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the Tribal water leasing regulations described in subparagraph (A), the Secretary shall include written documentation with the disapproval notification that describes the basis for this disapproval.

(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if the Fort Belknap Indian Community carries out a project or activity funded by a Federal agency, the Fort Belknap Indian Community—

(A) shall have the authority to rely on the environmental review process of the applicable Federal agency; and

(B) shall not be required to carry out a tribal environmental review process under this subsection.

(5) DOCUMENTATION.—If the Fort Belknap Indian Community issues a lease pursuant to Tribal water leasing regulations under paragraph (1), the Fort Belknap Indian Community shall provide the Secretary and the State a copy of the lease, including any amendments or renewals to the lease.

(6) LIMITATION OF LIABILITY.—

(A) IN GENERAL.—The United States shall not be liable in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement or storage agreement, including any claims relating to the terms included in such an agreement, made pursuant to Tribal water leasing regulations under paragraph (1).

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

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease or exchange agreement or storage agreement; or

(ii) the expenditure of those funds.

(g) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding Article IV.A.2. of the Compact, not later than 4 years after the date on which the Fort Belknap Indian Community approves the Compact in accordance with section 11011(f)(1), the Fort Belknap Indian Community shall enact a Tribal water code that provides for—

(A) the administration, management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this division; and

(B) the establishment by the Fort Belknap Indian Community of the conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this division.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the Tribal water code shall provide—

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Fort Belknap Indian Community provide water for irrigation use in accordance with this division, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (36 Stat. 856, chapter 431; 25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Fort Belknap Indian Community of any request of an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision;

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the Tribal water code, including to the quantity of water allocated to land of the allottee, shall exhaust all remedies available to the allottee under Tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B);

(E) a process by which an owner of fee land within the boundaries of the Reservation may apply for use of a portion of the Tribal water rights; and

(F) a process for the establishment of a controlled Groundwater area and for the management of that area in cooperation with establishment of a contiguous controlled Groundwater area off the Reservation established pursuant to Section B.2. of Article IV of the Compact and State law.

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which a Tribal water code described in paragraphs (1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with the Compact and this division.

(B) APPROVAL.—The Tribal water code described in paragraphs (1) and (2) shall not be valid unless—

(i) the provisions of the Tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the Tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—

(i) IN GENERAL.—The Secretary shall approve or disapprove the Tribal water code or an amendment to the Tribal water code by not later than 180 days after the date on which the Tribal water code or amendment to the Tribal water code is submitted to the Secretary.

(ii) EXTENSIONS.—The deadline described in clause (i) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(h) ADMINISTRATION.—

(1) NO ALIENATION.—The Fort Belknap Indian Community shall not permanently alienate any portion of the Tribal water rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this division for the allocation, distribution, leasing, or other arrangement entered into pursuant to this division shall be considered to satisfy any requirement for authorization of the action required by Federal law.

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Tribal water rights by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(i) EFFECT.—Except as otherwise expressly provided in this section, nothing in this division—

(1) authorizes any action by an allottee against any individual or entity, or against the Fort Belknap Indian Community, under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

(j) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM POWER RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in cooperation with the Secretary of Energy, shall make available the Pick-Sloan Missouri River Basin Program irrigation project pumping power rates to the Fort Belknap Indian Community, the Fort Belknap Indian Irrigation Project, and any projects funded under this division.

(2) AUTHORIZED PURPOSES.—The power rates made available under paragraph (1) shall be authorized for the purposes of wheeling, administration, and payment of irrigation project pumping power rates, including project use power for gravity power.

SEC. 11006. EXCHANGE AND TRANSFER OF LAND.

(a) EXCHANGE OF ELIGIBLE LAND AND STATE LAND.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE LAND.—The term ''eligible land'' means—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that are administered by the Secretary, acting through the Director of the Bureau of Land Management; and

(ii) land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1609(a)) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(B) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(i) the Secretary, with respect to the eligible land administered by the Bureau of Land Management; and

(ii) the Secretary of Agriculture, with respect to eligible land managed by the Forest Service.

(2) NEGOTIATIONS AUTHORIZED.—

(A) IN GENERAL.—The Secretary concerned shall offer to enter into negotiations with the State for the purpose of exchanging eligible land described in paragraph (4) for the State land described in paragraph (3).

(B) REQUIREMENTS.—Any exchange of land made pursuant to this subsection shall be subject to the terms and conditions of this subsection.

(C) PRIORITY.—

(i) IN GENERAL.—In carrying out this paragraph, the Secretary and the Secretary of Agriculture shall, during the 5-year period beginning on the date of enactment of this Act, give priority to an exchange of eligible land located within the State for State land.

(ii) SECRETARY OF AGRICULTURE.—The responsibility of the Secretary of Agriculture under clause (i), during the 5-year period described in that clause, shall be limited to negotiating with the State an acceptable package of land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(3) STATE LAND.—The Secretary is authorized to accept the following parcels of State land located on and off the Reservation:

(A) 717.56 acres in T. 26 N., R. 22 E., sec. 16.
(B) 707.04 acres in T. 27 N., R. 22 E., sec. 16.
(C) 640 acres in T. 27 N., R. 21 E., sec. 36.
(D) 640 acres in T. 26 N., R. 23 E., sec. 16.
(E) 640 acres in T. 26 N., R. 23 E., sec. 36.
(F) 640 acres in T. 26 N., R. 26 E., sec. 16.
(G) 640 acres in T. 26 N., R. 22 E., sec. 36.
(H) 640 acres in T. 27 N., R. 23 E., sec. 16.
(I) 640 acres in T. 27 N., R. 25 E., sec. 36.
(J) 640 acres in T. 28 N., R. 22 E., sec. 36.
(K) 640 acres in T. 28 N., R. 23 E., sec. 16.
(L) 640 acres in T. 28 N., R. 24 E., sec. 36.
(M) 640 acres in T. 28 N., R. 25 E., sec. 16.
(N) 640 acres in T. 28 N., R. 25 E., sec. 36.
(O) 640 acres in T. 28 N., R. 26 E., sec. 16.
(P) 94.96 acres in T. 28 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act, comprised of—
(i) 30.68 acres in lot 5;
(ii) 26.06 acres in lot 6;
(iii) 21.42 acres in lot 7; and
(iv) 16.8 acres in lot 8.
(Q) 652.32 acres in T. 29 N., R. 22 E., sec. 16, excluding the 73.36 acres under lease by individuals who are not members of the Fort Belknap Indian Community, on the date of enactment of this Act.
(R) 640 acres in T. 29 N., R. 22 E., sec. 36.
(S) 640 acres in T. 29 N., R. 23 E., sec. 16.
(T) 640 acres in T. 29 N., R. 24 E., sec. 16.
(U) 640 acres in T. 29 N., R. 24 E., sec. 36.
(V) 640 acres in T. 29 N., R. 25 E., sec. 16.
(W) 640 acres in T. 29 N., R. 25 E., sec. 36.
(X) 640 acres in T. 29 N., R. 26 E., sec. 16.
(Y) 663.22 acres in T. 30 N., R. 22 E., sec. 16, excluding the 58.72 acres under lease by individuals who are not members of the Fort Belknap Indian Community on the date of enactment of this Act.
(Z) 640 acres in T. 30 N., R. 22 E., sec. 36.
(AA) 640 acres in T. 30 N., R. 23 E., sec. 16.
(BB) 640 acres in T. 30 N., R. 23 E., sec. 36.
(CC) 640 acres in T. 30 N., R. 24 E., sec. 16.
(DD) 640 acres in T. 30 N., R. 24 E., sec. 36.
(EE) 640 acres in T. 30 N., R. 25 E., sec. 16.
(FF) 275.88 acres in T. 30 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act.
(GG) 640 acres in T. 31 N., R. 22 E., sec. 36.
(HH) 640 acres in T. 31 N., R. 23 E., sec. 16.
(II) 640 acres in T. 31 N., R. 23 E., sec. 36.
(JJ) 34.04 acres in T. 31 N., R. 26 E., sec. 16, lot 4.
(KK) 640 acres in T. 25 N., R. 22 E., sec. 16.

(4) ELIGIBLE LAND.—

(A) IN GENERAL.—Subject to valid existing rights, the reservation of easements or rights-of-way deemed necessary to be retained by the Secretary concerned, and the requirements of this subsection, the Secretary is authorized and directed to convey to the State any eligible land within the State identified in the negotiations authorized by paragraph (2) and agreed to by the Secretary concerned.

(B) EXCEPTIONS.—The Secretary concerned shall exclude from any conveyance any parcel of eligible land that is—

(i) included within the National Landscape Conservation System established by section 2002(a) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(a)), without regard to whether that land has been identified as available for disposal in a land use plan;

(ii) designated as wilderness by Congress;

(iii) within a component of the National Wild and Scenic Rivers System; or

(iv) designated in the Forest Land and Resource Management Plan as a Research Natural Area.

(C) ADMINISTRATIVE RESPONSIBILITY.—The Secretary shall be responsible for meeting all substantive and any procedural requirements necessary to complete the exchange and the conveyance of the eligible land.

(5) LAND INTO TRUST.—On completion of the land exchange authorized by this subsection, the Secretary shall, as soon as practicable after the enforceability date, take the land received by the United States pursuant to this subsection into trust for the benefit of the Fort Belknap Indian Community.

(6) TERMS AND CONDITIONS.—

(A) EQUAL VALUE.—The values of the eligible land and State land exchanged under this subsection shall be equal, except that the Secretary concerned may—

(i) exchange land that is of approximately equal value if such an exchange complies with the requirements of section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)) (and any regulations implementing that section) without regard to the monetary limitation described in paragraph (1)(A) of that section; and

(ii) make or accept an equalization payment, or waive an equalization payment, if such a payment or waiver of a payment complies with the requirements of section 206(b) of that Act (43 U.S.C. 1716(b)) (and any regulations implementing that section).

(B) IMPACTS ON LOCAL GOVERNMENTS.—In identifying eligible land to be exchanged with the State, the Secretary concerned and the State may—

(i) consider the financial impacts of exchanging specific eligible land on local governments; and

(ii) attempt to minimize the financial impact of the exchange on local governments.

(C) EXISTING AUTHORIZATIONS.—

(i) ELIGIBLE LAND CONVEYED TO THE STATE.—

(I) IN GENERAL.—Any eligible land conveyed to the State under this subsection shall be subject to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY STATE.—The State shall assume all benefits and obligations of the Forest Service or the Bureau of Land Management, as applicable, under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I).

(ii) STATE LAND CONVEYED TO THE UNITED STATES.—

(I) IN GENERAL.—Any State land conveyed to the United States under this subsection and taken into trust for the benefit of the Fort Belknap Indian Community subject shall be to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall—

(aa) assume all benefits and obligations of the State under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I); and

(bb) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts, leases, permits, and rights-of-way, after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the benefit of the Fort Belknap Indian Community.

(D) PERSONAL PROPERTY.—

(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred to the United States under this subsection shall—

(I) remain the property of the holder; and

(II) be removed not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.

(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—

(I) become the property of the Fort Belknap Indian Community; and

(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.

(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable for costs incurred by the Fort Belknap Indian Community in removing and disposing of the personal property under clause (ii)(II).

(7) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of land owned by the State under paragraph (3), the State may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the State parcels to be exchanged.

(8) ASSISTANCE.—The Secretary shall provide $10,000,000 of financial or other assistance to the State and the Fort Belknap Indian Community as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges under paragraph (2).

(b) FEDERAL LAND TRANSFERS.—

(1) IN GENERAL.—Subject to valid existing rights and the requirements of this subsection, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be held by the United States in trust for the benefit of the Fort Belknap Indian Community as part of the Reservation on the enforceability date.

(2) FEDERAL LAND.—

(A) BUREAU OF LAND MANAGEMENT PARCELS.—

(i) 59.46 acres in T. 25 N., R. 22 E., sec. 4, comprised of—

(I) 19.55 acres in lot 10;
(II) 19.82 acres in lot 11; and
(III) 20.09 acres in lot 16.
(ii) 324.24 acres in the N½ of T. 25 N., R. 22 E., sec. 5.
(iii) 403.56 acres in T. 25 N., R. 22 E., sec. 9, comprised of—
(I) 20.39 acres in lot 2;
(II) 20.72 acres in lot 7;
(III) 21.06 acres in lot 8;
(IV) 40.00 acres in lot 9;
(V) 40.00 acres in lot 10;
(VI) 40.00 acres in lot 11;
(VII) 40.00 acres in lot 12;
(VIII) 21.39 acres in lot 13; and
(IX) 160 acres in SW¼.
(iv) 70.63 acres in T. 25 N., R. 22 E., sec. 13, comprised of—
(I) 18.06 acres in lot 5;
(II) 18.25 acres in lot 6;
(III) 18.44 acres in lot 7; and
(IV) 15.88 acres in lot 8.
(v) 71.12 acres in T. 25 N., R. 22 E., sec. 14, comprised of—
(I) 17.65 acres in lot 5;
(II) 17.73 acres in lot 6;
(III) 17.83 acres in lot 7; and
(IV) 17.91 acres in lot 8.
(vi) 103.29 acres in T. 25 N., R. 22 E., sec. 15, comprised of—
(I) 21.56 acres in lot 6;
(II) 29.50 acres in lot 7;
(III) 17.28 acres in lot 8;
(IV) 17.41 acres in lot 9; and
(V) 17.54 acres in lot 10.
(vii) 160 acres in T. 26 N., R. 21 E., sec. 1, comprised of—
(I) 80 acres in the S½ of the NW¼ ; and
(II) 80 acres in the W½ of the SW¼.
(viii) 567.50 acres in T. 26 N., R. 21 E., sec. 2, comprised of—
(I) 82.54 acres in the E½ of the NW¼;
(II) 164.96 acres in the NE¼; and
(III) 320 acres in the S½.
(ix) 240 acres in T. 26 N., R. 21 E., sec. 3, comprised of—
(I) 40 acres in the SE¼ of the NW¼;
(II) 160 acres in the SW¼; and
(III) 40 acres in the SW¼ of the SE¼.
(x) 120 acres in T. 26 N., R. 21 E., sec. 4, comprised of—
(I) 80 acres in the E½ of the SE¼; and
(II) 40 acres in the NW¼ of the SE¼.
(xi) 200 acres in T. 26 N., R. 21 E., sec. 5, comprised of—
(I) 160 acres in the SW¼; and
(II) 40 acres in the SW¼ of the NW¼.
(xii) 40 acres in the SE¼ of the SE¼ of T. 26 N., R. 21 E., sec. 6.
(xiii) 240 acres in T. 26 N., R. 21 E., sec. 8, comprised of—
(I) 40 acres in the NE¼ of the SW¼;
(II) 160 acres in the NW¼; and
(III) 40 acres in the NW¼ of the SE¼.
(xiv) 320 acres in the E½ of T. 26 N., R. 21 E., sec. 9.
(xv) 640 acres in T. 26 N., R. 21 E., sec. 10.
(xvi) 600 acres in T. 26 N., R. 21 E., sec. 11, comprised of—
(I) 320 acres in the N½;
(II) 80 acres in the N½ of the SE¼;
(III) 160 acres in the SW¼; and
(IV) 40 acres in the SW¼ of the SE¼.
(xvii) 525.81 acres in T. 26 N., R. 22 E., sec. 21, comprised of—
(I) 6.62 acres in lot 1;
(II) 5.70 acres in lot 2;
(III) 56.61 acres in lot 5;
(IV) 56.88 acres in lot 6;
(V) 320 acres in the W½; and
(VI) 80 acres in the W½ of the SE¼.
(xviii) 719.58 acres in T. 26 N., R. 22 E., sec. 28.
(xix) 560 acres in T. 26 N., R. 22 E., sec. 29, comprised of—
(I) 320 acres in the N½;
(II) 160 acres in the N½ of the S½; and
(III) 80 acres in the S½ of the SE¼.
(xx) 400 acres in T. 26 N., R. 22 E., sec. 32, comprised of—
(I) 320 acres in the S½; and
(II) 80 acres in the S½ of the NW¼.
(xxi) 455.51 acres in T. 26 N., R. 22 E., sec. 33, comprised of—
(I) 58.25 acres in lot 3;
(II) 58.5 acres in lot 4;
(III) 58.76 acres in lot 5;
(IV) 40 acres in the NW¼ of the NE¼;
(V) 160 acres in the SW¼; and
(VI) 80 acres in the W½ of the SE¼.
(xxii) 88.71 acres in T. 27 N., R. 21 E., sec. 1, comprised of—
(I) 24.36 acres in lot 1;
(II) 24.35 acres in lot 2; and
(III) 40 acres in the SW¼ of the SW¼.
(xxiii) 80 acres in T. 27 N., R. 21 E., sec. 3, comprised of—
(I) 40 acres in lot 11; and
(II) 40 acres in lot 12.
(xxiv) 80 acres in T. 27 N., R. 21 E., sec. 11, comprised of—
(I) 40 acres in the NW¼ of the SW¼; and
(II) 40 acres in the SW¼ of the NW¼.
(xxv) 200 acres in T. 27 N., R. 21 E., sec. 12, comprised of—
(I) 80 acres in the E½ of the SW¼;
(II) 40 acres in the NW¼ of the NW¼; and
(III) 80 acres in the S½ of the NW¼.
(xxvi) 40 acres in the SE¼ of the NE¼ of T. 27 N., R. 21 E., sec. 23.
(xxvii) 320 acres in T. 27 N., R. 21 E., sec. 24, comprised of—
(I) 80 acres in the E½ of the NW¼;
(II) 160 acres in the NE¼;
(III) 40 acres in the NE¼ of the SE¼; and
(IV) 40 acres in the SW¼ of the SW¼.
(xxviii) 120 acres in T. 27 N., R. 21 E., sec. 25, comprised of—
(I) 80 acres in the S½ of the NE¼; and
(II) 40 acres in the SE¼ of the NW¼.
(xxix) 40 acres in the NE¼ of the SE¼ of T. 27 N., R. 21 E., sec. 26.
(xxx) 160 acres in the NW¼ of T. 27 N., R. 21 E., sec. 27.
(xxxi) 40 acres in the SW¼ of the SW¼ of T. 27 N., R. 21 E., sec. 29.
(xxxii) 40 acres in the SW¼ of the NE¼ of T. 27 N., R. 21 E., sec 30.
(xxxiii) 120 acres in T. 27 N., R. 21 E., sec. 33, comprised of—
(I) 40 acres in the SE¼ of the NE¼; and
(II) 80 acres in the N½ of the SE¼.
(xxxiv) 440 acres in T. 27 N., R. 21 E., sec. 34, comprised of—
(I) 160 acres in the N½ of the S½;
(II) 160 acres in the NE¼;
(III) 80 acres in the S½ of the NW¼; and
(IV) 40 acres in the SE¼ of the SE¼.
(xxxv) 133.44 acres in T. 27 N., R. 22 E., sec. 4, comprised of—
(I) 28.09 acres in lot 5;
(II) 25.35 acres in lot 6;
(III) 40 acres in lot 10; and
(IV) 40 acres in lot 15.
(xxxvi) 160 acres in T. 27 N., R. 22 E., sec. 7, comprised of—
(I) 40 acres in the NE¼ of the NE¼;
(II) 40 acres in the NW¼ of the SW¼; and
(III) 80 acres in the W½ of the NW¼.
(xxxvii) 120 acres in T. 27 N., R. 22 E., sec. 8, comprised of—
(I) 80 acres in the E½ of the NW¼; and
(II) 40 acres in the NE¼ of the SW¼.
(xxxviii) 40 acres in the SW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 9.
(xxxix) 40 acres in the NE¼ of the SW¼ of T. 27 N., R. 22 E., sec. 17.
(xl) 40 acres in the NW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 19.
(xli) 40 acres in the SE¼ of the NW¼ of T. 27 N., R22 E., sec. 20.
(xlii) 80 acres in the W½ of the SE¼ of T. 27 N., R. 22 E., sec. 31.
(xliii) 52.36 acres in the SE¼ of the SE¼ of T. 27 N., R. 22 E., sec. 33.
(xliv) 40 acres in the NE¼ of the SW¼ of T. 28 N., R. 22 E., sec. 29.
(xlv) 40 acres in the NE¼ of the NE¼ of T. 26 N., R. 21 E., sec. 7.
(xlvi) 40 acres in the SW¼ of the NW¼ of T. 26 N., R. 21 E., sec. 12.
(xlvii) 42.38 acres in the NW¼ of the NE¼ of T. 26 N., R. 22 E., sec. 6.
(xlviii) 320 acres in the E½ of T. 26 N., R. 22 E., sec. 17.
(xlix) 80 acres in the E½ of the NE¼ of T. 26 N., R. 22 E., sec. 20.
(l) 240 acres in T. 26 N., R. 22 E., sec. 30, comprised of—
(I) 80 acres in the E½ of the NE¼;
(II) 80 acres in the N½ of the SE¼;
(III) 40 acres in the SE¼ of the NW¼; and
(IV) 40 acres in the SW¼ of the NE¼.

(B) BUREAU OF INDIAN AFFAIRS.—The parcels of approximately 3,519.3 acres of trust land that have been converted to fee land, judicially foreclosed on, acquired by the Department of Agriculture, and transferred to the Bureau of Indian Affairs, described in clauses (i) through (iii).

(i) PARCEL 1.—The land described in this clause is 640 acres in T. 29 N., R. 26 E., comprised of—
(I) 160 acres in the SW¼ of sec. 27;
(II) 160 acres in the NE¼ of sec. 33; and
(III) 320 acres in the W½ of sec. 34.
(ii) PARCEL 2.—The land described in this clause is 320 acres in the N½ of T. 30 N., R. 23 E., sec. 28.
(iii) PARCEL 3.—The land described in this clause is 2,559.3 acres, comprised of—
(I) T. 28 N., R. 24 E., including—
(aa) of sec. 16—
(AA) 5 acres in the E½, W½, E½, W½, W½, NE¼;
(BB) 10 acres in the E½ , E½, W½, W½, NE¼;
(CC) 40 acres in the E½, W½, NE¼;
(DD) 40 acres in the W½, E½, NE¼;
(EE) 20 acres in the W½, E½, E½, NE¼;
(FF) 5 acres in the W½, W½, E½, E½, E½, NE¼; and
(GG) 160 acres in the SE¼;
(bb) 640 acres in sec. 21;
(cc) 320 acres in the S½ of sec. 22; and
(dd) 320 acres in the W½ of sec. 27;
(II) T. 29 N., R. 25 E., PMM, including—
(aa) 320 acres in the S½ of sec. 1; and
(bb) 320 acres in the N½ of sec. 12;
(III) 39.9 acres in T. 29 N., R. 26 E., PMM, sec. 6, lot 2;
(IV) T. 30 N., R. 26 E., PMM, including—
(aa) 39.4 acres in sec. 3, lot 2;
(bb) 40 acres in the SW¼ of the SW¼ of sec. 4;
(cc) 80 acres in the E½ of the SE¼ of sec. 5;
(dd) 80 acres in the S½ of the SE¼ of sec. 7; and
(ee) 40 acres in the N½, N½, NE¼ of sec. 18; and
(V) 40 acres in T. 31 N., R. 26 E., PMM, the NW¼ of the SE¼ of sec. 31.

(3) TERMS AND CONDITIONS.—
(A) EXISTING AUTHORIZATIONS.—
(i) IN GENERAL.—Federal land transferred under this subsection shall be conveyed and taken into trust subject to valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, and rights-of-way requests an earlier termination in accordance with existing law.
(ii) ASSUMPTION BY BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall—
(I) assume all benefits and obligations of the previous land management agency under the existing rights, contracts, leases, permits, and rights-of-way described in clause (i); and
(II) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts,

leases, permits, and rights-of-ways after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the Fort Belknap Indian Community.

(B) PERSONAL PROPERTY.—

(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred under this subsection shall—

(I) remain the property of the holder; and

(II) be removed from the land not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.

(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—

(I) become the property of the Fort Belknap Indian Community; and

(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.

(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable to the Fort Belknap Indian Community for costs incurred by the Fort Belknap Indian Community in removing and disposing of the property under clause (ii)(II).

(C) EXISTING ROADS.—If any road within the Federal land transferred under this subsection is necessary for customary access to private land, the Bureau of Indian Affairs shall offer the owner of the private land to apply for a right-of-way along the existing road, at the expense of the landowner.

(D) LIMITATION ON THE TRANSFER OF WATER RIGHTS.—Water rights that transfer with the land described in paragraph (2) shall not become part of the Tribal water rights, unless those rights are recognized and ratified in the Compact.

(4) WITHDRAWAL OF FEDERAL LAND.—

(A) IN GENERAL.—Subject to valid existing rights, effective on the date of enactment of this Act, all Federal land within the parcels described in paragraph (2) is withdrawn from all forms of—

(i) entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(B) EXPIRATION.—The withdrawals pursuant to subparagraph (A) shall terminate on the date that the Secretary takes the land into trust for the benefit of the Fort Belknap Indian Community pursuant to paragraph (1).

(C) NO NEW RESERVATION OF FEDERAL WATER RIGHTS.—Nothing in this paragraph establishes a new reservation in favor of the United States or the Fort Belknap Indian Community with respect to any water or water right on the land withdrawn by this paragraph.

(5) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in paragraph (2), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels.

(6) SURVEY.—

(A) IN GENERAL.—Unless the United States or the Fort Belknap Indian Community request an additional survey for the transferred land or a technical correction is made under paragraph (5), the description of land under this subsection shall be controlling.

(B) ADDITIONAL SURVEY.—If the United States or the Fort Belknap Indian Community requests an additional survey, that survey shall control the total acreage to be transferred into trust under this subsection.

(C) ASSISTANCE.—The Secretary shall provide such financial or other assistance as may be necessary—

(i) to conduct additional surveys under this subsection; and

(ii) to satisfy administrative requirements necessary to accomplish the land transfers under this subsection.

(7) DATE OF TRANSFER.—The Secretary shall complete all land transfers under this subsection and shall take the land into trust for the benefit of the Fort Belknap Indian Community as expeditiously as practicable after the enforceability date, but not later than 10 years after the enforceability date.

(c) TRIBALLY OWNED FEE LAND.—Not later than 10 years after the enforceability date, the Secretary shall take into trust for the benefit of the Fort Belknap Indian Community all fee land owned by the Fort Belknap Indian Community on or adjacent to the Reservation to become part of the Reservation, provided that—

(1) the land is free from any liens, encumbrances, or other infirmities; and

(2) no evidence exists of any hazardous substances on, or other environmental liability with respect to, the land.

(d) DODSON LAND.—

(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the enforceability date, but not later than 10 years after the enforceability date, the Dodson Land described in paragraph (3) shall be taken into trust by the United States for the benefit of the Fort Belknap Indian Community as part of the Reservation.

(2) RESTRICTIONS.—The land taken into trust under paragraph (1) shall be subject to a perpetual easement, reserved by the United States for use by the Bureau of Reclamation, its contractors, and its assigns for—

(A) the right of ingress and egress for Milk River Project purposes;

(B) the right to—

(i) seep, flood, and overflow the transferred land for Milk River Project purposes;

(ii) conduct routine and non-routine operation, maintenance, and replacement activities on the Milk River Project facilities, including modification to the headworks at the upstream end of the Dodson South Canal in support of Dodson South Canal enlargement, to include all associated access, construction, and material storage necessary to complete those activities; and

(iii) prohibit the construction of permanent structures on the transferred land, except—

(I) as provided in the cooperative agreement under paragraph (4); and

(II) to meet the requirements of the Milk River Project.

(3) DESCRIPTION OF DODSON LAND.—

(A) IN GENERAL.—The Dodson Land referred to in paragraphs (1) and (2) is the approximately 2,500 acres of land owned by the United States that is, as of the date of enactment of this Act, under the jurisdiction of the Bureau of Reclamation and located at the northeastern corner of the Reservation (which extends to the point in the middle of the main channel of the Milk River), where the Milk River Project facilities, including the Dodson Diversion Dam, headworks to the Dodson South Canal, and Dodson South Canal, are located, and more particularly described as follows:

(i) Supplemental Plat of T. 30 N., R. 26 E., PMM, secs. 1 and 2.

(ii) Supplemental Plat of T. 31 N., R. 25 E., PMM, sec. 13.

(iii) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 18, 19, 20, and 29.

(iv) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 26, 27, 35, and 36.

(B) CLARIFICATION.—The supplemental plats described in clauses (i) through (iv) of subparagraph (A) are official plats, as documented by retracement boundary surveys of the General Land Office, approved on March 11, 1938, and on record at the Bureau of Land Management.

(C) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in subparagraph (A), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels to be transferred.

(4) COOPERATIVE AGREEMENT.—Not later than 3 years after the enforceability date, the Bureau of Reclamation, the Malta Irrigation District, the Bureau of Indian Affairs, and the Fort Belknap Indian Community shall negotiate and enter into a cooperative agreement that identifies the uses to which the Fort Belknap Indian Community may put the land described in paragraph (3), provided that the cooperative agreement may be amended by mutual agreement of the Fort Belknap Indian Community, Bureau of Reclamation, the Malta Irrigation District, and the Bureau of Indian Affairs, including to modify the perpetual easement to narrow the boundaries of the easement or to terminate the perpetual easement and cooperative agreement.

(e) LAND STATUS.—All land held in trust by the United States for the benefit of the Fort Belknap Indian Community under this section shall be—

(1) beneficially owned by the Fort Belknap Indian Community; and

(2) part of the Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for the benefit of an Indian Tribe.

SEC. 11007. STORAGE ALLOCATION FROM LAKE ELWELL.

(a) STORAGE ALLOCATION OF WATER TO FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall allocate to the Fort Belknap Indian Community 20,000 acre-feet per year of water stored in Lake Elwell for use by the Fort Belknap Indian Community for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation for the benefit of the Fort Belknap Indian Community, as measured and diverted at the outlet works of the Tiber Dam or through direct pumping from Lake Elwell.

(b) TREATMENT.—

(1) IN GENERAL.—The allocation to the Fort Belknap Indian Community under subsection (a) shall be considered to be part of the Tribal water rights.

(2) PRIORITY DATE.—The priority date of the allocation to the Fort Belknap Indian Community under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) ADMINISTRATION.—The Fort Belknap Indian Community shall administer the water allocated under subsection (a) in accordance with the Compact and this division.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving the allocation under this section, the Fort Belknap Indian Community shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this division.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without limit as to term;

(B) the Fort Belknap Indian Community, and not the United States, shall be entitled to all consideration due to the Fort Belknap Indian Community under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Fort Belknap Indian Community shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam allocable to the Fort Belknap Indian Community shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, regardless of whether that water is delivered for use by the Fort Belknap Indian Community or under a lease, contract, exchange, or by agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(G) the Fort Belknap Indian Community shall not be required to make payments to the United States for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, except for each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H); and

(H) for each acre-foot of stored water leased or transferred by the Fort Belknap Indian Community for industrial purposes—

(i) the Fort Belknap Indian Community shall pay annually to the United States an amount necessary to cover the proportional share of the annual operations, maintenance, and replacement costs allocable to the quantity of water leased or transferred by the Fort Belknap Indian Community for industrial purposes; and

(ii) the annual payments of the Fort Belknap Indian Community shall be reviewed and adjusted, as appropriate, to reflect the actual operations, maintenance, and replacement costs for Tiber Dam.

(d) AGREEMENT BY FORT BELKNAP INDIAN COMMUNITY.—The Fort Belknap Indian Community may use, lease, contract, exchange, or enter into other agreements for the use of the water allocated to the Fort Belknap Indian Community under subsection (a) if—

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any water allocated to the Fort Belknap Indian Community under that subsection.

(e) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

SEC. 11008. MILK RIVER PROJECT MITIGATION.

(a) IN GENERAL.—In complete satisfaction of the Milk River Project mitigation requirements provided for in Article VI.B. of the Compact, the Secretary, acting through the Commissioner—

(1) in cooperation with the State and the Blackfeet Tribe, shall carry out appropriate activities concerning the restoration of the St. Mary Canal and associated facilities, including activities relating to the—

(A) planning and design to restore the St. Mary Canal and appurtenances to convey 850 cubic-feet per second; and

(B) rehabilitating, constructing, and repairing of the St. Mary Canal and appurtenances; and

(2) in cooperation with the State and the Fort Belknap Indian Community, shall carry out appropriate activities concerning the enlargement of Dodson South Canal and associated facilities, including activities relating to the—

(A) planning and design to enlarge Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; and

(B) rehabilitating, constructing, and enlarging the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second.

(b) FUNDING.—The total amount of obligations incurred by the Secretary, prior to any adjustments provided for in section 11014(b), shall not exceed $300,000,000 to carry out activities described in subsection (c)(1).

(c) SATISFACTION OF MITIGATION REQUIREMENT.—Notwithstanding any provision of the Compact, the mitigation required by Article VI.B. of the Compact shall be deemed satisfied if—

(1) the Secretary has—

(A) restored the St. Mary Canal and associated facilities to convey 850 cubic-feet per second; and

(B) enlarged the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; or

(2) the Secretary—

(A) has expended all of the available funding provided pursuant to section 11014(a)(1)(D) to rehabilitate the St. Mary Canal and enlarge the Dodson South Canal; and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

(d) NONREIMBURSABILITY OF COSTS.—The costs to the Secretary of carrying out this section shall be nonreimbursable.

SEC. 11009. FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall rehabilitate, modernize, and expand the Fort Belknap Indian Irrigation Project, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019, which shall include—

(1) planning, studies, and designing of the existing and expanded Milk River unit, including the irrigation system, Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project;

(2) the rehabilitation, modernization, and construction of the existing Milk River unit; and

(3) construction of the expanded Milk River unit, including the irrigation system, Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project.

(b) LEAD AGENCY.—The Bureau of Indian Affairs, in coordination with the Bureau of Reclamation, shall serve as the lead agency with respect to any activities carried out under this section.

(c) CONSULTATION WITH THE FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall consult with the Fort Belknap Indian Community on appropriate changes to the final design and costs of any activity under this section.

(d) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 11014(b), shall not exceed $415,832,153.

(e) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(f) ADMINISTRATION.—The Secretary and the Fort Belknap Indian Community shall negotiate the cost of any oversight activity carried out by the Bureau of Indian Affairs or the Bureau of Reclamation under any agreement entered into under subsection (j), subject to the condition that the total cost for the oversight shall not exceed 3 percent of the total project costs for each project.

(g) PROJECT MANAGEMENT COMMITTEE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall facilitate the formation of a project management committee composed of representatives of the Bureau of Indian Affairs, the Bureau of Reclamation, and the Fort Belknap Indian Community—

(1) to review and make recommendations relating to cost factors, budgets, and implementing the activities for rehabilitating, modernizing, and expanding the Fort Belknap Indian Irrigation Project; and

(2) to improve management of inherently governmental activities through enhanced communication.

(h) PROJECT EFFICIENCIES.—If the total cost of planning, studies, design, rehabilitation, modernization, and construction activities relating to the projects described in subsection (a) results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under section 11012(b)(2).

(i) TREATMENT.—Any activities carried out pursuant to this section that result in improvements, additions, or modifications to the Fort Belknap Indian Irrigation Project shall—

(1) become a part of the Fort Belknap Indian Irrigation Project; and

(2) be recorded in the inventory of the Secretary relating to the Fort Belknap Indian Irrigation Project.

(j) APPLICABILITY OF ISDEAA.—At the request of the Fort Belknap Indian Community, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into agreements with the Fort Belknap Indian Community to carry out all or a portion of this section.

(k) EFFECT.—Nothing in this section—

(1) alters any applicable law under which the Bureau of Indian Affairs collects assessments or carries out the operations and maintenance of the Fort Belknap Indian Irrigation Project; or

(2) impacts the availability of amounts under section 11014.

(l) SATISFACTION OF FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM REQUIREMENT.—The obligations of the Secretary under subsection (a) shall be deemed satisfied if the Secretary—

(1) has rehabilitated, modernized, and expanded the Fort Belknap Indian Irrigation Project in accordance with subsection (a); or

(2)(A) has expended all of the available funding provided pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 11014(a); and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

SEC. 11010. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits provided under this division shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Fort Belknap Indian Community against the United States that is waived and released by the Fort Belknap Indian Community under section 11011(a).

(b) ALLOTTEES.—The benefits realized by the allottees under this division shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released by the United States (acting as trustee for the allottees) under section 11011(a)(2); and

(2) any claims of the allottees against the United States similar to the claims described in section 11011(a)(2) that the allottee asserted or could have asserted.

SEC. 11011. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AND UNITED STATES AS TRUSTEE FOR THE FORT BELKNAP INDIAN COMMUNITY.—Subject to the reservation of rights and retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), and the United States, acting as trustee for the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Fort Belknap Indian Community, or the United States acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the United States, acting as trustee for the allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(3) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AGAINST THE UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)—

(A) first arising before the enforceability date relating to—

(i) water rights within the State that the United States, acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a general stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this division;

(ii) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses);

(iii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion of, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State;

(iv) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(v) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of the Fort Belknap Indian Irrigation Project and other Federal land and facilities (including damages, losses, or injuries to Tribal fisheries, fish habitat, wildlife, and wildlife habitat);

(vi) a failure to provide for operation and maintenance, or deferred maintenance, for the Fort Belknap Indian Irrigation Project or any other irrigation system or irrigation project;

(vii) the litigation of claims relating to any water rights of the Fort Belknap Indian Community in the State;

(viii) the negotiation, execution, or adoption of the Compact (including appendices) and this division;

(ix) the taking or acquisition of land or resources of the Fort Belknap Indian Community for the construction or operation of the Fort Belknap Indian Irrigation Project or the Milk River Project; and

(x) the allocation of water of the Milk River and the St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448); and

(B) relating to damage, loss, or injury to water, water rights, land, or natural resources due to mining activities in the Little Rockies Mountains prior to the date of trust acquisition, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights.

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) OBJECTIONS IN MONTANA WATER COURT.—Nothing in this division or the Compact prohibits the Fort Belknap Indian Community, a member of the Fort Belknap Indian Community, an allottee, or the United States in any capacity from objecting to any claim to a water right filed in any general stream adjudication in the Montana Water Court.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community, and the United States, acting as trustee for the Fort Belknap Indian Community and the allottees shall retain—

(1) all claims relating to—

(A) the enforcement of water rights recognized under the Compact, any final court decree relating to those water rights, or this division or to water rights accruing on or after the enforceability date;

(B) the quality of water under—

(i) CERCLA, including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(C) damage, loss, or injury to land or natural resources that are—

(i) not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights); and

(ii) not described in subsection (a)(3); and

(D) an action to prevent any person or party (as defined in sections 29 and 30 of Article II of the Compact) from interfering with the enjoyment of the Tribal water rights;

(2) all claims relating to off-Reservation hunting rights, fishing rights, gathering rights, or other rights;

(3) all claims relating to the right to use and protect water rights acquired after the date of enactment of this Act;

(4) all claims relating to the allocation of waters of the Milk River and the Milk River Project between the Fort Belknap Indian Community and the Blackfeet Tribe, pursuant to section 3705(e)(3) of the Blackfeet Water Rights Settlement Act (Public Law 114–322; 130 Stat. 1818);

(5) all claims relating to the enforcement of this division, including the required transfer of land under section 11006; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this division or the Compact.

(e) EFFECT OF COMPACT AND DIVISION.—Nothing in the Compact or this division—

(1) affects the authority of the Fort Belknap Indian Community to enforce the laws of the Fort Belknap Indian Community, including with respect to environmental protections;

(2) affects the ability of the United States, acting as sovereign, to carry out any activity authorized by law, including—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) CERCLA; and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) affects the ability of the United States to act as trustee for any other Indian Tribe or an allottee of any other Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law relating to health, safety, or the environment; or

(C) to conduct judicial review of any Federal agency action;

(5) waives any claim of a member of the Fort Belknap Indian Community in an individual capacity that does not derive from a right of the Fort Belknap Indian Community;

(6) revives any claim adjudicated in the decision in Gros Ventre Tribe v. United States, 469 F.3d 801 (9th Cir. 2006); or

(7) revives any claim released by an allottee or member of the Fort Belknap Indian Community in the settlement in Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C. 2012).

(f) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) the eligible members of the Fort Belknap Indian Community have voted to

approve this division and the Compact by a majority of votes cast on the day of the vote;

(2)(A) the Montana Water Court has approved the Compact in a manner from which no further appeal may be taken; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate district court of the United States has approved the Compact as a consent decree from which no further appeal may be taken;

(3) all of the amounts authorized to be appropriated under section 11014 have been appropriated and deposited in the designated accounts;

(4) the Secretary and the Fort Belknap Indian Community have executed the allocation agreement described in section 11007(c)(1);

(5) the State has provided the required funding into the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund pursuant to section 11014(a)(3); and

(6) the waivers and releases under subsection (a) have been executed by the Fort Belknap Indian Community and the Secretary.

(g) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitations or time-based equitable defense that expired before the date of enactment of this Act.

(h) EXPIRATION.—

(1) IN GENERAL.—This division shall expire in any case in which—

(A) the amounts authorized to be appropriated by this division have not been made available to the Secretary by not later than—

(i) January 21, 2034; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary; or

(B) the Secretary fails to publish a statement of findings under subsection (f) by not later than—

(i) January 21, 2035; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this division expires under paragraph (1)—

(A) the waivers and releases under subsection (a) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Compact under section 11004 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this division shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this division, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this division shall be returned to the Federal Government, unless otherwise agreed to by the Fort Belknap Indian Community and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this division that were expended or withdrawn, or any funds made available to carry out this division from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Fort Belknap Indian Community; or

(bb) any user of the Tribal water rights; or

(II) any other matter described in subsection (a)(3); or

(ii) in any future settlement of water rights of the Fort Belknap Indian Community or an allottee.

SEC. 11012. AANIIIH NAKODA SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund for the Fort Belknap Indian Community, to be known as the ''Aaniiih Nakoda Settlement Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any investment earnings, including interest, earned on those amounts, for the purpose of carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account.

(2) The Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account.

(3) The Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1), the amounts made available pursuant to paragraphs (1)(A) and (2)(A)(i) of section 11014(a);

(2) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the amounts made available pursuant to section 11014(a)(2)(A)(ii); and

(3) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the amounts made available pursuant to paragraphs (1)(B) and (2)(A)(iii) of section 11014(a).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of the funds into the accounts in the Trust Fund pursuant to subsection (c), the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the amounts deposited under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund shall be available for use in accordance with subsections (e) and (g).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, including interest, earned on those amounts shall be made available—

(A) to the Fort Belknap Indian Community by the Secretary beginning on the enforceability date; and

(B) subject to the uses and restrictions in this section.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) amounts deposited in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be available to the Fort Belknap Indian Community on the date on which the amounts are deposited for uses described in subparagraph (A) and (B) of subsection (g)(1);

(B) amounts deposited in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2) shall be made available to the Fort Belknap Indian Community on the date on which the amounts are deposited and the Fort Belknap Indian Community has satisfied the requirements of section 11011(f)(1), for the uses described in subsection (g)(2)(A); and

(C) amounts deposited in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3) shall be available to the Fort Belknap Indian Community on the date on which the amounts are deposited for the uses described in subsection (g)(3)(A).

(f) WITHDRAWALS.—

(1) AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—The Fort Belknap Indian Community may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a Tribal management plan submitted by the Fort Belknap Indian Community in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Fort Belknap Indian Community spend all amounts withdrawn from the Trust Fund, and any investment earnings accrued through the investments under the Tribal management plan, in accordance with this division.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary—

(i) to enforce the Tribal management plan; and

(ii) to ensure that amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community under this paragraph are used in accordance with this division.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—The Fort Belknap Indian Community may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this paragraph, the Fort Belknap Indian Community shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Fort Belknap Indian Community elects to withdraw pursuant to this paragraph, subject to the condition that the funds shall be used for the purposes described in this division.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Fort Belknap Indian Community in accordance with subsections (e) and (g).

(D) APPROVAL.—On receipt of an expenditure plan under this paragraph, the Secretary shall approve the expenditure plan if the Secretary determines that the expenditure plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this division.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan under this paragraph to ensure that amounts disbursed under this paragraph are used in accordance with this division.

(g) USES.—Amounts from the Trust Fund shall be used by the Fort Belknap Indian Community for the following purposes:

(1) FORT BELKNAP INDIAN COMMUNITY TRIBAL IRRIGATION AND OTHER WATER RESOURCES DEVELOPMENT ACCOUNT.—Amounts in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be used to pay the cost of activities relating to—

(A) planning, studies, and design of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019;

(B) environmental compliance;

(C) construction of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir;

(D) wetlands restoration and development;

(E) stock watering infrastructure; and

(F) on farm development support and reacquisition of fee lands within the Fort Belknap Indian Irrigation Project and Fort Belknap Indian Community irrigation projects within the Reservation.

(2) FORT BELKNAP INDIAN COMMUNITY WATER RESOURCES AND WATER RIGHTS ADMINISTRATION, OPERATION, AND MAINTENANCE ACCOUNT.—Amounts in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities described in subparagraphs (A) through (C) as follows:

(A) $9,000,000 shall be used for the establishment, operation, and capital expenditures in connection with the administration of the Tribal water resources and water rights development, including the development or enactment of a Tribal water code.

(B) Only investment earnings, including interest, on $29,299,059 shall be used and be available to pay the costs of activities for administration, operations, and regulation of the Tribal water resources and water rights department, in accordance with the Compact and this division.

(C) Only investment earnings, including interest, on $28,331,693 shall be used and be available to pay the costs of activities relating to a portion of the annual assessment costs for the Fort Belknap Indian Community and Tribal members, including allottees, under the Fort Belknap Indian Irrigation Project and Fort Belknap Indian Community irrigation projects within the Reservation.

(3) FORT BELKNAP INDIAN COMMUNITY CLEAN AND SAFE DOMESTIC WATER AND SEWER SYSTEMS, AND LAKE ELWELL PROJECT ACCOUNT.—Amounts in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities relating to—

(A) planning, studies, design, and environmental compliance of domestic water supply, and sewer collection and treatment systems, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019, including the Lake Elwell Project water delivery to the southern part of the Reservation;

(B) construction of domestic water supply, sewer collection, and treatment systems;

(C) construction, in accordance with applicable law, of infrastructure for delivery of Lake Elwell water diverted from the Missouri River to the southern part of the Reservation; and

(D) planning, studies, design, environmental compliance, and construction of a Tribal wellness center for a work force health and wellbeing project.

(h) LIABILITY.—The Secretary shall not be liable for any expenditure or investment of amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community pursuant to subsection (f).

(i) PROJECT EFFICIENCIES.—If the total cost of the activities described in subsection (g) results in cost savings and is less than the amounts authorized to be obligated under any of paragraphs (1) through (3) of that subsection required to carry out those activities, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Trust Fund to be used in accordance with that subsection.

(j) ANNUAL REPORT.—The Fort Belknap Indian Community shall submit to the Secretary an annual expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan described in this section.

(k) NO PER CAPITA PAYMENTS.—No principal or interest amount in any account established by this section shall be distributed to any member of the Fort Belknap Indian Community on a per capita basis.

(l) EFFECT.—Nothing in this division entitles the Fort Belknap Indian Community to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan under subsection (f)(1) or an expenditure plan under subsection (f)(2), except as provided under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 11013. FORT BELKNAP INDIAN COMMUNITY WATER SETTLEMENT IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a nontrust, interest-bearing account to be known as the ''Fort Belknap Indian Community Water Settlement Implementation Fund'', to be managed and distributed by the Secretary, for use by the Secretary for carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Implementation Fund the following accounts:

(1) The Fort Belknap Indian Irrigation Project System Account.

(2) The Milk River Project Mitigation Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Irrigation Project System Account established under subsection (b)(1), the amount made available pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 11014(a); and

(2) in the Milk River Project Mitigation Account established under subsection (b)(2), the amount made available pursuant to section 11014(a)(1)(D).

(d) USES.—

(1) FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM ACCOUNT.—The Fort Belknap Indian Irrigation Project Rehabilitation Account established under subsection (b)(1) shall be used to carry out section 11009, except as provided in subsection (h) of that section.

(2) MILK RIVER PROJECT MITIGATION ACCOUNT.—The Milk River Project Mitigation Account established under subsection (b)(2) may only be used to carry out section 11008.

(e) MANAGEMENT.—

(1) IN GENERAL.—Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(2) EXCEPTION.—Notwithstanding paragraph (1), amounts deposited in the Fort Belknap Indian Irrigation Project System Account established under subsection (b)(1) shall be available to the Secretary on the date on which the amounts are deposited for uses described in paragraphs (1) and (2) of section 11009(a).

(f) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

SEC. 11014. FUNDING.

(a) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Secretary—

(A) for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1), $89,643,100, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(B) for deposit in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 11012(b)(3), $331,885,220, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(C) for deposit in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 11013(b)(1), such sums as are necessary, but not more than $187,124,469, for the Secretary to carry out section 11009, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(D) for deposit in the Milk River Project Mitigation Account of the Implementation Fund established under section 11013(b)(2), such sums as are necessary, but not more than $300,000,000, for the Secretary to carry out obligations of the Secretary under section 11008, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) MANDATORY APPROPRIATIONS.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit—

(i) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1),

$29,881,034, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(ii) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account of the Trust Fund established under section 11012(b)(2), $66,630,752;

(iii) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 11012(b)(3), $110,628,407; and

(iv) in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 11013(b)(1), $228,707,684.

(B) AVAILABILITY.—Amounts deposited in the accounts under subparagraph (A) shall be available without further appropriation.

(3) STATE COST SHARE.—The State shall contribute $5,000,000, plus any earned interest, payable to the Secretary for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1) on approval of a final decree by the Montana Water Court for the purpose of activities relating to the Upper Peoples Creek Dam and Reservoir under subparagraphs (A) through (C) of section 11012(g)(1).

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and this subsection shall be—

(A) increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend; and

(B) adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(2) REPETITION.—The adjustment process under paragraph (1) shall be repeated for each subsequent amount appropriated until the amount authorized to be appropriated under subsection (a), as adjusted, has been appropriated.

(3) PERIOD OF INDEXING.—

(A) TRUST FUND.—With respect to the Trust Fund, the period of indexing adjustment under paragraph (1) for any increment of funding shall end on the date on which the funds are deposited into the Trust Fund.

(B) IMPLEMENTATION FUND.—With respect to the Implementation Fund, the period of adjustment under paragraph (1) for any increment of funding shall be annually.

SEC. 11015. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this division waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this division quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Fort Belknap Indian Community.

(c) ELIMINATION OF DEBTS OR LIENS AGAINST ALLOTMENTS OF THE FORT BELKNAP INDIAN COMMUNITY MEMBERS WITHIN THE FORT BELKNAP INDIAN IRRIGATION PROJECT.—On the date of enactment of this Act, the Secretary shall cancel and eliminate all debts or liens against the allotments of land held by the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community due to construction assessments and annual operation and maintenance charges relating to the Fort Belknap Indian Irrigation Project.

(d) EFFECT ON CURRENT LAW.—Nothing in this division affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(e) EFFECT ON RECLAMATION LAWS.—The activities carried out by the Commissioner under this division shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including—

(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(f) ADDITIONAL FUNDING.—Nothing in this division prohibits the Fort Belknap Indian Community from seeking—

(1) additional funds for Tribal programs or purposes; or

(2) funding from the United States or the State based on the status of the Fort Belknap Indian Community as an Indian Tribe.

(g) RIGHTS UNDER STATE LAW.—Except as provided in section 1 of Article III of the Compact (relating to the closing of certain water basins in the State to new appropriations in accordance with the laws of the State), nothing in this division or the Compact precludes the acquisition or exercise of a right arising under State law (as defined in section 6 of Article II of the Compact) to the use of water by the Fort Belknap Indian Community, or a member or allottee of the Fort Belknap Indian Community, outside the Reservation by—

(1) purchase of the right; or

(2) submitting to the State an application in accordance with State law.

(h) WATER STORAGE AND IMPORTATION.—Nothing in this division or the Compact prevents the Fort Belknap Indian Community from participating in any project to import water to, or to add storage in, the Milk River Basin.

SEC. 11016. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this division, including any obligation or activity under the Compact, if—

(1) adequate appropriations are not provided by Congress expressly to carry out the purposes of this division; or

(2) there are not enough funds available in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) to carry out the purposes of this division.

SA 1085. Mr. TESTER (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION I—FORT BELKNAP INDIAN COMMUNITY WATER RIGHTS SETTLEMENT ACT OF 2023

SEC. 11001. SHORT TITLE.

This division may be cited as the ''Fort Belknap Indian Community Water Rights Settlement Act of 2023''.

SEC. 11002. PURPOSES.

The purposes of this division are—

(1) to achieve a fair, equitable, and final settlement of claims to water rights in the State of Montana for—

(A) the Fort Belknap Indian Community of the Fort Belknap Reservation of Montana; and

(B) the United States, acting as trustee for the Fort Belknap Indian Community and allottees;

(2) to authorize, ratify, and confirm the water rights compact entered into by the Fort Belknap Indian Community and the State, to the extent that the Compact is consistent with this division;

(3) to authorize and direct the Secretary—

(A) to execute the Compact; and

(B) to take any other actions necessary to carry out the Compact in accordance with this division;

(4) to authorize funds necessary for the implementation of the Compact and this division; and

(5) to authorize the exchange and transfer of certain Federal and State land.

SEC. 11003. DEFINITIONS.

In this division:

(1) ALLOTTEE.—The term ''allottee'' means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the Reservation; and

(B) held in trust by the United States.

(2) BLACKFEET TRIBE.—The term ''Blackfeet Tribe'' means the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana.

(3) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(4) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Reclamation.

(5) COMPACT.—The term ''Compact'' means—

(A) the Fort Belknap-Montana water rights compact dated April 16, 2001, as contained in section 85–20–1001 of the Montana Code Annotated (2021); and

(B) any appendix (including appendix amendments), part, or amendment to the Compact that is executed to make the Compact consistent with this division.

(6) ENFORCEABILITY DATE.—The term ''enforceability date'' means the date described in section 11011(f).

(7) FORT BELKNAP INDIAN COMMUNITY.—The term ''Fort Belknap Indian Community'' means the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation of Montana, a federally recognized Indian Tribal entity included on the list published by the Secretary pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(8) FORT BELKNAP INDIAN COMMUNITY COUNCIL.—The term ''Fort Belknap Indian Community Council'' means the governing body of the Fort Belknap Indian Community.

(9) FORT BELKNAP INDIAN IRRIGATION PROJECT.—

(A) IN GENERAL.—The term ''Fort Belknap Indian Irrigation Project'' means the Federal Indian irrigation project constructed and operated by the Bureau of Indian Affairs, consisting of the Milk River unit, including—

(i) the Three Mile unit; and

(ii) the White Bear unit.

(B) INCLUSIONS.—The term ''Fort Belknap Indian Irrigation Project'' includes any addition to the Fort Belknap Indian Irrigation Project constructed pursuant to this division, including expansion of the Fort Belknap Indian Irrigation Project, the Pumping Plant, delivery Pipe and Canal, the Fort Belknap Reservoir and Dam, and the Peoples Creek Flood Protection Project.

(10) IMPLEMENTATION FUND.—The term ''Implementation Fund'' means the Fort Belknap Indian Community Water Settlement Implementation Fund established by section 11013(a).

(11) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(12) LAKE ELWELL.—The term ''Lake Elwell'' means the water impounded on the Marias River in the State by Tiber Dam, a feature of the Lower Marias Unit of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665).

(13) MALTA IRRIGATION DISTRICT.—The term ''Malta Irrigation District'' means the public corporation—

(A) created on December 28, 1923, pursuant to the laws of the State relating to irrigation districts; and

(B) headquartered in Malta, Montana.

(14) MILK RIVER.—The term ''Milk River'' means the mainstem of the Milk River and each tributary of the Milk River between the headwaters of the Milk River and the confluence of the Milk River with the Missouri River, consisting of—

(A) Montana Water Court Basins 40F, 40G, 40H, 40I, 40J, 40K, 40L, 40M, 40N, and 40O; and

(B) the portion of the Milk River and each tributary of the Milk River that flows through the Canadian Provinces of Alberta and Saskatchewan.

(15) MILK RIVER PROJECT.—

(A) IN GENERAL.—The term ''Milk River Project'' means the Bureau of Reclamation project conditionally approved by the Secretary on March 14, 1903, pursuant to the Act of June 17, 1902 (32 Stat. 388, chapter 1093), commencing at Lake Sherburne Reservoir and providing water to a point approximately 6 miles east of Nashua, Montana.

(B) INCLUSIONS.—The term ''Milk River Project'' includes—

(i) the St. Mary Unit;

(ii) the Fresno Dam and Reservoir; and

(iii) the Dodson pumping unit.

(16) MISSOURI RIVER BASIN.—The term ''Missouri River Basin'' means the hydrologic basin of the Missouri River, including tributaries.

(17) OPERATIONS AND MAINTENANCE.—The term ''operations and maintenance'' means the Bureau of Indian Affairs operations and maintenance activities related to costs described in section 171.500 of title 25, Code of Federal Regulations (or a successor regulation).

(18) OPERATIONS, MAINTENANCE, AND REPLACEMENT.—The term ''operations, maintenance, and replacement'' means—

(A) any recurring or ongoing activity associated with the day-to-day operation of a project;

(B) any activity relating to scheduled or unscheduled maintenance of a project; and

(C) any activity relating to repairing, replacing, or rehabilitating a feature of a project.

(19) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM.—The term ''Pick-Sloan Missouri River Basin Program'' means the Pick-Sloan Missouri River Basin Program (authorized by section 9 of the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 891, chapter 665)).

(20) PMM.—The term ''PMM'' means the Principal Meridian, Montana.

(21) RESERVATION.—

(A) IN GENERAL.—The term ''Reservation'' means the area of the Fort Belknap Reservation in the State, as modified by this division.

(B) INCLUSIONS.—The term ''Reservation'' includes—

(i) all land and interests in land established by—

(I) the Agreement with the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation, ratified by the Act of May 1, 1888 (25 Stat. 113, chapter 212), as modified by the Agreement with the Indians of the Fort Belknap Reservation of October 9, 1895 (ratified by the Act of June 10, 1896) (29 Stat. 350, chapter 398);

(II) the Act of March 3, 1921 (41 Stat. 1355, chapter 135); and

(III) Public Law 94–114 (25 U.S.C. 5501 et seq.);

(ii) the land known as the ''Hancock lands'' purchased by the Fort Belknap Indian Community pursuant to the Fort Belknap Indian Community Council Resolution No. 234–89 (October 2, 1989); and

(iii) all land transferred to the United States to be held in trust for the benefit of the Fort Belknap Indian Community under section 11006.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(23) ST. MARY UNIT.—

(A) IN GENERAL.—The term ''St. Mary Unit'' means the St. Mary Storage Unit of the Milk River Project authorized by Congress on March 25, 1905.

(B) INCLUSIONS.—The term ''St. Mary Unit'' includes—

(i) Sherburne Dam and Reservoir;

(ii) Swift Current Creek Dike;

(iii) Lower St. Mary Lake;

(iv) St. Mary Canal Diversion Dam; and

(v) St. Mary Canal and appurtenances.

(24) STATE.—The term ''State'' means the State of Montana.

(25) TRIBAL WATER CODE.—The term ''Tribal water code'' means the Tribal water code enacted by the Fort Belknap Indian Community pursuant to section 11005(g).

(26) TRIBAL WATER RIGHTS.—The term ''Tribal water rights'' means the water rights of the Fort Belknap Indian Community, as described in Article III of the Compact and this division, including the allocation of water to the Fort Belknap Indian Community from Lake Elwell under section 11007.

(27) TRUST FUND.—The term ''Trust Fund'' means the Aaniiih Nakoda Settlement Trust Fund established for the Fort Belknap Indian Community under section 11012(a).

SEC. 11004. RATIFICATION OF COMPACT.

(a) RATIFICATION OF COMPACT.—

(1) IN GENERAL.—As modified by this division, the Compact is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Compact is authorized, ratified, and confirmed to the extent that the amendment is executed to make the Compact consistent with this division.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent that the Compact does not conflict with this division, the Secretary shall execute the Compact, including all appendices to, or parts of, the Compact requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this division precludes the Secretary from approving any modification to an appendix to the Compact that is consistent with this division, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Compact and this division, the Secretary shall comply with all applicable provisions of—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Compact and this division, the Fort Belknap Indian Community shall prepare any necessary environmental documents, except for any environmental documents required under section 11008, consistent with all applicable provisions of—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation submitted under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the Compact by the Secretary under this section shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities described in paragraph (2) shall be paid from funds deposited in the Trust Fund, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 11005. TRIBAL WATER RIGHTS.

(a) CONFIRMATION OF TRIBAL WATER RIGHTS.—

(1) IN GENERAL.—The Tribal water rights are ratified, confirmed, and declared to be valid.

(2) USE.—Any use of the Tribal water rights shall be subject to the terms and conditions of the Compact and this division.

(3) CONFLICT.—In the event of a conflict between the Compact and this division, this division shall control.

(b) INTENT OF CONGRESS.—It is the intent of Congress to provide to each allottee benefits that are equivalent to, or exceed, the benefits the allottees possess on the day before the date of enactment of this division, taking into consideration—

(1) the potential risks, cost, and time delay associated with litigation that would be resolved by the Compact and this division;

(2) the availability of funding under this division and from other sources;

(3) the availability of water from the Tribal water rights; and

(4) the applicability of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), and this division to protect the interests of allottees.

(c) TRUST STATUS OF TRIBAL WATER RIGHTS.—The Tribal water rights—

(1) shall be held in trust by the United States for the use and benefit of the Fort Belknap Indian Community and allottees in accordance with this division; and

(2) shall not be subject to loss through nonuse, forfeiture, or abandonment.

(d) ALLOTTEES.—

(1) APPLICABILITY OF THE ACT OF FEBRUARY 8, 1887.—The provisions of section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), relating to the use of water for irrigation purposes, shall apply to the Tribal water rights.

(2) ENTITLEMENT TO WATER.—Any entitlement to water of an allottee under Federal law shall be satisfied from the Tribal water rights.

(3) ALLOCATIONS.—An allottee shall be entitled to a just and equitable allocation of water for irrigation purposes.

(4) CLAIMS.—

(A) EXHAUSTION OF REMEDIES.—Before asserting any claim against the United States under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or any other applicable law, an allottee shall exhaust remedies available under the Tribal water code or other applicable Tribal law.

(B) ACTION FOR RELIEF.—After the exhaustion of all remedies available under the Tribal water code or other applicable Tribal law, an allottee may seek relief under section 7 of the Act of February 8, 1887 (24 Stat. 390, chapter 119; 25 U.S.C. 381), or other applicable law.

(5) AUTHORITY OF THE SECRETARY.—The Secretary shall have the authority to protect the rights of allottees in accordance with this section.

(e) AUTHORITY OF THE FORT BELKNAP INDIAN COMMUNITY.—

(1) IN GENERAL.—The Fort Belknap Indian Community shall have the authority to allocate, distribute, and lease the Tribal water rights for use on the Reservation in accordance with the Compact, this division, and applicable Federal law.

(2) OFF-RESERVATION USE.—The Fort Belknap Indian Community may allocate, distribute, and lease the Tribal water rights for off-Reservation use in accordance with the Compact, this division, and applicable Federal law—

(A) subject to the approval of the Secretary; or

(B) pursuant to Tribal water leasing regulations consistent with the requirements of subsection (f).

(3) LAND LEASES BY ALLOTTEES.—Notwithstanding paragraph (1), an allottee may lease any interest in land held by the allottee, together with any water right determined to be appurtenant to the interest in land, in accordance with the Tribal water code.

(f) TRIBAL WATER LEASING REGULATIONS.—

(1) IN GENERAL.—At the discretion of the Fort Belknap Indian Community, any water lease of the Fort Belknap Indian Community of the Tribal water rights for use on or off the Reservation shall not require the approval of the Secretary if the lease—

(A) is executed under tribal regulations, approved by the Secretary under this subsection;

(B) is in accordance with the Compact; and

(C) does not exceed a term of 100 years, except that a lease may include an option to renew for 1 additional term of not to exceed 100 years.

(2) AUTHORITY OF THE SECRETARY OVER TRIBAL WATER LEASING REGULATIONS.—

(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any Tribal water leasing regulations issued in accordance with paragraph (1).

(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any Tribal water leasing regulations issued in accordance with paragraph (1) if the Tribal water leasing regulations—

(i) provide for an environmental review process that includes—

(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

(II) a process for ensuring that—

(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Fort Belknap Indian Community; and

(bb) the Fort Belknap Indian Community provides responses to relevant and substantive public comments on those impacts prior to its approval of a water lease; and

(ii) are consistent with this division and the Compact.

(3) REVIEW PROCESS.—

(A) IN GENERAL.—Not later than 120 days after the date on which Tribal water leasing regulations under paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the Tribal water leasing regulations described in subparagraph (A), the Secretary shall include written documentation with the disapproval notification that describes the basis for this disapproval.

(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if the Fort Belknap Indian Community carries out a project or activity funded by a Federal agency, the Fort Belknap Indian Community—

(A) shall have the authority to rely on the environmental review process of the applicable Federal agency; and

(B) shall not be required to carry out a tribal environmental review process under this subsection.

(5) DOCUMENTATION.—If the Fort Belknap Indian Community issues a lease pursuant to Tribal water leasing regulations under paragraph (1), the Fort Belknap Indian Community shall provide the Secretary and the State a copy of the lease, including any amendments or renewals to the lease.

(6) LIMITATION OF LIABILITY.—

(A) IN GENERAL.—The United States shall not be liable in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement or storage agreement, including any claims relating to the terms included in such an agreement, made pursuant to Tribal water leasing regulations under paragraph (1).

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

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease or exchange agreement or storage agreement; or

(ii) the expenditure of those funds.

(g) TRIBAL WATER CODE.—

(1) IN GENERAL.—Notwithstanding Article IV.A.2. of the Compact, not later than 4 years after the date on which the Fort Belknap Indian Community approves the Compact in accordance with section 11011(f)(1), the Fort Belknap Indian Community shall enact a Tribal water code that provides for—

(A) the administration, management, regulation, and governance of all uses of the Tribal water rights in accordance with the Compact and this division; and

(B) the establishment by the Fort Belknap Indian Community of the conditions, permit requirements, and other requirements for the allocation, distribution, or use of the Tribal water rights in accordance with the Compact and this division.

(2) INCLUSIONS.—Subject to the approval of the Secretary, the Tribal water code shall provide—

(A) that use of water by allottees shall be satisfied with water from the Tribal water rights;

(B) a process by which an allottee may request that the Fort Belknap Indian Community provide water for irrigation use in accordance with this division, including the provision of water under any allottee lease under section 4 of the Act of June 25, 1910 (36 Stat. 856, chapter 431; 25 U.S.C. 403);

(C) a due process system for the consideration and determination by the Fort Belknap Indian Community of any request of an allottee (or a successor in interest to an allottee) for an allocation of water for irrigation purposes on allotted land, including a process for—

(i) appeal and adjudication of any denied or disputed distribution of water; and

(ii) resolution of any contested administrative decision;

(D) a requirement that any allottee asserting a claim relating to the enforcement of rights of the allottee under the Tribal water code, including to the quantity of water allocated to land of the allottee, shall exhaust all remedies available to the allottee under Tribal law before initiating an action against the United States or petitioning the Secretary pursuant to subsection (d)(4)(B);

(E) a process by which an owner of fee land within the boundaries of the Reservation may apply for use of a portion of the Tribal water rights; and

(F) a process for the establishment of a controlled Groundwater area and for the management of that area in cooperation with establishment of a contiguous controlled Groundwater area off the Reservation established pursuant to Section B.2. of Article IV of the Compact and State law.

(3) ACTION BY SECRETARY.—

(A) IN GENERAL.—During the period beginning on the date of enactment of this Act and ending on the date on which a Tribal water code described in paragraphs (1) and (2) is enacted, the Secretary shall administer, with respect to the rights of allottees, the Tribal water rights in accordance with the Compact and this division.

(B) APPROVAL.—The Tribal water code described in paragraphs (1) and (2) shall not be valid unless—

(i) the provisions of the Tribal water code required by paragraph (2) are approved by the Secretary; and

(ii) each amendment to the Tribal water code that affects a right of an allottee is approved by the Secretary.

(C) APPROVAL PERIOD.—

(i) IN GENERAL.—The Secretary shall approve or disapprove the Tribal water code or an amendment to the Tribal water code by not later than 180 days after the date on which the Tribal water code or amendment to the Tribal water code is submitted to the Secretary.

(ii) EXTENSIONS.—The deadline described in clause (i) may be extended by the Secretary, after consultation with the Fort Belknap Indian Community.

(h) ADMINISTRATION.—

(1) NO ALIENATION.—The Fort Belknap Indian Community shall not permanently alienate any portion of the Tribal water rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this division for the allocation, distribution, leasing, or other arrangement entered into pursuant to this division shall be considered to satisfy any requirement for authorization of the action required by Federal law.

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Tribal water

rights by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Tribal water rights.

(i) EFFECT.—Except as otherwise expressly provided in this section, nothing in this division—

(1) authorizes any action by an allottee against any individual or entity, or against the Fort Belknap Indian Community, under Federal, State, Tribal, or local law; or

(2) alters or affects the status of any action brought pursuant to section 1491(a) of title 28, United States Code.

(j) PICK-SLOAN MISSOURI RIVER BASIN PROGRAM POWER RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary, in cooperation with the Secretary of Energy, shall make available the Pick-Sloan Missouri River Basin Program irrigation project pumping power rates to the Fort Belknap Indian Community, the Fort Belknap Indian Irrigation Project, and any projects funded under this division.

(2) AUTHORIZED PURPOSES.—The power rates made available under paragraph (1) shall be authorized for the purposes of wheeling, administration, and payment of irrigation project pumping power rates, including project use power for gravity power.

SEC. 11006. EXCHANGE AND TRANSFER OF LAND.

(a) EXCHANGE OF ELIGIBLE LAND AND STATE LAND.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE LAND.—The term ''eligible land'' means—

(i) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that are administered by the Secretary, acting through the Director of the Bureau of Land Management; and

(ii) land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1609(a)) that is administered by the Secretary of Agriculture, acting through the Chief of the Forest Service.

(B) SECRETARY CONCERNED.—The term ''Secretary concerned'' means, as applicable—

(i) the Secretary, with respect to the eligible land administered by the Bureau of Land Management; and

(ii) the Secretary of Agriculture, with respect to eligible land managed by the Forest Service.

(2) NEGOTIATIONS AUTHORIZED.—

(A) IN GENERAL.—The Secretary concerned shall offer to enter into negotiations with the State for the purpose of exchanging eligible land described in paragraph (4) for the State land described in paragraph (3).

(B) REQUIREMENTS.—Any exchange of land made pursuant to this subsection shall be subject to the terms and conditions of this subsection.

(C) PRIORITY.—

(i) IN GENERAL.—In carrying out this paragraph, the Secretary and the Secretary of Agriculture shall, during the 5-year period beginning on the date of enactment of this Act, give priority to an exchange of eligible land located within the State for State land.

(ii) SECRETARY OF AGRICULTURE.—The responsibility of the Secretary of Agriculture under clause (i), during the 5-year period described in that clause, shall be limited to negotiating with the State an acceptable package of land in the National Forest System (as defined in section 11(a) of the Forest and Rangeland Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(3) STATE LAND.—The Secretary is authorized to accept the following parcels of State land located on and off the Reservation:

(A) 717.56 acres in T. 26 N., R. 22 E., sec. 16.
(B) 707.04 acres in T. 27 N., R. 22 E., sec. 16.
(C) 640 acres in T. 27 N., R. 21 E., sec. 36.
(D) 640 acres in T. 26 N., R. 23 E., sec. 16.
(E) 640 acres in T. 26 N., R. 23 E., sec. 36.
(F) 640 acres in T. 26 N., R. 26 E., sec. 16.
(G) 640 acres in T. 26 N., R. 22 E., sec. 36.
(H) 640 acres in T. 27 N., R. 23 E., sec. 16.
(I) 640 acres in T. 27 N., R. 25 E., sec. 36.
(J) 640 acres in T. 28 N., R. 22 E., sec. 36.
(K) 640 acres in T. 28 N., R. 23 E., sec. 16.
(L) 640 acres in T. 28 N., R. 24 E., sec. 36.
(M) 640 acres in T. 28 N., R. 25 E., sec. 16.
(N) 640 acres in T. 28 N., R. 25 E., sec. 36.
(O) 640 acres in T. 28 N., R. 26 E., sec. 16.
(P) 94.96 acres in T. 28 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act, comprised of—
(i) 30.68 acres in lot 5;
(ii) 26.06 acres in lot 6;
(iii) 21.42 acres in lot 7; and
(iv) 16.8 acres in lot 8.
(Q) 652.32 acres in T. 29 N., R. 22 E., sec. 16, excluding the 73.36 acres under lease by individuals who are not members of the Fort Belknap Indian Community, on the date of enactment of this Act.
(R) 640 acres in T. 29 N., R. 22 E., sec. 36.
(S) 640 acres in T. 29 N., R. 23 E., sec. 16.
(T) 640 acres in T. 29 N., R. 24 E., sec. 16.
(U) 640 acres in T. 29 N., R. 24 E., sec. 36.
(V) 640 acres in T. 29 N., R. 25 E., sec. 16.
(W) 640 acres in T. 29 N., R. 25 E., sec. 36.
(X) 640 acres in T. 29 N., R. 26 E., sec. 16.
(Y) 663.22 acres in T. 30 N., R. 22 E., sec. 16, excluding the 58.72 acres under lease by individuals who are not members of the Fort Belknap Indian Community on the date of enactment of this Act.
(Z) 640 acres in T. 30 N., R. 22 E., sec. 36.
(AA) 640 acres in T. 30 N., R. 23 E., sec. 16.
(BB) 640 acres in T. 30 N., R. 23 E., sec. 36.
(CC) 640 acres in T. 30 N., R. 24 E., sec. 16.
(DD) 640 acres in T. 30 N., R. 24 E., sec. 36.
(EE) 640 acres in T. 30 N., R. 25 E., sec. 16.
(FF) 275.88 acres in T. 30 N., R. 26 E., sec. 36, under lease by the Fort Belknap Indian Community Council on the date of enactment of this Act.
(GG) 640 acres in T. 31 N., R. 22 E., sec. 36.
(HH) 640 acres in T. 31 N., R. 23 E., sec. 16.
(II) 640 acres in T. 31 N., R. 23 E., sec. 36.
(JJ) 34.04 acres in T. 31 N., R. 26 E., sec. 16, lot 4.
(KK) 640 acres in T. 25 N., R. 22 E., sec. 16.

(4) ELIGIBLE LAND.—

(A) IN GENERAL.—Subject to valid existing rights, the reservation of easements or rights-of-way deemed necessary to be retained by the Secretary concerned, and the requirements of this subsection, the Secretary is authorized and directed to convey to the State any eligible land within the State identified in the negotiations authorized by paragraph (2) and agreed to by the Secretary concerned.

(B) EXCEPTIONS.—The Secretary concerned shall exclude from any conveyance any parcel of eligible land that is—

(i) included within the National Landscape Conservation System established by section 2002(a) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(a)), without regard to whether that land has been identified as available for disposal in a land use plan;

(ii) designated as wilderness by Congress;

(iii) within a component of the National Wild and Scenic Rivers System; or

(iv) designated in the Forest Land and Resource Management Plan as a Research Natural Area.

(C) ADMINISTRATIVE RESPONSIBILITY.—The Secretary shall be responsible for meeting all substantive and any procedural requirements necessary to complete the exchange and the conveyance of the eligible land.

(5) LAND INTO TRUST.—On completion of the land exchange authorized by this subsection, the Secretary shall, as soon as practicable after the enforceability date, take the land received by the United States pursuant to this subsection into trust for the benefit of the Fort Belknap Indian Community.

(6) TERMS AND CONDITIONS.—

(A) EQUAL VALUE.—The values of the eligible land and State land exchanged under this subsection shall be equal, except that the Secretary concerned may—

(i) exchange land that is of approximately equal value if such an exchange complies with the requirements of section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)) (and any regulations implementing that section) without regard to the monetary limitation described in paragraph (1)(A) of that section; and

(ii) make or accept an equalization payment, or waive an equalization payment, if such a payment or waiver of a payment complies with the requirements of section 206(b) of that Act (43 U.S.C. 1716(b)) (and any regulations implementing that section).

(B) IMPACTS ON LOCAL GOVERNMENTS.—In identifying eligible land to be exchanged with the State, the Secretary concerned and the State may—

(i) consider the financial impacts of exchanging specific eligible land on local governments; and

(ii) attempt to minimize the financial impact of the exchange on local governments.

(C) EXISTING AUTHORIZATIONS.—

(i) ELIGIBLE LAND CONVEYED TO THE STATE.—

(I) IN GENERAL.—Any eligible land conveyed to the State under this subsection shall be subject to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY STATE.—The State shall assume all benefits and obligations of the Forest Service or the Bureau of Land Management, as applicable, under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I).

(ii) STATE LAND CONVEYED TO THE UNITED STATES.—

(I) IN GENERAL.—Any State land conveyed to the United States under this subsection and taken into trust for the benefit of the Fort Belknap Indian Community subject shall be to any valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, or right-of-way requests an earlier termination in accordance with existing law.

(II) ASSUMPTION BY BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall—

(aa) assume all benefits and obligations of the State under the existing rights, contracts, leases, permits, and rights-of-way described in subclause (I); and

(bb) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts, leases, permits, and rights-of-way, after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the benefit of the Fort Belknap Indian Community.

(D) PERSONAL PROPERTY.—

(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred to the United States under this subsection shall—

(I) remain the property of the holder; and

(II) be removed not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.

(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—

(I) become the property of the Fort Belknap Indian Community; and

(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.

(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable for costs incurred by the Fort Belknap Indian Community in removing and disposing of the personal property under clause (ii)(II).

(7) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of land owned by the State under paragraph (3), the State may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the State parcels to be exchanged.

(8) ASSISTANCE.—The Secretary shall provide $10,000,000 of financial or other assistance to the State and the Fort Belknap Indian Community as may be necessary to obtain the appraisals, and to satisfy administrative requirements, necessary to accomplish the exchanges under paragraph (2).

(b) FEDERAL LAND TRANSFERS.—

(1) IN GENERAL.—Subject to valid existing rights and the requirements of this subsection, all right, title, and interest of the United States in and to the land described in paragraph (2) shall be held by the United States in trust for the benefit of the Fort Belknap Indian Community as part of the Reservation on the enforceability date.

(2) FEDERAL LAND.—

(A) BUREAU OF LAND MANAGEMENT PARCELS.—

(i) 59.46 acres in T. 25 N., R. 22 E., sec. 4, comprised of—

(I) 19.55 acres in lot 10;

(II) 19.82 acres in lot 11; and

(III) 20.09 acres in lot 16.

(ii) 324.24 acres in the N½ of T. 25 N., R. 22 E., sec. 5.

(iii) 403.56 acres in T. 25 N., R. 22 E., sec. 9, comprised of—

(I) 20.39 acres in lot 2;

(II) 20.72 acres in lot 7;

(III) 21.06 acres in lot 8;

(IV) 40.00 acres in lot 9;

(V) 40.00 acres in lot 10;

(VI) 40.00 acres in lot 11;

(VII) 40.00 acres in lot 12;

(VIII) 21.39 acres in lot 13; and

(IX) 160 acres in SW¼.

(iv) 70.63 acres in T. 25 N., R. 22 E., sec. 13, comprised of—

(I) 18.06 acres in lot 5;

(II) 18.25 acres in lot 6;

(III) 18.44 acres in lot 7; and

(IV) 15.88 acres in lot 8.

(v) 71.12 acres in T. 25 N., R. 22 E., sec. 14, comprised of—

(I) 17.65 acres in lot 5;

(II) 17.73 acres in lot 6;

(III) 17.83 acres in lot 7; and

(IV) 17.91 acres in lot 8.

(vi) 103.29 acres in T. 25 N., R. 22 E., sec. 15, comprised of—

(I) 21.56 acres in lot 6;

(II) 29.50 acres in lot 7;

(III) 17.28 acres in lot 8;

(IV) 17.41 acres in lot 9; and

(V) 17.54 acres in lot 10.

(vii) 160 acres in T. 26 N., R. 21 E., sec. 1, comprised of—

(I) 80 acres in the S½ of the NW¼ ; and

(II) 80 acres in the W½ of the SW¼.

(viii) 567.50 acres in T. 26 N., R. 21 E., sec. 2, comprised of—

(I) 82.54 acres in the E½ of the NW¼;

(II) 164.96 acres in the NE¼; and

(III) 320 acres in the S½.

(ix) 240 acres in T. 26 N., R. 21 E., sec. 3, comprised of—

(I) 40 acres in the SE¼ of the NW¼;

(II) 160 acres in the SW¼; and

(III) 40 acres in the SW¼ of the SE¼.

(x) 120 acres in T. 26 N., R. 21 E., sec. 4, comprised of—

(I) 80 acres in the E½ of the SE¼; and

(II) 40 acres in the NW¼ of the SE¼.

(xi) 200 acres in T. 26 N., R. 21 E., sec. 5, comprised of—

(I) 160 acres in the SW¼; and

(II) 40 acres in the SW¼ of the NW¼.

(xii) 40 acres in the SE¼ of the SE¼ of T. 26 N., R. 21 E., sec. 6.

(xiii) 240 acres in T. 26 N., R. 21 E., sec. 8, comprised of—

(I) 40 acres in the NE¼ of the SW¼;

(II) 160 acres in the NW¼; and

(III) 40 acres in the NW¼ of the SE¼.

(xiv) 320 acres in the E½ of T. 26 N., R. 21 E., sec. 9.

(xv) 640 acres in T. 26 N., R. 21 E., sec. 10.

(xvi) 600 acres in T. 26 N., R. 21 E., sec. 11, comprised of—

(I) 320 acres in the N½;

(II) 80 acres in the N½ of the SE¼;

(III) 160 acres in the SW¼; and

(IV) 40 acres in the SW¼ of the SE¼.

(xvii) 525.81 acres in T. 26 N., R. 22 E., sec. 21, comprised of—

(I) 6.62 acres in lot 1;

(II) 5.70 acres in lot 2;

(III) 56.61 acres in lot 5;

(IV) 56.88 acres in lot 6;

(V) 320 acres in the W½; and

(VI) 80 acres in the W½ of the SE¼.

(xviii) 719.58 acres in T. 26 N., R. 22 E., sec. 28.

(xix) 560 acres in T. 26 N., R. 22 E., sec. 29, comprised of—

(I) 320 acres in the N½;

(II) 160 acres in the N½ of the S½; and

(III) 80 acres in the S½ of the SE¼.

(xx) 400 acres in T. 26 N., R. 22 E., sec. 32, comprised of—

(I) 320 acres in the S½; and

(II) 80 acres in the S½ of the NW¼.

(xxi) 455.51 acres in T. 26 N., R. 22 E., sec. 33, comprised of—

(I) 58.25 acres in lot 3;

(II) 58.5 acres in lot 4;

(III) 58.76 acres in lot 5;

(IV) 40 acres in the NW¼ of the NE¼;

(V) 160 acres in the SW¼; and

(VI) 80 acres in the W½ of the SE¼.

(xxii) 88.71 acres in T. 27 N., R. 21 E., sec. 1, comprised of—

(I) 24.36 acres in lot 1;

(II) 24.35 acres in lot 2; and

(III) 40 acres in the SW¼ of the SW¼.

(xxiii) 80 acres in T. 27 N., R. 21 E., sec. 3, comprised of—

(I) 40 acres in lot 11; and

(II) 40 acres in lot 12.

(xxiv) 80 acres in T. 27 N., R. 21 E., sec. 11, comprised of—

(I) 40 acres in the NW¼ of the SW¼; and

(II) 40 acres in the SW¼ of the NW¼.

(xxv) 200 acres in T. 27 N., R. 21 E., sec. 12, comprised of—

(I) 80 acres in the E½ of the SW¼;

(II) 40 acres in the NW¼ of the NW¼; and

(III) 80 acres in the S½ of the NW¼.

(xxvi) 40 acres in the SE¼ of the NE¼ of T. 27 N., R. 21 E., sec. 23.

(xxvii) 320 acres in T. 27 N., R. 21 E., sec. 24, comprised of—

(I) 80 acres in the E½ of the NW¼;

(II) 160 acres in the NE¼;

(III) 40 acres in the NE¼ of the SE¼; and

(IV) 40 acres in the SW¼ of the SW¼.

(xxviii) 120 acres in T. 27 N., R. 21 E., sec. 25, comprised of—

(I) 80 acres in the S½ of the NE¼; and

(II) 40 acres in the SE¼ of the NW¼.

(xxix) 40 acres in the NE¼ of the SE¼ of T. 27 N., R. 21 E., sec. 26.

(xxx) 160 acres in the NW¼ of T. 27 N., R. 21 E., sec. 27.

(xxxi) 40 acres in the SW¼ of the SW¼ of T. 27 N., R. 21 E., sec. 29.

(xxxii) 40 acres in the SW¼ of the NE¼ of T. 27 N., R. 21 E., sec 30.

(xxxiii) 120 acres in T. 27 N., R. 21 E., sec. 33, comprised of—

(I) 40 acres in the SE¼ of the NE¼; and

(II) 80 acres in the N½ of the SE¼.

(xxxiv) 440 acres in T. 27 N., R. 21 E., sec. 34, comprised of—

(I) 160 acres in the N½ of the S½;

(II) 160 acres in the NE¼;

(III) 80 acres in the S½ of the NW¼; and

(IV) 40 acres in the SE¼ of the SE¼.

(xxxv) 133.44 acres in T. 27 N., R. 22 E., sec. 4, comprised of—

(I) 28.09 acres in lot 5;

(II) 25.35 acres in lot 6;

(III) 40 acres in lot 10; and

(IV) 40 acres in lot 15.

(xxxvi) 160 acres in T. 27 N., R. 22 E., sec. 7, comprised of—

(I) 40 acres in the NE¼ of the NE¼;

(II) 40 acres in the NW¼ of the SW¼; and

(III) 80 acres in the W½ of the NW¼.

(xxxvii) 120 acres in T. 27 N., R. 22 E., sec. 8, comprised of—

(I) 80 acres in the E½ of the NW¼; and

(II) 40 acres in the NE¼ of the SW¼.

(xxxviii) 40 acres in the SW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 9.

(xxxix) 40 acres in the NE¼ of the SW¼ of T. 27 N., R. 22 E., sec. 17.

(xl) 40 acres in the NW¼ of the NW¼ of T. 27 N., R. 22 E., sec. 19.

(xli) 40 acres in the SE¼ of the NW¼ of T. 27 N., R22 E., sec. 20.

(xlii) 80 acres in the W½ of the SE¼ of T. 27 N., R. 22 E., sec. 31.

(xliii) 52.36 acres in the SE¼ of the SE¼ of T. 27 N., R. 22 E., sec. 33.

(xliv) 40 acres in the NE¼ of the SW¼ of T. 28 N., R. 22 E., sec. 29.

(xlv) 40 acres in the NE¼ of the NE¼ of T. 26 N., R. 21 E., sec. 7.

(xlvi) 40 acres in the SW¼ of the NW¼ of T. 26 N., R. 21 E., sec. 12.

(xlvii) 42.38 acres in the NW¼ of the NE¼ of T. 26 N., R. 22 E., sec. 6.

(xlviii) 320 acres in the E½ of T. 26 N., R. 22 E., sec. 17.

(xlix) 80 acres in the E½ of the NE¼ of T. 26 N., R. 22 E., sec. 20.

(l) 240 acres in T. 26 N., R. 22 E., sec. 30, comprised of—

(I) 80 acres in the E½ of the NE¼;

(II) 80 acres in the N½ of the SE¼;

(III) 40 acres in the SE¼ of the NW¼; and

(IV) 40 acres in the SW¼ of the NE¼.

(B) BUREAU OF INDIAN AFFAIRS.—The parcels of approximately 3,519.3 acres of trust land that have been converted to fee land, judicially foreclosed on, acquired by the Department of Agriculture, and transferred to the Bureau of Indian Affairs, described in clauses (i) through (iii).

(i) PARCEL 1.—The land described in this clause is 640 acres in T. 29 N., R. 26 E., comprised of—

(I) 160 acres in the SW¼ of sec. 27;

(II) 160 acres in the NE¼ of sec. 33; and

(III) 320 acres in the W½ of sec. 34.

(ii) PARCEL 2.—The land described in this clause is 320 acres in the N½ of T. 30 N., R. 23 E., sec. 28.

(iii) PARCEL 3.—The land described in this clause is 2,559.3 acres, comprised of—

(I) T. 28 N., R. 24 E., including—

(aa) of sec. 16—

(AA) 5 acres in the E½, W½, E½, W½, W½, NE¼;
(BB) 10 acres in the E½ , E½, W½, W½, NE¼;
(CC) 40 acres in the E½, W½, NE¼;
(DD) 40 acres in the W½, E½, NE¼;
(EE) 20 acres in the W½, E½, E½, NE¼;
(FF) 5 acres in the W½, W½, E½, E½, E½, NE¼; and
(GG) 160 acres in the SE¼;
(bb) 640 acres in sec. 21;
(cc) 320 acres in the S½ of sec. 22; and
(dd) 320 acres in the W½ of sec. 27;
(II) T. 29 N., R. 25 E., PMM, including—
(aa) 320 acres in the S½ of sec. 1; and
(bb) 320 acres in the N½ of sec. 12;
(III) 39.9 acres in T. 29 N., R. 26 E., PMM, sec. 6, lot 2;
(IV) T. 30 N., R. 26 E., PMM, including—
(aa) 39.4 acres in sec. 3, lot 2;
(bb) 40 acres in the SW¼ of the SW¼ of sec. 4;
(cc) 80 acres in the E½ of the SE¼ of sec. 5;
(dd) 80 acres in the S½ of the SE¼ of sec. 7; and
(ee) 40 acres in the N½, N½, NE¼ of sec. 18; and
(V) 40 acres in T. 31 N., R. 26 E., PMM, the NW¼ of the SE¼ of sec. 31.

(3) TERMS AND CONDITIONS.—
(A) EXISTING AUTHORIZATIONS.—
(i) IN GENERAL.—Federal land transferred under this subsection shall be conveyed and taken into trust subject to valid existing rights, contracts, leases, permits, and rights-of-way, unless the holder of the right, contract, lease, permit, and rights-of-way requests an earlier termination in accordance with existing law.
(ii) ASSUMPTION BY BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall—
(I) assume all benefits and obligations of the previous land management agency under the existing rights, contracts, leases, permits, and rights-of-way described in clause (i); and
(II) disburse to the Fort Belknap Indian Community any amounts that accrue to the United States from those rights, contracts, leases, permits, and rights-of-ways after the date of transfer from any sale, bonus, royalty, or rental relating to that land in the same manner as amounts received from other land held by the Secretary in trust for the Fort Belknap Indian Community.
(B) PERSONAL PROPERTY.—
(i) IN GENERAL.—Any improvements constituting personal property, as defined by State law, belonging to the holder of a right, contract, lease, permit, or right-of-way on land transferred under this subsection shall—
(I) remain the property of the holder; and
(II) be removed from the land not later than 90 days after the date on which the right, contract, lease, permit, or right-of-way expires, unless the Fort Belknap Indian Community and the holder agree otherwise.
(ii) REMAINING PROPERTY.—Any personal property described in clause (i) remaining with the holder described in that clause beyond the 90-day period described in subclause (II) of that clause shall—
(I) become the property of the Fort Belknap Indian Community; and
(II) be subject to removal and disposition at the discretion of the Fort Belknap Indian Community.
(iii) LIABILITY OF PREVIOUS HOLDER.—The holder of personal property described in clause (i) shall be liable to the Fort Belknap Indian Community for costs incurred by the Fort Belknap Indian Community in removing and disposing of the property under clause (ii)(II).
(C) EXISTING ROADS.—If any road within the Federal land transferred under this subsection is necessary for customary access to private land, the Bureau of Indian Affairs shall offer the owner of the private land to apply for a right-of-way along the existing road, at the expense of the landowner.
(D) LIMITATION ON THE TRANSFER OF WATER RIGHTS.—Water rights that transfer with the land described in paragraph (2) shall not become part of the Tribal water rights, unless those rights are recognized and ratified in the Compact.

(4) WITHDRAWAL OF FEDERAL LAND.—
(A) IN GENERAL.—Subject to valid existing rights, effective on the date of enactment of this Act, all Federal land within the parcels described in paragraph (2) is withdrawn from all forms of—
(i) entry, appropriation, or disposal under the public land laws;
(ii) location, entry, and patent under the mining laws; and
(iii) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.
(B) EXPIRATION.—The withdrawals pursuant to subparagraph (A) shall terminate on the date that the Secretary takes the land into trust for the benefit of the Fort Belknap Indian Community pursuant to paragraph (1).
(C) NO NEW RESERVATION OF FEDERAL WATER RIGHTS.—Nothing in this paragraph establishes a new reservation in favor of the United States or the Fort Belknap Indian Community with respect to any water or water right on the land withdrawn by this paragraph.

(5) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in paragraph (2), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels.

(6) SURVEY.—
(A) IN GENERAL.—Unless the United States or the Fort Belknap Indian Community request an additional survey for the transferred land or a technical correction is made under paragraph (5), the description of land under this subsection shall be controlling.
(B) ADDITIONAL SURVEY.—If the United States or the Fort Belknap Indian Community requests an additional survey, that survey shall control the total acreage to be transferred into trust under this subsection.
(C) ASSISTANCE.—The Secretary shall provide such financial or other assistance as may be necessary—
(i) to conduct additional surveys under this subsection; and
(ii) to satisfy administrative requirements necessary to accomplish the land transfers under this subsection.

(7) DATE OF TRANSFER.—The Secretary shall complete all land transfers under this subsection and shall take the land into trust for the benefit of the Fort Belknap Indian Community as expeditiously as practicable after the enforceability date, but not later than 10 years after the enforceability date.

(c) TRIBALLY OWNED FEE LAND.—Not later than 10 years after the enforceability date, the Secretary shall take into trust for the benefit of the Fort Belknap Indian Community all fee land owned by the Fort Belknap Indian Community on or adjacent to the Reservation to become part of the Reservation, provided that—
(1) the land is free from any liens, encumbrances, or other infirmities; and
(2) no evidence exists of any hazardous substances on, or other environmental liability with respect to, the land.

(d) DODSON LAND.—
(1) IN GENERAL.—Subject to paragraph (2), as soon as practicable after the enforceability date, but not later than 10 years after the enforceability date, the Dodson Land described in paragraph (3) shall be taken into trust by the United States for the benefit of the Fort Belknap Indian Community as part of the Reservation.
(2) RESTRICTIONS.—The land taken into trust under paragraph (1) shall be subject to a perpetual easement, reserved by the United States for use by the Bureau of Reclamation, its contractors, and its assigns for—
(A) the right of ingress and egress for Milk River Project purposes;
(B) the right to—
(i) seep, flood, and overflow the transferred land for Milk River Project purposes;
(ii) conduct routine and non-routine operation, maintenance, and replacement activities on the Milk River Project facilities, including modification to the headworks at the upstream end of the Dodson South Canal in support of Dodson South Canal enlargement, to include all associated access, construction, and material storage necessary to complete those activities; and
(iii) prohibit the construction of permanent structures on the transferred land, except—
(I) as provided in the cooperative agreement under paragraph (4); and
(II) to meet the requirements of the Milk River Project.

(3) DESCRIPTION OF DODSON LAND.—
(A) IN GENERAL.—The Dodson Land referred to in paragraphs (1) and (2) is the approximately 2,500 acres of land owned by the United States that is, as of the date of enactment of this Act, under the jurisdiction of the Bureau of Reclamation and located at the northeastern corner of the Reservation (which extends to the point in the middle of the main channel of the Milk River), where the Milk River Project facilities, including the Dodson Diversion Dam, headworks to the Dodson South Canal, and Dodson South Canal, are located, and more particularly described as follows:
(i) Supplemental Plat of T. 30 N., R. 26 E., PMM, secs. 1 and 2.
(ii) Supplemental Plat of T. 31 N., R. 25 E., PMM, sec. 13.
(iii) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 18, 19, 20, and 29.
(iv) Supplemental Plat of T. 31 N., R. 26 E., PMM, secs. 26, 27, 35, and 36.
(B) CLARIFICATION.—The supplemental plats described in clauses (i) through (iv) of subparagraph (A) are official plats, as documented by retracement boundary surveys of the General Land Office, approved on March 11, 1938, and on record at the Bureau of Land Management.
(C) TECHNICAL CORRECTIONS.—Notwithstanding the descriptions of the parcels of Federal land in subparagraph (A), the United States may, with the consent of the Fort Belknap Indian Community, make technical corrections to the legal land descriptions to more specifically identify the parcels to be transferred.

(4) COOPERATIVE AGREEMENT.—Not later than 3 years after the enforceability date, the Bureau of Reclamation, the Malta Irrigation District, the Bureau of Indian Affairs, and the Fort Belknap Indian Community shall negotiate and enter into a cooperative agreement that identifies the uses to which the Fort Belknap Indian Community may put the land described in paragraph (3), provided that the cooperative agreement may be amended by mutual agreement of the Fort Belknap Indian Community, Bureau of Reclamation, the Malta Irrigation District, and the Bureau of Indian Affairs, including to modify the perpetual easement to narrow the boundaries of the easement or to terminate the perpetual easement and cooperative agreement.

(e) LAND STATUS.—All land held in trust by the United States for the benefit of the Fort

Belknap Indian Community under this section shall be—

(1) beneficially owned by the Fort Belknap Indian Community; and

(2) part of the Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for the benefit of an Indian Tribe.

SEC. 11007. STORAGE ALLOCATION FROM LAKE ELWELL.

(a) STORAGE ALLOCATION OF WATER TO FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall allocate to the Fort Belknap Indian Community 20,000 acre-feet per year of water stored in Lake Elwell for use by the Fort Belknap Indian Community for any beneficial purpose on or off the Reservation, under a water right held by the United States and managed by the Bureau of Reclamation for the benefit of the Fort Belknap Indian Community, as measured and diverted at the outlet works of the Tiber Dam or through direct pumping from Lake Elwell.

(b) TREATMENT.—

(1) IN GENERAL.—The allocation to the Fort Belknap Indian Community under subsection (a) shall be considered to be part of the Tribal water rights.

(2) PRIORITY DATE.—The priority date of the allocation to the Fort Belknap Indian Community under subsection (a) shall be the priority date of the Lake Elwell water right held by the Bureau of Reclamation.

(3) ADMINISTRATION.—The Fort Belknap Indian Community shall administer the water allocated under subsection (a) in accordance with the Compact and this division.

(c) ALLOCATION AGREEMENT.—

(1) IN GENERAL.—As a condition of receiving the allocation under this section, the Fort Belknap Indian Community shall enter into an agreement with the Secretary to establish the terms and conditions of the allocation, in accordance with the Compact and this division.

(2) INCLUSIONS.—The agreement under paragraph (1) shall include provisions establishing that—

(A) the agreement shall be without limit as to term;

(B) the Fort Belknap Indian Community, and not the United States, shall be entitled to all consideration due to the Fort Belknap Indian Community under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(C) the United States shall have no obligation to monitor, administer, or account for—

(i) any funds received by the Fort Belknap Indian Community as consideration under any lease, contract, exchange, or agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d); or

(ii) the expenditure of those funds;

(D) if the capacity or function of Lake Elwell facilities are significantly reduced, or are anticipated to be significantly reduced, for an extended period of time, the Fort Belknap Indian Community shall have the same storage rights as other storage contractors with respect to the allocation under this section;

(E) the costs associated with the construction of the storage facilities at Tiber Dam allocable to the Fort Belknap Indian Community shall be nonreimbursable;

(F) no water service capital charge shall be due or payable for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, regardless of whether that water is delivered for use by the Fort Belknap Indian Community or under a lease, contract, exchange, or by agreement entered into by the Fort Belknap Indian Community pursuant to subsection (d);

(G) the Fort Belknap Indian Community shall not be required to make payments to the United States for any water allocated to the Fort Belknap Indian Community under this section or the allocation agreement, except for each acre-foot of stored water leased or transferred for industrial purposes as described in subparagraph (H); and

(H) for each acre-foot of stored water leased or transferred by the Fort Belknap Indian Community for industrial purposes—

(i) the Fort Belknap Indian Community shall pay annually to the United States an amount necessary to cover the proportional share of the annual operations, maintenance, and replacement costs allocable to the quantity of water leased or transferred by the Fort Belknap Indian Community for industrial purposes; and

(ii) the annual payments of the Fort Belknap Indian Community shall be reviewed and adjusted, as appropriate, to reflect the actual operations, maintenance, and replacement costs for Tiber Dam.

(d) AGREEMENT BY FORT BELKNAP INDIAN COMMUNITY.—The Fort Belknap Indian Community may use, lease, contract, exchange, or enter into other agreements for the use of the water allocated to the Fort Belknap Indian Community under subsection (a) if—

(1) the use of water that is the subject of such an agreement occurs within the Missouri River Basin; and

(2) the agreement does not permanently alienate any water allocated to the Fort Belknap Indian Community under that subsection.

(e) EFFECTIVE DATE.—The allocation under subsection (a) takes effect on the enforceability date.

(f) NO CARRYOVER STORAGE.—The allocation under subsection (a) shall not be increased by any year-to-year carryover storage.

(g) DEVELOPMENT AND DELIVERY COSTS.—The United States shall not be required to pay the cost of developing or delivering any water allocated under this section.

SEC. 11008. MILK RIVER PROJECT MITIGATION.

(a) IN GENERAL.—In complete satisfaction of the Milk River Project mitigation requirements provided for in Article VI.B. of the Compact, the Secretary, acting through the Commissioner—

(1) in cooperation with the State and the Blackfeet Tribe, shall carry out appropriate activities concerning the restoration of the St. Mary Canal and associated facilities, including activities relating to the—

(A) planning and design to restore the St. Mary Canal and appurtenances to convey 850 cubic-feet per second; and

(B) rehabilitating, constructing, and repairing of the St. Mary Canal and appurtenances; and

(2) in cooperation with the State and the Fort Belknap Indian Community, shall carry out appropriate activities concerning the enlargement of Dodson South Canal and associated facilities, including activities relating to the—

(A) planning and design to enlarge Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; and

(B) rehabilitating, constructing, and enlarging the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second.

(b) FUNDING.—The total amount of obligations incurred by the Secretary, prior to any adjustments provided for in section 11014(b), shall not exceed $300,000,000 to carry out activities described in subsection (c)(1).

(c) SATISFACTION OF MITIGATION REQUIREMENT.—Notwithstanding any provision of the Compact, the mitigation required by Article VI.B. of the Compact shall be deemed satisfied if—

(1) the Secretary has—

(A) restored the St. Mary Canal and associated facilities to convey 850 cubic-feet per second; and

(B) enlarged the Dodson South Canal and headworks at the upstream end of Dodson South Canal to divert and convey 700 cubic-feet per second; or

(2) the Secretary—

(A) has expended all of the available funding provided pursuant to section 11014(a)(1)(D) to rehabilitate the St. Mary Canal and enlarge the Dodson South Canal; and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

(d) NONREIMBURSABILITY OF COSTS.—The costs to the Secretary of carrying out this section shall be nonreimbursable.

SEC. 11009. FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall rehabilitate, modernize, and expand the Fort Belknap Indian Irrigation Project, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019, which shall include—

(1) planning, studies, and designing of the existing and expanded Milk River unit, including the irrigation system, Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project;

(2) the rehabilitation, modernization, and construction of the existing Milk River unit; and

(3) construction of the expanded Milk River unit, including the irrigation system, Pumping Plant, delivery pipe and canal, Fort Belknap Dam and Reservoir, and Peoples Creek Flood Protection Project.

(b) LEAD AGENCY.—The Bureau of Indian Affairs, in coordination with the Bureau of Reclamation, shall serve as the lead agency with respect to any activities carried out under this section.

(c) CONSULTATION WITH THE FORT BELKNAP INDIAN COMMUNITY.—The Secretary shall consult with the Fort Belknap Indian Community on appropriate changes to the final design and costs of any activity under this section.

(d) FUNDING.—The total amount of obligations incurred by the Secretary in carrying out this section, prior to any adjustment provided for in section 11014(b), shall not exceed $415,832,153.

(e) NONREIMBURSABILITY OF COSTS.—All costs incurred by the Secretary in carrying out this section shall be nonreimbursable.

(f) ADMINISTRATION.—The Secretary and the Fort Belknap Indian Community shall negotiate the cost of any oversight activity carried out by the Bureau of Indian Affairs or the Bureau of Reclamation under any agreement entered into under subsection (j), subject to the condition that the total cost for the oversight shall not exceed 3 percent of the total project costs for each project.

(g) PROJECT MANAGEMENT COMMITTEE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall facilitate the formation of a project management committee composed of representatives of the Bureau of Indian Affairs, the Bureau of Reclamation, and the Fort Belknap Indian Community—

(1) to review and make recommendations relating to cost factors, budgets, and implementing the activities for rehabilitating, modernizing, and expanding the Fort Belknap Indian Irrigation Project; and

(2) to improve management of inherently governmental activities through enhanced communication.

(h) PROJECT EFFICIENCIES.—If the total cost of planning, studies, design, rehabilitation, modernization, and construction activities relating to the projects described in subsection (a) results in cost savings and is less than the amounts authorized to be obligated, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under section 11012(b)(2).

(i) TREATMENT.—Any activities carried out pursuant to this section that result in improvements, additions, or modifications to the Fort Belknap Indian Irrigation Project shall—

(1) become a part of the Fort Belknap Indian Irrigation Project; and

(2) be recorded in the inventory of the Secretary relating to the Fort Belknap Indian Irrigation Project.

(j) APPLICABILITY OF ISDEAA.—At the request of the Fort Belknap Indian Community, and in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.), the Secretary shall enter into agreements with the Fort Belknap Indian Community to carry out all or a portion of this section.

(k) EFFECT.—Nothing in this section—

(1) alters any applicable law under which the Bureau of Indian Affairs collects assessments or carries out the operations and maintenance of the Fort Belknap Indian Irrigation Project; or

(2) impacts the availability of amounts under section 11014.

(l) SATISFACTION OF FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM REQUIREMENT.—The obligations of the Secretary under subsection (a) shall be deemed satisfied if the Secretary—

(1) has rehabilitated, modernized, and expanded the Fort Belknap Indian Irrigation Project in accordance with subsection (a); or

(2)(A) has expended all of the available funding provided pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 11014(a); and

(B) despite diligent efforts, could not complete the activities described in subsection (a).

SEC. 11010. SATISFACTION OF CLAIMS.

(a) IN GENERAL.—The benefits provided under this division shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Fort Belknap Indian Community against the United States that is waived and released by the Fort Belknap Indian Community under section 11011(a).

(b) ALLOTTEES.—The benefits realized by the allottees under this division shall be in complete replacement of, complete substitution for, and full satisfaction of—

(1) all claims waived and released by the United States (acting as trustee for the allottees) under section 11011(a)(2); and

(2) any claims of the allottees against the United States similar to the claims described in section 11011(a)(2) that the allottee asserted or could have asserted.

SEC. 11011. WAIVERS AND RELEASES OF CLAIMS.

(a) IN GENERAL.—

(1) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AND UNITED STATES AS TRUSTEE FOR THE FORT BELKNAP INDIAN COMMUNITY.—Subject to the reservation of rights and retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), and the United States, acting as trustee for the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims for water rights within the State that the Fort Belknap Indian Community, or the United States acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(2) WAIVER AND RELEASE OF CLAIMS BY THE UNITED STATES AS TRUSTEE FOR ALLOTTEES.—Subject to the reservation of rights and the retention of claims under subsection (d), as consideration for recognition of the Tribal water rights and other benefits described in the Compact and this division, the United States, acting as trustee for the allottees, shall execute a waiver and release of all claims for water rights within the Reservation that the United States, acting as trustee for the allottees, asserted or could have asserted in any proceeding, including a State stream adjudication, on or before the enforceability date, except to the extent that such rights are recognized in the Compact and this division.

(3) WAIVER AND RELEASE OF CLAIMS BY THE FORT BELKNAP INDIAN COMMUNITY AGAINST THE UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community (but not any member of the Fort Belknap Indian Community as an allottee), shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States)—

(A) first arising before the enforceability date relating to—

(i) water rights within the State that the United States, acting as trustee for the Fort Belknap Indian Community, asserted or could have asserted in any proceeding, including a general stream adjudication in the State, except to the extent that such rights are recognized as Tribal water rights under this division;

(ii) foregone benefits from nontribal use of water, on and off the Reservation (including water from all sources and for all uses);

(iii) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion of, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the State;

(iv) a failure to establish or provide a municipal rural or industrial water delivery system on the Reservation;

(v) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of the Fort Belknap Indian Irrigation Project and other Federal land and facilities (including damages, losses, or injuries to Tribal fisheries, fish habitat, wildlife, and wildlife habitat);

(vi) a failure to provide for operation and maintenance, or deferred maintenance, for the Fort Belknap Indian Irrigation Project or any other irrigation system or irrigation project;

(vii) the litigation of claims relating to any water rights of the Fort Belknap Indian Community in the State;

(viii) the negotiation, execution, or adoption of the Compact (including appendices) and this division;

(ix) the taking or acquisition of land or resources of the Fort Belknap Indian Community for the construction or operation of the Fort Belknap Indian Irrigation Project or the Milk River Project; and

(x) the allocation of water of the Milk River and the St. Mary River (including tributaries) between the United States and Canada pursuant to the International Boundary Waters Treaty of 1909 (36 Stat. 2448); and

(B) relating to damage, loss, or injury to water, water rights, land, or natural resources due to mining activities in the Little Rockies Mountains prior to the date of trust acquisition, including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights.

(b) EFFECTIVENESS.—The waivers and releases under subsection (a) shall take effect on the enforceability date.

(c) OBJECTIONS IN MONTANA WATER COURT.—Nothing in this division or the Compact prohibits the Fort Belknap Indian Community, a member of the Fort Belknap Indian Community, an allottee, or the United States in any capacity from objecting to any claim to a water right filed in any general stream adjudication in the Montana Water Court.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsection (a), the Fort Belknap Indian Community, acting on behalf of the Fort Belknap Indian Community and members of the Fort Belknap Indian Community, and the United States, acting as trustee for the Fort Belknap Indian Community and the allottees shall retain—

(1) all claims relating to—

(A) the enforcement of water rights recognized under the Compact, any final court decree relating to those water rights, or this division or to water rights accruing on or after the enforceability date;

(B) the quality of water under—

(i) CERCLA, including damages to natural resources;

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(iv) any regulations implementing the Acts described in clauses (i) through (iii);

(C) damage, loss, or injury to land or natural resources that are—

(i) not due to loss of water or water rights (including hunting, fishing, gathering, or cultural rights); and

(ii) not described in subsection (a)(3); and

(D) an action to prevent any person or party (as defined in sections 29 and 30 of Article II of the Compact) from interfering with the enjoyment of the Tribal water rights;

(2) all claims relating to off-Reservation hunting rights, fishing rights, gathering rights, or other rights;

(3) all claims relating to the right to use and protect water rights acquired after the date of enactment of this Act;

(4) all claims relating to the allocation of waters of the Milk River and the Milk River Project between the Fort Belknap Indian Community and the Blackfeet Tribe, pursuant to section 3705(e)(3) of the Blackfeet Water Rights Settlement Act (Public Law 114–322; 130 Stat. 1818);

(5) all claims relating to the enforcement of this division, including the required transfer of land under section 11006; and

(6) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this division or the Compact.

(e) EFFECT OF COMPACT AND DIVISION.—Nothing in the Compact or this division—

(1) affects the authority of the Fort Belknap Indian Community to enforce the laws of the Fort Belknap Indian Community, including with respect to environmental protections;

(2) affects the ability of the United States, acting as sovereign, to carry out any activity authorized by law, including—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) CERCLA; and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) affects the ability of the United States to act as trustee for any other Indian Tribe or an allottee of any other Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law relating to health, safety, or the environment; or

(C) to conduct judicial review of any Federal agency action;

(5) waives any claim of a member of the Fort Belknap Indian Community in an individual capacity that does not derive from a right of the Fort Belknap Indian Community;

(6) revives any claim adjudicated in the decision in Gros Ventre Tribe v. United States, 469 F.3d 801 (9th Cir. 2006); or

(7) revives any claim released by an allottee or member of the Fort Belknap Indian Community in the settlement in Cobell v. Salazar, No. 1:96CV01285–JR (D.D.C. 2012).

(f) ENFORCEABILITY DATE.—The enforceability date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) the eligible members of the Fort Belknap Indian Community have voted to approve this division and the Compact by a majority of votes cast on the day of the vote;

(2)(A) the Montana Water Court has approved the Compact in a manner from which no further appeal may be taken; or

(B) if the Montana Water Court is found to lack jurisdiction, the appropriate district court of the United States has approved the Compact as a consent decree from which no further appeal may be taken;

(3) all of the amounts authorized to be appropriated under section 11014 have been appropriated and deposited in the designated accounts;

(4) the Secretary and the Fort Belknap Indian Community have executed the allocation agreement described in section 11007(c)(1);

(5) the State has provided the required funding into the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund pursuant to section 11014(a)(3); and

(6) the waivers and releases under subsection (a) have been executed by the Fort Belknap Indian Community and the Secretary.

(g) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the enforceability date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitations or time-based equitable defense that expired before the date of enactment of this Act.

(h) EXPIRATION.—

(1) IN GENERAL.—This division shall expire in any case in which—

(A) the amounts authorized to be appropriated by this division have not been made available to the Secretary by not later than—

(i) January 21, 2034; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary; or

(B) the Secretary fails to publish a statement of findings under subsection (f) by not later than—

(i) January 21, 2035; and

(ii) such alternative later date as is agreed to by the Fort Belknap Indian Community and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this division expires under paragraph (1)—

(A) the waivers and releases under subsection (a) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Compact under section 11004 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this division shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this division, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this division shall be returned to the Federal Government, unless otherwise agreed to by the Fort Belknap Indian Community and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this division that were expended or withdrawn, or any funds made available to carry out this division from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Fort Belknap Indian Community; or

(bb) any user of the Tribal water rights; or

(II) any other matter described in subsection (a)(3); or

(ii) in any future settlement of water rights of the Fort Belknap Indian Community or an allottee.

SEC. 11012. AANIIIH NAKODA SETTLEMENT TRUST FUND.

(a) ESTABLISHMENT.—The Secretary shall establish a trust fund for the Fort Belknap Indian Community, to be known as the ''Aaniiih Nakoda Settlement Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Trust Fund under subsection (c), together with any investment earnings, including interest, earned on those amounts, for the purpose of carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Trust Fund the following accounts:

(1) The Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account.

(2) The Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account.

(3) The Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1), the amounts made available pursuant to paragraphs (1)(A) and (2)(A)(i) of section 11014(a);

(2) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the amounts made available pursuant to section 11014(a)(2)(A)(ii); and

(3) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the amounts made available pursuant to paragraphs (1)(B) and (2)(A)(iii) of section 11014(a).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of the funds into the accounts in the Trust Fund pursuant to subsection (c), the Secretary shall manage, invest, and distribute all amounts in the Trust Fund in accordance with the investment authority of the Secretary under—

(A) the first section of the Act of June 24, 1938 (25 U.S.C. 162a);

(B) the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

(C) this section.

(2) INVESTMENT EARNINGS.—In addition to the amounts deposited under subsection (c), any investment earnings, including interest, credited to amounts held in the Trust Fund shall be available for use in accordance with subsections (e) and (g).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, the Trust Fund, including any investment earnings, including interest, earned on those amounts shall be made available—

(A) to the Fort Belknap Indian Community by the Secretary beginning on the enforceability date; and

(B) subject to the uses and restrictions in this section.

(2) EXCEPTIONS.—Notwithstanding paragraph (1)—

(A) amounts deposited in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be available to the Fort Belknap Indian Community on the date on which the amounts are deposited for uses described in subparagraph (A) and (B) of subsection (g)(1);

(B) amounts deposited in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2) shall be made available to the Fort Belknap Indian Community on the date on which the amounts are deposited and the Fort Belknap Indian Community has satisfied the requirements of section 11011(f)(1), for the uses described in subsection (g)(2)(A); and

(C) amounts deposited in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3) shall be available to the Fort

Belknap Indian Community on the date on which the amounts are deposited for the uses described in subsection (g)(3)(A).

(f) WITHDRAWALS.—

(1) AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—The Fort Belknap Indian Community may withdraw any portion of the funds in the Trust Fund on approval by the Secretary of a Tribal management plan submitted by the Fort Belknap Indian Community in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the Fort Belknap Indian Community spend all amounts withdrawn from the Trust Fund, and any investment earnings accrued through the investments under the Tribal management plan, in accordance with this division.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary—

(i) to enforce the Tribal management plan; and

(ii) to ensure that amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community under this paragraph are used in accordance with this division.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—The Fort Belknap Indian Community may submit to the Secretary a request to withdraw funds from the Trust Fund pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw funds under an expenditure plan under this paragraph, the Fort Belknap Indian Community shall submit to the Secretary for approval an expenditure plan for any portion of the Trust Fund that the Fort Belknap Indian Community elects to withdraw pursuant to this paragraph, subject to the condition that the funds shall be used for the purposes described in this division.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Trust Fund will be used by the Fort Belknap Indian Community in accordance with subsections (e) and (g).

(D) APPROVAL.—On receipt of an expenditure plan under this paragraph, the Secretary shall approve the expenditure plan if the Secretary determines that the expenditure plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this division.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan under this paragraph to ensure that amounts disbursed under this paragraph are used in accordance with this division.

(g) USES.—Amounts from the Trust Fund shall be used by the Fort Belknap Indian Community for the following purposes:

(1) FORT BELKNAP INDIAN COMMUNITY TRIBAL IRRIGATION AND OTHER WATER RESOURCES DEVELOPMENT ACCOUNT.—Amounts in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account established under subsection (b)(1) shall be used to pay the cost of activities relating to—

(A) planning, studies, and design of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019;

(B) environmental compliance;

(C) construction of the Southern Tributary Irrigation Project and the Peoples Creek Irrigation Project, including the Upper Peoples Creek Dam and Reservoir;

(D) wetlands restoration and development;

(E) stock watering infrastructure; and

(F) on farm development support and reacquisition of fee lands within the Fort Belknap Indian Irrigation Project and Fort Belknap Indian Community irrigation projects within the Reservation.

(2) FORT BELKNAP INDIAN COMMUNITY WATER RESOURCES AND WATER RIGHTS ADMINISTRATION, OPERATION, AND MAINTENANCE ACCOUNT.—Amounts in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account established under subsection (b)(2), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities described in subparagraphs (A) through (C) as follows:

(A) $9,000,000 shall be used for the establishment, operation, and capital expenditures in connection with the administration of the Tribal water resources and water rights development, including the development or enactment of a Tribal water code.

(B) Only investment earnings, including interest, on $29,299,059 shall be used and be available to pay the costs of activities for administration, operations, and regulation of the Tribal water resources and water rights department, in accordance with the Compact and this division.

(C) Only investment earnings, including interest, on $28,331,693 shall be used and be available to pay the costs of activities relating to a portion of the annual assessment costs for the Fort Belknap Indian Community and Tribal members, including allottees, under the Fort Belknap Indian Irrigation Project and Fort Belknap Indian Community irrigation projects within the Reservation.

(3) FORT BELKNAP INDIAN COMMUNITY CLEAN AND SAFE DOMESTIC WATER AND SEWER SYSTEMS, AND LAKE ELWELL PROJECT ACCOUNT.—Amounts in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account established under subsection (b)(3), the principal and investment earnings, including interest, may only be used by the Fort Belknap Indian Community to pay the costs of activities relating to—

(A) planning, studies, design, and environmental compliance of domestic water supply, and sewer collection and treatment systems, as generally described in the document of Natural Resources Consulting Engineers, Inc., entitled ''Fort Belknap Indian Community Comprehensive Water Development Plan'' and dated February 2019, including the Lake Elwell Project water delivery to the southern part of the Reservation;

(B) construction of domestic water supply, sewer collection, and treatment systems;

(C) construction, in accordance with applicable law, of infrastructure for delivery of Lake Elwell water diverted from the Missouri River to the southern part of the Reservation; and

(D) planning, studies, design, environmental compliance, and construction of a Tribal wellness center for a work force health and wellbeing project.

(h) LIABILITY.—The Secretary shall not be liable for any expenditure or investment of amounts withdrawn from the Trust Fund by the Fort Belknap Indian Community pursuant to subsection (f).

(i) PROJECT EFFICIENCIES.—If the total cost of the activities described in subsection (g) results in cost savings and is less than the amounts authorized to be obligated under any of paragraphs (1) through (3) of that subsection required to carry out those activities, the Secretary, at the request of the Fort Belknap Indian Community, shall deposit those savings in the Trust Fund to be used in accordance with that subsection.

(j) ANNUAL REPORT.—The Fort Belknap Indian Community shall submit to the Secretary an annual expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan described in this section.

(k) NO PER CAPITA PAYMENTS.—No principal or interest amount in any account established by this section shall be distributed to any member of the Fort Belknap Indian Community on a per capita basis.

(l) EFFECT.—Nothing in this division entitles the Fort Belknap Indian Community to judicial review of a determination of the Secretary regarding whether to approve a Tribal management plan under subsection (f)(1) or an expenditure plan under subsection (f)(2), except as provided under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 11013. FORT BELKNAP INDIAN COMMUNITY WATER SETTLEMENT IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a nontrust, interest-bearing account to be known as the ''Fort Belknap Indian Community Water Settlement Implementation Fund'', to be managed and distributed by the Secretary, for use by the Secretary for carrying out this division.

(b) ACCOUNTS.—The Secretary shall establish in the Implementation Fund the following accounts:

(1) The Fort Belknap Indian Irrigation Project System Account.

(2) The Milk River Project Mitigation Account.

(c) DEPOSITS.—The Secretary shall deposit—

(1) in the Fort Belknap Indian Irrigation Project System Account established under subsection (b)(1), the amount made available pursuant to paragraphs (1)(C) and (2)(A)(iv) of section 11014(a); and

(2) in the Milk River Project Mitigation Account established under subsection (b)(2), the amount made available pursuant to section 11014(a)(1)(D).

(d) USES.—

(1) FORT BELKNAP INDIAN IRRIGATION PROJECT SYSTEM ACCOUNT.—The Fort Belknap Indian Irrigation Project Rehabilitation Account established under subsection (b)(1) shall be used to carry out section 11009, except as provided in subsection (h) of that section.

(2) MILK RIVER PROJECT MITIGATION ACCOUNT.—The Milk River Project Mitigation Account established under subsection (b)(2) may only be used to carry out section 11008.

(e) MANAGEMENT.—

(1) IN GENERAL.—Amounts in the Implementation Fund shall not be available to the Secretary for expenditure until the enforceability date.

(2) EXCEPTION.—Notwithstanding paragraph (1), amounts deposited in the Fort Belknap Indian Irrigation Project System Account established under subsection (b)(1) shall be available to the Secretary on the date on which the amounts are deposited for uses described in paragraphs (1) and (2) of section 11009(a).

(f) INTEREST.—In addition to the deposits under subsection (c), any interest credited to amounts unexpended in the Implementation Fund are authorized to be appropriated to be used in accordance with the uses described in subsection (d).

SEC. 11014. FUNDING.

(a) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to the Secretary—

(A) for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1), $89,643,100, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(B) for deposit in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 11012(b)(3), $331,885,220, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(C) for deposit in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 11013(b)(1), such sums as are necessary, but not more than $187,124,469, for the Secretary to carry out section 11009, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury; and

(D) for deposit in the Milk River Project Mitigation Account of the Implementation Fund established under section 11013(b)(2), such sums as are necessary, but not more than $300,000,000, for the Secretary to carry out obligations of the Secretary under section 11008, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) MANDATORY APPROPRIATIONS.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall deposit—

(i) in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1), $29,881,034, to be retained until expended, withdrawn, or reverted to the general fund of the Treasury;

(ii) in the Fort Belknap Indian Community Water Resources and Water Rights Administration, Operation, and Maintenance Account of the Trust Fund established under section 11012(b)(2), $66,630,752;

(iii) in the Fort Belknap Indian Community Clean and Safe Domestic Water and Sewer Systems, and Lake Elwell Project Account of the Trust Fund established under section 11012(b)(3), $110,628,407; and

(iv) in the Fort Belknap Indian Irrigation Project System Account of the Implementation Fund established under section 11013(b)(1), $228,707,684.

(B) AVAILABILITY.—Amounts deposited in the accounts under subparagraph (A) shall be available without further appropriation.

(3) STATE COST SHARE.—The State shall contribute $5,000,000, plus any earned interest, payable to the Secretary for deposit in the Fort Belknap Indian Community Tribal Irrigation and Other Water Resources Development Account of the Trust Fund established under section 11012(b)(1) on approval of a final decree by the Montana Water Court for the purpose of activities relating to the Upper Peoples Creek Dam and Reservoir under subparagraphs (A) through (C) of section 11012(g)(1).

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amounts authorized to be appropriated under paragraphs (1) and (2) of subsection (a) and this subsection shall be—

(A) increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after the date of enactment of this Act as indicated by the Bureau of Reclamation Construction Cost Index—Composite Trend; and

(B) adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(2) REPETITION.—The adjustment process under paragraph (1) shall be repeated for each subsequent amount appropriated until the amount authorized to be appropriated under subsection (a), as adjusted, has been appropriated.

(3) PERIOD OF INDEXING.—

(A) TRUST FUND.—With respect to the Trust Fund, the period of indexing adjustment under paragraph (1) for any increment of funding shall end on the date on which the funds are deposited into the Trust Fund.

(B) IMPLEMENTATION FUND.—With respect to the Implementation Fund, the period of adjustment under paragraph (1) for any increment of funding shall be annually.

SEC. 11015. MISCELLANEOUS PROVISIONS.

(a) WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Except as provided in subsections (a) through (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666), nothing in this division waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this division quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Fort Belknap Indian Community.

(c) ELIMINATION OF DEBTS OR LIENS AGAINST ALLOTMENTS OF THE FORT BELKNAP INDIAN COMMUNITY MEMBERS WITHIN THE FORT BELKNAP INDIAN IRRIGATION PROJECT.—On the date of enactment of this Act, the Secretary shall cancel and eliminate all debts or liens against the allotments of land held by the Fort Belknap Indian Community and the members of the Fort Belknap Indian Community due to construction assessments and annual operation and maintenance charges relating to the Fort Belknap Indian Irrigation Project.

(d) EFFECT ON CURRENT LAW.—Nothing in this division affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(e) EFFECT ON RECLAMATION LAWS.—The activities carried out by the Commissioner under this division shall not establish a precedent or impact the authority provided under any other provision of the reclamation laws, including—

(1) the Reclamation Rural Water Supply Act of 2006 (43 U.S.C. 2401 et seq.); and

(2) the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(f) ADDITIONAL FUNDING.—Nothing in this division prohibits the Fort Belknap Indian Community from seeking—

(1) additional funds for Tribal programs or purposes; or

(2) funding from the United States or the State based on the status of the Fort Belknap Indian Community as an Indian Tribe.

(g) RIGHTS UNDER STATE LAW.—Except as provided in section 1 of Article III of the Compact (relating to the closing of certain water basins in the State to new appropriations in accordance with the laws of the State), nothing in this division or the Compact precludes the acquisition or exercise of a right arising under State law (as defined in section 6 of Article II of the Compact) to the use of water by the Fort Belknap Indian Community, or a member or allottee of the Fort Belknap Indian Community, outside the Reservation by—

(1) purchase of the right; or

(2) submitting to the State an application in accordance with State law.

(h) WATER STORAGE AND IMPORTATION.—Nothing in this division or the Compact prevents the Fort Belknap Indian Community from participating in any project to import water to, or to add storage in, the Milk River Basin.

SEC. 11016. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this division, including any obligation or activity under the Compact, if—

(1) adequate appropriations are not provided by Congress expressly to carry out the purposes of this division; or

(2) there are not enough funds available in the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)) to carry out the purposes of this division.

SA 1086. Mr. MURPHY submitted an amendment intended to be proposed by him to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. _____. ESTABLISHMENT OF OFFICE OF THE SPECIAL REPRESENTATIVE FOR CITY AND STATE DIPLOMACY.

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by adding at the end the following new subsection:

''(n) OFFICE OF SPECIAL REPRESENTATIVE FOR CITY AND STATE DIPLOMACY.—

''(1) IN GENERAL.—There is established within the Department of State an Office of the Special Representative for City and State Diplomacy (in this subsection referred to as the 'Office').

''(2) HEAD.—The head of the Office shall be the Special Representative for City and State Diplomacy, who shall—

''(A) have the rank and status of ambassador; and

''(B) be responsible for developing strategies to advise and enhance subnational diplomacy throughout the United States.

''(3) DUTIES.—

''(A) PRINCIPAL DUTY.—The principal duty of the Special Representative shall be providing the overall strategic guidance of Department of State support for subnational engagements by State and municipal governments with foreign governments. The Special Representative shall be the principal adviser to the Secretary of State on subnational engagements, the principal official on such matters within the senior management of the Department of State, and lead coordinator on such matters for other relevant Federal agencies.

''(B) ADDITIONAL DUTIES.—The additional duties of the Special Representative shall include the following:

''(i) Providing strategic guidance for overall Department of State policy and programs

in support of subnational engagements by State and municipal governments with foreign governments, including with respect to the following:

''(I) Identifying policy, program, and funding discrepancies among relevant Federal agencies regarding subnational diplomacy engagement.

''(II) Advising on efforts to better align the Department of State and other Federal agencies in support of such engagements.

''(ii) Identifying areas of alignment between United States foreign policy and State and municipal goals.

''(iii) Facilitating tools for State and municipal officials to communicate with the United States public regarding the breadth of international engagement by subnational actors and the impact of diplomacy across the United States.

''(iv) Building and facilitating linkages and networks among State and municipal governments, and between State and municipal governments and their foreign counterparts.

''(v) Under the direction of the Secretary, negotiating agreements and memoranda of understanding with foreign governments related to subnational engagements and priorities.

''(vi) Supporting United States economic and other interests through subnational engagements, in consultation and coordination with the Department of Commerce, the Department of the Treasury, the Office of the United States Trade Representative, and other Federal agencies.

''(vii) Spearheading the engagement of the Department of State with local elected officials, including mayors, governors, city councilors, and other municipal leaders, both in the United States and around the globe.

''(4) COORDINATION.—With respect to matters involving trade promotion and inward investment facilitation, the Office shall coordinate with and support the International Trade Administration of the Department of Commerce as the lead Federal agency for trade promotion and facilitation of business investment in the United States.

''(5) DETAILEES.—

''(A) IN GENERAL.—The Secretary of State, with respect to employees of the Department of State, is authorized to detail a member of the civil service or Foreign Service to State and municipal governments on a reimbursable or nonreimbursable basis. Such details shall be for a period not to exceed two years, and shall be without interruption or loss of status or privilege.

''(B) RESPONSIBILITIES.—Detailees under subparagraph (A) should carry out the following responsibilities:

''(i) Supporting the mission and objectives of the host subnational government office.

''(ii) Advising State and municipal government officials regarding questions of global affairs, foreign policy, cooperative agreements, and public diplomacy.

''(iii) Coordinating activities relating to State and municipal government subnational engagements with the Department of State, including the Office, Department leadership, and regional and functional bureaus of the Department, as appropriate.

''(iv) Engaging Federal agencies regarding security, public health, trade promotion, and other programs executed at the State or municipal government level.

''(v) Any other duties requested by State and municipal governments and approved by the Office.

''(C) ADDITIONAL PERSONNEL SUPPORT FOR SUBNATIONAL ENGAGEMENT.—For the purposes of this subsection, the Secretary of State—

''(i) is authorized to employ individuals by contract;

''(ii) is encouraged to make use of the rehired annuitants authority under section 3323 of title 5, United States Code, particularly for annuitants who are already residing across the United States who may have the skills and experience to support subnational governments; and

''(iii) is encouraged to make use of authorities under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) to temporarily assign State and local government officials to the Department of State or overseas missions to increase their international experience and add their perspectives on United States priorities to the Department.

''(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed as precluding—

''(A) the Office from being elevated to a bureau within the Department of State; or

''(B) the Special Representative from being elevated to an Assistant Secretary, if such an Assistant Secretary position does not increase the number of Assistant Secretary positions at the Department above the number authorized under subsection (c)(1).

''(7) DEFINITIONS.—In this subsection:

''(A) MUNICIPAL.—The term 'municipal' means, with respect to the government of a municipality in the United States, a municipality with a population of not fewer than 100,000 people.

''(B) STATE.—The term 'State' means the 50 States, the District of Columbia, and any territory or possession of the United States.

''(C) SUBNATIONAL ENGAGEMENT.—The term 'subnational engagement' means formal meetings or events between elected officials of State or municipal governments and their foreign counterparts.''.

SA 1087. Mr. REED (for himself and Mr. WICKER) proposed an amendment to amendment SA 935 proposed by Mr. SCHUMER (for Mr. REED (for himself and Mr. WICKER)) to the bill S. 2226, to authorize appropriations for fiscal year 2024 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place in title X, insert the following:

SEC. ___. BRIEFING ON AIR NATIONAL GUARD ACTIVE ASSOCIATIONS.

Not later than November 1, 2023, the Secretary of the Air Force shall brief the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the potential increase in air refueling capacity and cost savings, including manpower, to be achieved by making all Air National Guard KC–135 units active associations.

At the appropriate place in subtitle G of title X, insert the following:

SEC. ___. INFORMING CONSUMERS ABOUT SMART DEVICES ACT.

(a) REQUIRED DISCLOSURE OF A CAMERA OR RECORDING CAPABILITY IN CERTAIN INTERNET-CONNECTED DEVICES.—Each manufacturer of a covered device shall disclose, clearly and conspicuously and prior to purchase, whether the covered device manufactured by the manufacturer contains a camera or microphone as a component of the covered device.

(b) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE COMMISSION.—

(A) IN GENERAL.—The Federal Trade Commission (in this section referred to as the ''Commission'') shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this section.

(B) PENALTIES AND PRIVILEGES.—Any person who violates this section or a regulation promulgated under this section shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) SAVINGS CLAUSE.—Nothing in this section shall be construed to limit the authority of the Commission under any other provision of law.

(3) COMMISSION GUIDANCE.—Not later than 180 days after the date of enactment of this section, the Commission, through outreach to relevant private entities, shall issue guidance to assist manufacturers in complying with the requirements of this section, including guidance about best practices for making the disclosure required by subsection (a) as clear and conspicuous and age appropriate as practicable and about best practices for the use of a pictorial (as defined in section 2(a) of the Consumer Review Fairness Act of 2016 (15 U.S.C. 45b(a))) visual representation of the information to be disclosed.

(4) TAILORED GUIDANCE.—A manufacturer of a covered device may petition the Commission for tailored guidance as to how to meet the requirements of subsection (a) consistent with existing rules of practice or any successor rules.

(5) LIMITATION ON COMMISSION GUIDANCE.—No guidance issued by the Commission with respect to this section shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this section, the Commission shall allege a specific violation of a provision of this section. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the practices allegedly violate subsection (a).

(c) DEFINITION OF COVERED DEVICE.—In this section, the term ''covered device''—

(1) means a consumer product, as defined by section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)) that is capable of connecting to the internet, a component of which is a camera or microphone; and

(2) does not include—

(A) a telephone (including a mobile phone), a laptop, tablet, or any device that a consumer would reasonably expect to have a microphone or camera;

(B) any device that is specifically marketed as a camera, telecommunications device, or microphone; or

(C) any device or apparatus described in sections 255, 716, and 718, and subsections (aa) and (bb) of section 303 of the Communications Act of 1934 (47 U.S.C. 255; 617; 619; and 303(aa) and (bb)), and any regulations promulgated thereunder.

(d) EFFECTIVE DATE.—This section shall apply to all covered devices manufactured after the date that is 180 days after the date on which guidance is issued by the Commission under subsection (b)(3), and shall not apply to covered devices manufactured or sold before such date, or otherwise introduced into interstate commerce before such date.

At the appropriate place in title V, insert the following:

SEC. ___. EXTENSION OF TROOPS FOR TEACHERS PROGRAM TO THE JOB CORPS.

Section 1154 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking ''; or'' and inserting s semicolon;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(C) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).''; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''; or'' and inserting s semicolon;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; or''; and

(iii) by adding at the end the following new subparagraph:

''(D) a Job Corps center as defined in section 147 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3197).'';

(2) in subsection (d)(4)(A)(ii), by inserting ''or Job Corps centers'' after ''secondary schools''; and

(3) in subsection (e)(2)(E), by inserting ''or Job Corps center'' after ''secondary school''.

At the appropriate place in title XII, insert the following:

Subtitle ____—INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION

SEC. __1. SHORT TITLE.

This subtitle may be cited as the ''International Children with Disabilities Protection Act of 2023''.

SEC. __2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) stigma and discrimination against children with disabilities, particularly intellectual and other developmental disabilities, and lack of support for community inclusion have left people with disabilities and their families economically and socially marginalized;

(2) organizations of persons with disabilities and family members of persons with disabilities are often too small to apply for or obtain funds from domestic or international sources or ineligible to receive funds from such sources;

(3) as a result of the factors described in paragraphs (1) and (2), key stakeholders have often been left out of public policymaking on matters that affect children with disabilities; and

(4) financial support, technical assistance, and active engagement of persons with disabilities and their families is needed to ensure the development of effective policies that protect families, ensure the full inclusion in society of children with disabilities, and promote the ability of persons with disabilities to live in the community with choices equal to others.

SEC. __3. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term ''Department'' means the Department of State.

(2) ELIGIBLE IMPLEMENTING PARTNER.—The term ''eligible implementing partner'' means a nongovernmental organization or other civil society organization that—

(A) has the capacity to administer grants directly or through subgrants that can be effectively used by local organizations of persons with disabilities; and

(B) has international expertise in the rights of persons with disabilities, including children with disabilities and their families.

(3) ORGANIZATION OF PERSONS WITH DISABILITIES.—The term ''organization of persons with disabilities'' means a nongovernmental civil society organization run by and for persons with disabilities and families of children with disabilities.

SEC. __4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) assist partner countries in developing policies and programs that recognize, support, and protect the civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities, including children, such that the latter may grow and thrive in supportive family environments and make the transition to independent living as adults;

(2) promote the development of advocacy and leadership skills among persons with disabilities and their families in a manner that enables effective civic engagement, including at the local, national, and regional levels, and promote policy reforms and programs that support full economic and civic inclusion of persons with disabilities and their families;

(3) promote the development of laws and policies that—

(A) strengthen families and protect against the unnecessary institutionalization of children with disabilities; and

(B) create opportunities for children and youth with disabilities to access the resources and support needed to achieve their full potential to live independently in the community with choices equal to others;

(4) promote the participation of persons with disabilities and their families in advocacy efforts and legal frameworks to recognize, support, and protect the civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities; and

(5) promote the sustainable action needed to bring about changes in law, policy, and programs to ensure full family inclusion of children with disabilities and the transition of children with disabilities to independent living as adults.

SEC. __5. INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION PROGRAM AND CAPACITY BUILDING.

(a) INTERNATIONAL CHILDREN WITH DISABILITIES PROTECTION PROGRAM.—

(1) IN GENERAL.—There is authorized to be established within the Department of State a program to be known as the ''International Children with Disabilities Protection Program'' (in this section referred to as the ''Program'') to carry out the policy described in [section __4].

(2) CRITERIA.—In carrying out the Program under this section, the Secretary of State, in consultation with leading civil society groups with expertise in the protection of civil and political rights of and enjoyment of fundamental freedoms by persons with disabilities, may establish criteria for priority activities under the Program in selected countries.

(3) DISABILITY INCLUSION GRANTS.—The Secretary of State may award grants to eligible implementing partners to administer grant amounts directly or through subgrants.

(4) SUBGRANTS.—An eligible implementing partner that receives a grant under paragraph (3) should provide subgrants and, in doing so, shall prioritize local organizations of persons with disabilities working within a focus country or region to advance the policy described in [section __4].

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of funds made available in fiscal years 2024 through 2029 to carry out the purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq), there are authorized to be appropriated to carry out this subtitle amounts as follows:

(A) $2,000,000 for fiscal year 2024.

(B) $5,000,000 for each of fiscal years 2025 through 2029.

(2) CAPACITY-BUILDING AND TECHNICAL ASSISTANCE PROGRAMS.—Of the amounts authorized to be appropriated by paragraph (1), not less than $1,000,000 for each of fiscal years 2024 through 2029 should be available for capacity-building and technical assistance programs to—

(A) develop the leadership skills of persons with disabilities, legislators, policymakers, and service providers in the planning and implementation of programs to advance the policy described in [section __4];

(B) increase awareness of successful models of the promotion of civil and political rights and fundamental freedoms, family support, and economic and civic inclusion among organizations of persons with disabilities and allied civil society advocates, attorneys, and professionals to advance the policy described in [section __4]; and

(C) create online programs to train policymakers, advocates, and other individuals on successful models to advance reforms, services, and protection measures that enable children with disabilities to live within supportive family environments and become full participants in society, which—

(i) are available globally;

(ii) offer low-cost or no-cost training accessible to persons with disabilities, family members of such persons, and other individuals with potential to offer future leadership in the advancement of the goals of family inclusion, transition to independent living as adults, and protection measures for children with disabilities; and

(iii) should be targeted to government policymakers, advocates, and other potential allies and supporters among civil society groups.

SEC. __6. ANNUAL REPORT ON IMPLEMENTATION.

(a) ANNUAL REPORT REQUIRED.—

(1) IN GENERAL.—Not less frequently than annually through fiscal year 2029, the Secretary of State shall submit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives a report on—

(A) the programs and activities carried out to advance the policy described in [section __4]; and

(B) any broader work of the Department in advancing that policy.

(2) ELEMENTS.—Each report required by paragraph (1) shall include, with respect to each program carried out under [section __5]—

(A) the rationale for the country and program selection;

(B) the goals and objectives of the program, and the kinds of participants in the activities and programs supported;

(C) a description of the types of technical assistance and capacity building provided; and

(D) an identification of any gaps in funding or support needed to ensure full participation of organizations of persons with disabilities or inclusion of children with disabilities in the program.

(3) CONSULTATION.—In preparing each report required by paragraph (1), the Secretary of State shall consult with organizations of persons with disabilities.

SEC. __7. PROMOTING INTERNATIONAL PROTECTION AND ADVOCACY FOR CHILDREN WITH DISABILITIES.

(a) SENSE OF CONGRESS ON PROGRAMMING AND PROGRAMS.—It is the sense of Congress that—

(1) all programming of the Department and the United States Agency for International Development related to health systems strengthening, primary and secondary education, and the protection of civil and political rights of persons with disabilities should seek to be consistent with the policy described in [section __4]; and

(2) programs of the Department and the United States Agency for International Development related to children, global health, and education—

(A) should—

(i) engage organizations of persons with disabilities in policymaking and program implementation; and

(ii) support full inclusion of children with disabilities in families; and

(B) should aim to avoid support for residential institutions for children with disabilities except in situations of conflict or emergency in a manner that protects family connections as described in subsection (b).

(b) SENSE OF CONGRESS ON CONFLICT AND EMERGENCIES.—It is the sense of Congress that—

(1) programs of the Department and the United States Agency for International Development serving children in situations of conflict or emergency, among displaced or refugee populations, or in natural disasters should seek to ensure that children with and without disabilities can maintain family ties; and

(2) in situations of emergency, if children are separated from parents or have no family, every effort should be made to ensure that children are placed with extended family, in kinship care, or in an adoptive or foster family.

At the appropriate place in title I, insert the following:

SEC. ___. PROHIBITION ON CERTAIN REDUCTIONS TO INVENTORY OF E–3 AIRBORNE WARNING AND CONTROL SYSTEM AIRCRAFT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act for fiscal year 2024 for the Air Force may be obligated or expended to retire, prepare to retire, or place in storage or in backup aircraft inventory any E–3 aircraft if such actions would reduce the total aircraft inventory for such aircraft below 16.

(b) EXCEPTION FOR PLAN.—If the Secretary of the Air Force submits to the congressional defense committees a plan for maintaining readiness and ensuring there is no lapse in mission capabilities, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16, beginning 30 days after the date on which the plan is so submitted.

(c) EXCEPTION FOR E–7 PROCUREMENT.—If the Secretary of the Air Force procures enough E–7 Wedgetail aircraft to accomplish the required mission load, the prohibition under subsection (a) shall not apply to actions taken to reduce the total aircraft inventory for E–3 aircraft to below 16 after the date on which such E–7 Wedgetail aircraft are delivered.

At the appropriate place in title X, insert the following:

SEC. 10___. IMPROVING PROCESSING BY DEPARTMENT OF VETERANS AFFAIRS OF DISABILITY CLAIMS FOR POST-TRAUMATIC STRESS DISORDER THROUGH IMPROVED TRAINING.

(a) SHORT TITLE.—This section may be cited as the ''Department of Veterans Affairs Post-Traumatic Stress Disorder Processing Claims Improvement Act of 2023''.

(b) FORMAL PROCESS FOR CONDUCT OF ANNUAL ANALYSIS OF TRAINING NEEDS BASED ON TRENDS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs, acting through the Under Secretary for Benefits, shall establish a formal process to analyze, on an annual basis, training needs of employees of the Department who review claims for disability compensation for service-connected post-traumatic stress disorder, based on identified processing error trends.

(c) FORMAL PROCESS FOR CONDUCT OF ANNUAL STUDIES TO SUPPORT ANNUAL ANALYSIS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary, acting through the Under Secretary, shall establish a formal process to conduct, on an annual basis, studies to help guide the process established under subsection (b).

(2) ELEMENTS.—Each study conducted under paragraph (1) shall cover the following:

(A) Military post-traumatic stress disorder stressors.

(B) Decision-making claims for claims processors.

At the appropriate place in title VI, insert the following:

SEC. 6___. EXTENSION OF TRAVEL ALLOWANCE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO ALASKA.

Section 603(b)(5)(B) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 136 Stat. 2621) is amended by striking ''December 31, 2023'' and inserting ''June 30, 2024''.

At the appropriate place in subtitle G of title X, insert the following:

SEC. _____. U.S. HOSTAGE AND WRONGFUL DETAINEE DAY ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the ''U.S. Hostage and Wrongful Detainee Day Act of 2023''.

(b) DESIGNATION.—

(1) HOSTAGE AND WRONGFUL DETAINEE DAY.—

(A) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended—

(i) by redesignating the second section 146 (relating to Choose Respect Day) as section 147; and

(ii) by adding at the end the following:

''§ 148. U.S. Hostage and Wrongful Detainee Day

''(a) DESIGNATION.—March 9 is U.S. Hostage and Wrongful Detainee Day.

''(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe U.S. Hostage and Wrongful Detainee Day with appropriate ceremonies and activities.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by striking the item relating to the second section 146 and inserting the following new items:

''147. Choose Respect Day.
''148. U.S. Hostage and Wrongful Detainee Day.''.

(2) HOSTAGE AND WRONGFUL DETAINEE FLAG.—

(A) IN GENERAL.—Chapter 9 of title 36, United States Code, is amended by adding at the end the following new section:

''§ 904. Hostage and Wrongful Detainee flag

''(a) DESIGNATION.—The Hostage and Wrongful Detainee flag championed by the Bring Our Families Home Campaign is designated as the symbol of the commitment of the United States to recognizing, and prioritizing the freedom of, citizens and lawful permanent residents of the United States held as hostages or wrongfully detained abroad.

''(b) REQUIRED DISPLAY.—

''(1) IN GENERAL.—The Hostage and Wrongful Detainee flag shall be displayed at the locations specified in paragraph (3) on the days specified in paragraph (2).

''(2) DAYS SPECIFIED.—The days specified in this paragraph are the following:

''(A) U.S. Hostage and Wrongful Detainee Day, March 9.

''(B) Flag Day, June 14.

''(C) Independence Day, July 4.

''(D) Any day on which a citizen or lawful permanent resident of the United States—

''(i) returns to the United States from being held hostage or wrongfully detained abroad; or

''(ii) dies while being held hostage or wrongfully detained abroad.

''(3) LOCATIONS SPECIFIED.—The locations specified in this paragraph are the following:

''(A) The Capitol.

''(B) The White House.

''(C) The buildings containing the official office of—

''(i) the Secretary of State; and

''(ii) the Secretary of Defense.

''(c) DISPLAY TO BE IN A MANNER VISIBLE TO THE PUBLIC.—Display of the Hostage and Wrongful Detainee flag pursuant to this section shall be in a manner designed to ensure visibility to the public.

''(d) LIMITATION.—This section may not be construed or applied so as to require any employee to report to work solely for the purpose of providing for the display of the Hostage and Wrongful Detainee flag.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 9 of title 36, United States Code, is amended by adding at the end the following:

''904. Hostage and Wrongful Detainee flag.''.

At the end of subtitle G of title XII, add the following:

SEC. 1299L. SHARING OF INFORMATION WITH RESPECT TO SUSPECTED VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS.

Section 628A of the Tariff Act of 1930 (19 U.S.C. 1628a) is amended—

(1) in subsection (a)(1), by inserting '', packing materials, shipping containers,'' after ''its packaging'' each place it appears; and

(2) in subsection (b)—

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(5) any other party with an interest in the merchandise, as determined appropriate by the Commissioner.''.

At the end of subtitle D of title V, add the following:

SEC. 543. ANNUAL REPORT ON INITIATIVE TO ENHANCE THE CAPABILITY OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS TO PREVENT AND COMBAT CHILD SEXUAL EXPLOITATION.

In order to effectively carry out the initiative under section 550D of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 1561 note prec.), the Secretary of Defense shall carry out the following actions:

(1) Not later than 90 days after the date of the enactment of this Act, and annually thereafter, submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the progress of the initiative carried out under such section, outlining specific actions taken and planned to detect, combat, and stop the use of the Department of Defense network to further online child sexual exploitation (CSE).

(2) Develop partnerships and execute collaborative agreements with functional experts, including highly qualified national child protection organizations or law enforcement training centers with demonstrated expertise in the delivery of law enforcement training, to identify, investigate and prosecute individuals engaged in online CSE.

(3) Establish mandatory training for Department of Defense criminal investigative organizations and personnel at military installations to maintain capacity and address turnover and relocation issues.

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. ELIMINATING SELF-CERTIFICATION FOR SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESSES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) SMALL BUSINESS CONCERN; SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—The terms ''small business concern'' and ''small business concerns owned and controlled by service-disabled veterans'' have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632).

(b) ELIMINATING SELF-CERTIFICATION IN PRIME CONTRACTING AND SUBCONTRACTING FOR SDVOSBs.—

(1) IN GENERAL.—Each prime contract award and subcontract award that is counted for the purpose of meeting the goals for participation by small business concerns owned and controlled by service-disabled veterans in procurement contracts for Federal agencies, as established in section 15(g)(2) of the Small Business Act (15 U.S.C. 644(g)(2)), shall be entered into with small business concerns certified by the Administrator as small business concerns owned and controlled by service-disabled veterans under section 36 of such Act (15 U.S.C. 657f).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on October 1 of the fiscal year beginning after the Administrator promulgates the regulations required under subsection (d).

(c) PHASED APPROACH TO ELIMINATING SELF-CERTIFICATION FOR SDVOSBs.—Notwithstanding any other provision of law, any small business concern that self-certified as a small business concern owned and controlled by service-disabled veterans may—

(1) if the small business concern files a certification application with the Administrator before the end of the 1-year period beginning on the date of enactment of this Act, maintain such self-certification until the Administrator makes a determination with respect to such certification; and

(2) if the small business concern does not file a certification application before the end of the 1-year period beginning on the date of enactment of this Act, lose, at the end of such 1-year period, any self-certification of the small business concern as a small business concern owned and controlled by service-disabled veterans.

(d) RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate regulations to carry out this section.

At the appropriate place in title VIII, insert the following:

SEC. ___. ADDITION OF ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION TO THE FEDERAL ACQUISITION REGULATORY COUNCIL.

Section 1302(b)(1) of title 41, United States Code, is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(E) the Administrator of the Small Business Administration.''.

At the end of subtitle D of title VIII of division A, add the following:

SEC. 849. PAYMENT OF SUBCONTRACTORS.

Section 8(d)(13) of the Small Business Act (15 U.S.C. 637(d)(13)) is amended—

(1) in subparagraph (B)(i), by striking ''90 days'' and inserting ''30 days'';

(2) in subparagraph (C)—

(A) by striking ''contractor shall'' and inserting ''contractor—

''(i) shall'';

(B) in clause (i), as so designated, by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(i) may enter or modify past performance information of the prime contractor in connection with the unjustified failure to make a full or timely payment to a subcontractor subject to this paragraph before or after close-out of the covered contract.''.

(3) in subparagraph (D), by striking ''subparagraph (E)'' and inserting ''subparagraph (F)'';

(4) by redesignating subparagraph (E) as subparagraph (F); and

(5) by inserting after subparagraph (D) the following":

''(E) COOPERATION.—

''(i) IN GENERAL.—Once a contracting officer determines, with respect to the past performance of a prime contractor, that there was an unjustified failure by the prime contractor on a covered contract to make a full or timely payment to a subcontractor covered by subparagraph (B) or (C), the prime contractor is required to cooperate with the contracting officer, who shall consult with the Director of Small Business Programs or the Director of Small and Disadvantaged Business Utilization acting pursuant to section 15(k)(6) and other representatives of the Government, regarding correcting and mitigating the unjustified failure to make a full or timely payment to a subcontractor.

''(ii) DURATION.—The duty of cooperation under this subparagraph for a prime contractor described in clause (i) continues until the subcontractor is made whole or the determination of the contracting officer determination is no longer effective, and regardless of performance or close-out status of the covered contract.''.

At the end of subtitle D of title XII, add the following:

SEC. 1269. EXTENSION OF EXPORT PROHIBITION ON MUNITIONS ITEMS TO THE HONG KONG POLICE FORCE.

Section 3 of the Act entitled ''An Act to prohibit the commercial export of covered munitions items to the Hong Kong Police Force'', approved November 27, 2019 (Public Law 116–77; 133 Stat. 1173), is amended by striking ''shall expire on December 31, 2024'' and inserting ''shall expire on the date on which the President certifies to the appropriate congressional committees that—

''(1) the Secretary of State has, on or after the date of the enactment of this paragraph, certified under section 205 of the United States-Hong Kong Policy Act of 1992 (22 U.S.C. 5701 et seq.) that Hong Kong warrants treatment under United States law in the same manner as United States laws were applied to Hong Kong before July 1, 1997;

''(2) the Hong Kong Police have not engaged in gross violations of human rights during the 1-year period ending on the date of such certification; and

''(3) there has been an independent examination of human rights concerns related to the crowd control tactics of the Hong Kong Police and the Government of the Hong Kong Special Administrative Region has adequately addressed those concerns.''.

At the appropriate place in title XII, insert the following:

SEC. 12___. FOREIGN PORT SECURITY ASSESSMENTS.

(a) SHORT TITLE.—This section may be cited as the ''International Port Security Enforcement Act''.

(b) IN GENERAL.—Section 70108 of title 46, United States Code, is amended—

(1) in subsection (f)—

(A) in paragraph (1), by striking ''provided that'' and all that follows and inserting the following: ''if—

''(A) the Secretary certifies that the foreign government or international organization—

''(i) has conducted the assessment in accordance with subsection (b); and

''(ii) has provided the Secretary with sufficient information pertaining to its assessment (including information regarding the outcome of the assessment); and

''(B) the foreign government that conducted the assessment is not a state sponsor of terrorism (as defined in section 3316(h).''; and

(B) by amending paragraph (3) to read as follows:

''(3) LIMITATIONS.—Nothing in this section may be construed—

''(A) to require the Secretary to treat an assessment conducted by a foreign government or an international organization as an assessment that satisfies the requirement under subsection (a);

''(B) to limit the discretion or ability of the Secretary to conduct an assessment under this section;

''(C) to limit the authority of the Secretary to repatriate aliens to their respective countries of origin; or

''(D) to prevent the Secretary from requesting security and safety measures that the Secretary considers necessary to safeguard Coast Guard personnel during the repatriation of aliens to their respective countries of origin.''; and

(2) by adding at the end the following:

''(g) STATE SPONSORS OF TERRORISM AND INTERNATIONAL TERRORIST ORGANIZATIONS.—The Secretary—

''(1) may not enter into an agreement under subsection (f)(2) with—

''(A) a foreign government that is a state sponsor of terrorism; or

''(B) a foreign terrorist organization; and

''(2) shall—

''(A) deem any port that is under the jurisdiction of a foreign government that is a state sponsor of terrorism as not having effective antiterrorism measures for purposes of this section and section 70109; and

''(B) immediately apply the sanctions described in section 70110(a) to such port.''.

At the end of subtitle C of title VIII, insert the following:

SEC. 836. SENSE OF CONGRESS RELATING TO RUBBER SUPPLY.

It is the sense of Congress that—

(1) the Department of Defense should take all appropriate action to lessen the dependence of the Armed Forces on adversarial nations for the procurement of strategic and critical materials, and that one such material in short supply according to the most recent report from Defense Logistics Agency Strategic Material is natural rubber, undermining our national security and jeopardizing the military's ability to rely on a stable source of natural rubber for tire manufacturing and production of other goods; and

(2) the Secretary of Defense should take all appropriate action, pursuant with the authority provided by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a et seq.) to engage in activities that may include stockpiling, but shall also include research and development aspects for increasing the domestic supply of natural rubber.

At the appropriate place, insert the following:

SEC. ___. REPEAL OF BONAFIDE OFFICE RULE FOR 8(A) CONTRACTS WITH THE DEPARTMENT OF DEFENSE.

Section 8(a)(11) of the Small Business Act (15 U.S.C. 637(a)(11)) is amended—

(1) by inserting ''(A)'' before ''To the maximum''; and

(2) by adding at the end the following:

''(B) Subparagraph (A) shall not apply with respect to a contract entered into under this subsection with the Department of Defense.''.

At the end of subtitle A of title XII, add the following:

SEC. 1213. REPORT ON COORDINATION WITH PRIVATE ENTITIES AND STATE GOVERNMENTS WITH RESPECT TO THE STATE PARTNERSHIP PROGRAM.

(a) IN GENERAL.— The Secretary of Defense shall submit to Congress a report on the feasibility of coordinating with private entities and State governments to provide resources and personnel to support technical exchanges under the Department of Defense State Partnership Program established under section 341 of title 10, United States Code.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of the limitations of the State Partnership Program.

(2) The types of personnel and expertise that could be helpful to partner country participants in the State Partnership Program.

(3) Any authority needed to leverage such expertise from private entities and State governments, as applicable.

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON PROVISION OF AIRPORT IMPROVEMENT GRANT FUNDS TO CERTAIN ENTITIES THAT HAVE VIOLATED INTELLECTUAL PROPERTY RIGHTS OF UNITED STATES ENTITIES.

(a) IN GENERAL.—During the period beginning on the date that is 30 days after the date of the enactment of this section, amounts provided as project grants under subchapter I of chapter 471 of title 49, United States Code, may not be used to enter into a contract described in subsection (b) with any entity on the list required by subsection (c).

(b) CONTRACT DESCRIBED.—A contract described in this subsection is a contract or other agreement for the procurement of infrastructure or equipment for a passenger boarding bridge at an airport.

(c) LIST REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and thereafter as required by paragraph (2), the United States Trade Representative, and the Administrator of the Federal Aviation Administration shall make available to the Administrator of the Federal Aviation Administration a publicly-available a list of entities manufacturing airport passenger boarding infrastructure or equipment that—

(A) are owned, directed by, or subsidized in whole, or in part by the People's Republic of China;

(B) have been determined by a Federal court to have misappropriated intellectual property or trade secrets from an entity organized under the laws of the United States or any jurisdiction within the United States;

(C) own or control, are owned or controlled by, are under common ownership or control with, or are successors to, an entity described in subparagraph (A);

(D) own or control, are under common ownership or control with, or are successors to, an entity described in subparagraph (A); or

(E) have entered into an agreement with or accepted funding from, whether in the form of minority investment interest or debt, have entered into a partnership with, or have entered into another contractual or other written arrangement with, an entity described in subparagraph (A).

(2) UPDATES TO LIST.—The United States Trade Representative shall update the list required by paragraph (1), based on information provided by the Administrator of the Federal Aviation Administration, in consultation with the Attorney General—

(A) not less frequently than every 90 days during the 180-day period following the initial publication of the list under paragraph (1); and

(B) not less frequently than annually thereafter.

(d) DEFINITIONS.—In this section, the definitions in section 47102 of title 49, United States Code, shall apply.

At the appropriate place in subtitle A of title VII, insert the following:

SEC. 7_____. SENSE OF CONGRESS ON ACCESS TO MENTAL HEALTH SERVICES THROUGH TRICARE.

It is the sense of Congress that the Secretary of Defense should take all necessary steps to ensure members of the National Guard and the members of their families who are enrolled in TRICARE have timely access to mental and behavioral health care services through the TRICARE program.

At the appropriate place in subtitle C of title II, insert the following:

SEC. _____. ESTABLISHMENT OF TECHNOLOGY TRANSITION PROGRAM FOR STRATEGIC NUCLEAR DETERRENCE.

(a) IN GENERAL.—The Commander of Air Force Global Strike Command may, through the use of a partnership intermediary, establish a program—

(1) to carry out technology transition, digital engineering projects, and other innovation activities supporting the Air Force nuclear enterprise; and

(2) to discover capabilities that have the potential to generate life-cycle cost savings and provide data-driven approaches to resource allocation.

(b) TERMINATION.—The program established under subsection (a) shall terminate on September 30, 2029.

(c) PARTNERSHIP INTERMEDIARY DEFINED.—The term ''partnership intermediary'' has the meaning given the term in section 23(c) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715(c)).

At the appropriate place in title XVI, insert the following:

SEC. 16____. CONTROL AND MANAGEMENT OF DEPARTMENT OF DEFENSE DATA AND ESTABLISHMENT OF CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.

(a) CONTROL AND MANAGEMENT OF DEPARTMENT OF DEFENSE DATA.—The Chief Digital and Artificial Intelligence Officer of the Department of Defense shall maintain the authority, but not the requirement, to access and control, on behalf of the Secretary of Defense, of all data collected, acquired, accessed, or utilized by Department of Defense components consistent with section 1513 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Public Law 117–263; 10 U.S.C. 4001 note).

(b) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.—Paragraph (3) of section 238(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note prec. 4061) is amended to read as follows:

''(3) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER GOVERNING COUNCIL.—

''(A) ESTABLISHMENT.—(i) The Secretary shall establish a council to provide policy oversight to ensure the responsible, coordinated, and ethical employment of data and artificial intelligence capabilities across Department of Defense missions and operations.

''(ii) The council established pursuant to clause (i) shall be known as the 'Chief Digital and Artificial Intelligence Officer Governing Council' (in this paragraph the 'Council').

''(B) MEMBERSHIP.—The Council shall be composed of the following:

''(i) Joint Staff J–6.

''(ii) The Under Secretary of Defense for Acquisition and Sustainment.

''(iii) The Under Secretary of Defense for Research and Evaluation.

''(iv) The Under Secretary of Defense for Intelligence and Security.

''(v) The Under Secretary of Defense for Policy.

''(vi) The Director of Cost Analysis and Program Evaluation.

''(vii) The Chief Information Officer of the Department.

''(viii) The Director of Administration and Management.

''(ix) The service acquisition executives of each of the military departments.

''(C) HEAD OF COUNCIL.—The Council shall be headed by the Chief Digital and Artificial Intelligence Officer of the Department.

''(D) MEETINGS.—The Council shall meet not less frequently than twice each fiscal year.

''(E) DUTIES OF COUNCIL.—The duties of the Council are as follows:

''(i) To streamline the organizational structure of the Department as it relates to artificial intelligence development, implementation, and oversight.

''(ii) To improve coordination on artificial intelligence governance with the defense industry sector.

''(iii) To establish and oversee artificial intelligence guidance on ethical requirements and protections for usage of artificial intelligence supported by Department funding and reduces or mitigates instances of unintended bias in artificial intelligence algorithms.

''(iv) To identify, monitor, and periodically update appropriate recommendations for operational usage of artificial intelligence.

''(v) To review, as the head of the Council considers necessary, artificial intelligence program funding to ensure that any Department investment in an artificial intelligence tool, system, or algorithm adheres to all Department established policy related to artificial intelligence.

''(vi) To provide periodic status updates on the efforts of the Department to develop and implement artificial intelligence into existing Department programs and processes.

''(vii) To provide guidance on access and distribution restrictions relating to data, models, tool sets, or testing or validation infrastructure.

''(viii) to implement and oversee a data and artificial intelligence educational program for the purpose of familiarizing the Department at all levels on the applications of artificial intelligence in their operations.

''(ix) To implement and oversee a data decree scorecard.

''(x) Such other duties as the Council determines appropriate.

''(F) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 and not less frequently than once every 18 months thereafter, the Council shall submit to the Secretary and the congressional defense committees a report on the activities of the Council during the period covered by the report.''.

At the appropriate place in title VIII, insert the following:

SEC. 8_____. MODIFICATIONS TO RIGHTS IN TECHNICAL DATA.

Section 3771(b) of title 10, United States Code, is amended—

(1) in paragraph (3)(C), by inserting ''for which the United States shall have government purpose rights, unless the Government

and the contractor negotiate different license rights'' after ''component)''; and

(2) in paragraph (4)(A)—

(A) in clause (ii), by striking ''; or'' and inserting a semicolon;

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii) is a release, disclosure, or use of detailed manufacturing or process data—

''(I) that is necessary for operation, maintenance, installation, or training and shall be used only for operation, maintenance, installation, or training purposes supporting wartime operations or contingency operations; and

''(II) for which the head of an agency determines that the original supplier of such data will be unable to satisfy military readiness or operational requirements for such operations; or''.

At the appropriate place, insert the following:

SEC. _____. INCREASE IN GOVERNMENTWIDE GOAL FOR PARTICIPATION IN FEDERAL CONTRACTS BY SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Section 15(g)(1)(A)(ii) of the Small Business Act (15 U.S.C. 644(g)(1)(A)(ii)) is amended by striking ''3 percent'' and inserting ''5 percent''.

At the appropriate place in title I, insert the following:

SEC. ___. SENSE OF SENATE ON PROCUREMENT OF OUTSTANDING F/A–18 SUPER HORNET PLATFORMS.

(a) FINDINGS.—Congress finds that Congress appropriated funds for twelve F/A–18 Super Hornet platforms in fiscal year 2022 and eight F/A–18 Super Hornet platforms in fiscal year 2023, but the Navy has yet to enter into any contracts for the procurement of such platforms.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary of the Navy and the contractor team should expeditiously enter into contractual agreements to procure the twenty F/A–18 Super Hornet platforms for which funds have been appropriated; and

(2) the Senate urges the Secretary of the Navy and the contractor team to comply with congressional intent and applicable law with appropriate expediency to bolster the Navy's fleet of strike fighter aircraft and avoid further disruption to the defense industrial base.

At the appropriate place, insert the following:

SEC. _____. CONDUCT OF WINTER SEASON RECONNAISSANCE OF ATMOSPHERIC RIVERS IN THE WESTERN UNITED STATES.

(a) CONDUCT OF RECONNAISSANCE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command and the Administrator of the National Oceanic and Atmospheric Administration may use aircraft, personnel, and equipment necessary to meet the mission requirements of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command and the National Oceanic and Atmospheric Administration if those aircraft, personnel, and equipment are not otherwise needed for hurricane monitoring and response.

(2) ACTIVITIES.—In carrying out paragraph (1), the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command, in consultation with the Administrator of the National Oceanic and Atmospheric Administration and appropriate line offices of the National Oceanic and Atmospheric Administration, may—

(A) improve the accuracy and timeliness of observations to support the forecast and warning services of the National Weather Service for the coasts of the United States;

(B) collect data in data-sparse regions where conventional, upper-air observations are lacking;

(C) support water management decisions and flood forecasting through the execution of targeted airborne dropsonde, buoys, autonomous platform observations, satellite observations, remote sensing observations, and other observation platforms as appropriate, including enhanced assimilation of the data from those observations over the eastern, central, and western north Pacific Ocean, the Gulf of Mexico, and the western Atlantic Ocean to improve forecasts of large storms for civil authorities and military decision makers;

(D) participate in the research and operations partnership that guides flight planning and uses research methods to improve and expand the capabilities and effectiveness of weather reconnaissance over time; and

(E) undertake such other additional activities as the Administrator of the National Oceanic and Atmospheric Administration, in collaboration with the 53rd Weather Reconnaissance Squadron, considers appropriate to further prediction of dangerous weather events.

(b) REPORTS.—

(1) AIR FORCE.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Air Force, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, shall submit to the appropriate committees of Congress a comprehensive report on the resources necessary for the 53rd Weather Reconnaissance Squadron of the Air Force Reserve Command to continue to support, through December 31, 2035—

(i) the National Hurricane Operations Plan;

(ii) the National Winter Season Operations Plan; and

(iii) any other operational requirements relating to weather reconnaissance.

(B) APPROPRIATE COMMITTEES OF CONGRESS.—In this paragraph, the term ''appropriate committees of Congress'' means—

(i) the Committee on Armed Services of the Senate;

(ii) the Subcommittee on Defense of the Committee on Appropriations of the Senate;

(iii) the Committee on Commerce, Science, and Transportation of the Senate;

(iv) the Committee on Science, Space, and Technology of the House of Representatives;

(v) the Committee on Armed Services of the House of Representatives; and

(vi) the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) COMMERCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a comprehensive report on the resources necessary for the National Oceanic and Atmospheric Administration to continue to support, through December 31, 2035—

(A) the National Hurricane Operations Plan;

(B) the National Winter Season Operations Plan; and

(C) any other operational requirements relating to weather reconnaissance.

At the appropriate place in subtitle B of title XV, insert the following:

SEC. _____. MONITORING IRANIAN ENRICHMENT.

(a) SIGNIFICANT ENRICHMENT ACTIVITY DEFINED.—In this section, the term ''significant enrichment activity'' means—

(1) any enrichment of any amount of uranium–235 to a purity percentage that is 5 percent higher than the purity percentage indicated in the prior submission to Congress under subsection (b)(1); or

(2) any enrichment of uranium–235 in a quantity exceeding 10 kilograms.

(b) SUBMISSION TO CONGRESS.—

(1) IN GENERAL.—Not later than 48 hours after the Director of National Intelligence assesses that the Islamic Republic of Iran has produced or possesses any amount of uranium–235 enriched to greater than 60 percent purity or has engaged in significant enrichment activity, the Director of National Intelligence shall submit to Congress such assessment, consistent with the protection of intelligence sources and methods.

(2) DUPLICATION.—For any submission required by this subsection, the Director of National Intelligence may rely upon existing products that reflect the current analytic judgment of the intelligence community, including reports or products produced in response to congressional mandate or requests from executive branch officials.

At the appropriate place in title II, insert the following:

SEC. 2___. REVIEW OF ARTIFICIAL INTELLIGENCE INVESTMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) review the current investment into applications of artificial intelligence to the platforms, processes, and operations of the Department of Defense; and

(2) categorize the types of artificial intelligence investments by categories including but not limited to the following:

(A) Automation.

(B) Machine learning.

(C) Autonomy.

(D) Robotics.

(E) Deep learning and neural network.

(F) Natural language processing.

(b) REPORT TO CONGRESS.—Not later than 120 days after the completion of the review and categorization required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the findings of the Secretary with respect to the review and any action taken or proposed to be taken by the Secretary to address such findings; and

(2) an evaluation of how the findings of the Secretary align with stated strategies of the Department of Defense with regard to artificial intelligence and performance objectives established in the Department of Defense Data, Analytics, and Artificial Intelligence Adoption Strategy.

At the appropriate place, insert the following:

TITLE _____—CONNECTING OCEANIA'S NATIONS WITH VANGUARD EXERCISES AND NATIONAL EMPOWERMENT

SEC. ___01. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Connecting Oceania's Nations with Vanguard Exercises and National Empowerment'' or the ''CONVENE Act of 2023''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

SEC. ___02. DEFINITIONS.

In this title:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committees on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

(2) CONGRESSIONAL DEFENSE COMMITTEES.—The term ''congressional defense committees'' has the meaning given such term in section 101(a) of title 10, United States Code.

(3) NATIONAL SECURITY COUNCIL.—The term ''national security council'' means, with respect to a specified country, an intergovernmental body under the jurisdiction of the freely elected government of the specified country that acts as the primary coordinating entity for security cooperation, disaster response, and the activities described section 6103(f).

(4) SPECIFIED COUNTRY.—The term ''specified country'' means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

SEC. ___03. NATIONAL SECURITY COUNCILS OF SPECIFIED COUNTRIES.

(a) IN GENERAL.—The Secretary of State, in consultation with other relevant Federal departments and agencies, as appropriate, may consult and engage with each specified country to advise and provide assistance to a national security council (including by developing a national security council, if appropriate), or to identify a similar coordinating body for national security matters, comprised of citizens of the specified country—

(1) that enables the specified country—

(A) to better coordinate with the United States Government, including the Armed Forces, as appropriate;

(B) to increase cohesion on activities, including emergency humanitarian response, law enforcement, and maritime security activities; and

(C) to provide trained professionals to serve as members of the committees of the specified country established under the applicable Compact of Free Association; and

(2) for the purpose of enhancing resilience capabilities and protecting the people, infrastructure, and territory of the specified country from malign actions.

(b) COMPOSITION.—The Secretary of State, respecting the unique needs of each specified country, may seek to ensure that the national security council, or other identified coordinating body, of the specified country is composed of sufficient staff and members to enable the activities described in subsection (f).

(c) ACCESS TO SENSITIVE INFORMATION.—The Secretary of State, with the concurrence of the Director of National Intelligence, may establish, as appropriate, for use by the members and staff of the national security council, or other identified coordinating body, of each specified country standards and a process for vetting and sharing sensitive information.

(d) STANDARDS FOR EQUIPMENT AND SERVICES.—The Secretary of State may work with the national security council, or other identified coordinating body, of each specified country to ensure that—

(1) the equipment and services used by the national security council or other identified coordinating body are compliant with security standards so as to minimize the risk of cyberattacks or espionage;

(2) the national security council or other identified coordinating body takes all reasonable efforts not to procure or use systems, equipment, or software that originates from any entity identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3965; 10 U.S.C. 113 note); and

(3) to the extent practicable, the equipment and services used by the national security council or other identified coordinating body are interoperable with the equipment and services used by the national security councils, or other identified coordinating bodies, of the other specified countries.

(e) REPORT ON IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of State shall submit to the appropriate committees of Congress a report that includes—

(A) an assessment as to whether a national security council or a similar formal coordinating body is helping or would help achieve the objectives described in subsection (a) at acceptable financial and opportunity cost;

(B) a description of all actions taken by the United States Government to assist in the identification or maintenance of a national security council, or other identified coordinating body, in each specified country;

(C) with respect to each specified country, an assessment as to whether—

(i) the specified country has appropriately staffed its national security council or other identified coordinating body; and

(ii) the extent to which the national security council, or other identified coordinating body, of the specified country is capable of carrying out the activities described in subsection (f);

(D) an assessment of—

(i) any challenge to cooperation and coordination with the national security council, or other identified coordinating body, of any specified country;

(ii) current efforts by the Secretary of State to coordinate with the specified countries on the activities described in subsection (f); and

(iii) existing governmental entities within each specified country that are capable of supporting such activities;

(E) a description of any challenge with respect to—

(i) the implementation of the national security council, or other identified coordinating body, of any specified country; and

(ii) the implementation of subsections (a) through (d);

(F) an assessment of any attempt or campaign by a malign actor to influence the political, security, or economic policy of a specified country, a member of a national security council or other identified coordinating body, or an immediate family member of such a member; and

(G) any other matter the Secretary of State considers relevant.

(2) FORM.—Each report required by paragraph (1) may be submitted in unclassified form and may include a classified annex.

(f) ACTIVITIES DESCRIBED.—The activities described in this subsection are the following:

(1) HOMELAND SECURITY ACTIVITIES.—

(A) Coordination of—

(i) the prosecution and investigation of transnational criminal enterprises;

(ii) responses to national emergencies, such as natural disasters;

(iii) counterintelligence and counter-coercion responses to foreign threats; and

(iv) efforts to combat illegal, unreported, or unregulated fishing.

(B) Coordination with United States Government officials on humanitarian response, military exercises, law enforcement, and other issues of security concern.

(C) Identification and development of an existing governmental entity to support homeland defense and civil support activities.

At the end of subtitle B of title XII, add the following:

SEC. 1225. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT POPULATIONS IN SYRIA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) ISIS MEMBER.—The term ''ISIS member'' means a person who was part of, or substantially supported, the Islamic State in Iraq and Syria.

(3) SENIOR COORDINATOR.—The term ''Senior Coordinator'' means the coordinator for detained ISIS members and relevant displaced populations in Syria designated under subsection (a) of section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642), as amended by subsection (d).

(b) SENSE OF CONGRESS.—

It is the sense of Congress that—

(A) ISIS detainees held by the Syrian Democratic Forces and ISIS-affiliated individuals located within displaced persons camps in Syria pose a significant and growing humanitarian challenge and security threat to the region;

(B) the vast majority of individuals held in displaced persons camps in Syria are women and children, approximately 50 percent of whom are under the age of 12 at the al-Hol camp, and they face significant threats of violence and radicalization, as well as lacking access to adequate sanitation and health care facilities;

(C) there is an urgent need to seek a sustainable solution to such camps through repatriation and reintegration of the inhabitants;

(D) the United States should work closely with international allies and partners to facilitate the repatriation and reintegration efforts required to provide a long-term solution for such camps and prevent the resurgence of ISIS; and

(E) if left unaddressed, such camps will continue to be drivers of instability that jeopardize the long-term prospects for peace and stability in the region.

(c) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) ISIS-affiliated individuals located within displacement camps in Syria, and other inhabitants of displacement camps in Syria, be repatriated and, where appropriate, prosecuted, or where possible, reintegrated into their country of origin, consistent with all relevant domestic laws and applicable international laws prohibiting refoulement; and

(2) the camps will be closed as soon as is practicable.

(d) MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the National Defense

Authorization Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1642) is amended—

(1) by striking subsection (a);

(2) by amending subsection (b) to read as follows:

''(a) DESIGNATION.—

''(1) IN GENERAL.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

''(A) by engaging foreign partners to support the repatriation and disposition of such individuals, including by encouraging foreign partners to repatriate, transfer, investigate, and prosecute such ISIS members, and share information;

''(B) coordination of all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members;

''(C) the funding and coordination of the provision of technical and other assistance to foreign countries to aid in the successful investigation and prosecution of such ISIS members, as appropriate, in accordance with relevant domestic laws, international humanitarian law, and other internationally recognized human rights and rule of law standards;

''(D) coordination of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Syria that hold family members of such ISIS members;

''(E) coordination with relevant agencies on matters described in this section; and

''(F) any other matter the President considers relevant.

''(2) RULE OF CONSTRUCTION.—If, on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024, an individual has already been designated, consistent with the requirements and responsibilities described in paragraph (1), the requirements under that paragraph shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Senior Coordinator.'';

(3) in subsection (c), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(4) in subsection (d), by striking ''subsection (b)'' and inserting ''subsection (a)'';

(5) in subsection (e), by striking ''January 31, 2021'' and inserting ''January 31, 2025'';

(6) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) SENIOR COORDINATOR.—The term 'Senior Coordinator' means the individual designated under subsection (a).''; and

(C) by adding at the end the following new paragraph:

''(4) RELEVANT AGENCIES.—The term 'relevant agencies' means—

''(A) the Department of State;

''(B) the Department of Defense;

''(C) the Department of the Treasury;

''(D) the Department of Justice;

''(E) the United States Agency for International Development;

''(F) the Office of the Director of National Intelligence; and

''(G) any other agency the President considers relevant.''; and

(7) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(e) STRATEGY ON ISIS-RELATED DETAINEE AND DISPLACEMENT CAMPS IN SYRIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall submit to the appropriate committees of Congress an interagency strategy with respect to ISIS-affiliated individuals and ISIS-related detainee and other displaced persons camps in Syria.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) methods to address—

(i) disengagement from and prevention of recruitment into violence, violent extremism, and other illicit activity in such camps;

(ii) efforts to encourage and facilitate repatriation and, as appropriate, investigation and prosecution of foreign nationals from such camps, consistent with all relevant domestic and applicable international laws;

(iii) the return and reintegration of displaced Syrian and Iraqi women and children into their communities of origin;

(iv) international engagement to develop processes for repatriation and reintegration of foreign nationals from such camps;

(v) contingency plans for the relocation of detained and displaced persons who are not able to be repatriated from such camps;

(vi) efforts to improve the humanitarian conditions in such camps, including through the delivery of medicine, psychosocial support, clothing, education, and improved housing; and

(vii) assessed humanitarian and security needs of all camps and detainment facilities based on prioritization of such camps and facilities most at risk of humanitarian crises, external attacks, or internal violence;

(B) an assessment of—

(i) rehabilitation centers in northeast Syria, including humanitarian conditions and processes for admittance and efforts to improve both humanitarian conditions and admittance processes for such centers and camps, as well as on the prevention of youth radicalization; and

(ii) processes for being sent to, and resources directed towards, rehabilitation centers and programs in countries that receive returned ISIS affiliated individuals, with a focus on the prevention of radicalization of minor children;

(C) a plan to improve, in such camps—

(i) security conditions, including by training of personnel and through construction; and

(ii) humanitarian conditions;

(D) a framework for measuring progress of humanitarian, security, and repatriation efforts with the goal of closing such camps; and

(E) any other matter the Secretary of State considers appropriate.

(3) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form but may include a classified annex that is transmitted separately.

(f) ANNUAL INTERAGENCY REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter through January 31, 2025, the Senior Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

(A) A detailed description of the facilities and camps where detained ISIS members, and families with perceived ISIS affiliation, are being held and housed, including—

(i) a description of the security and management of such facilities and camps;

(ii) an assessment of resources required for the security of such facilities and camps;

(iii) an assessment of the adherence by the operators of such facilities and camps to international humanitarian law standards; and

(iv) an assessment of children held within such facilities and camps that may be used as part of smuggling operations to evade security at the facilities and camps.

(B) A description of all efforts undertaken by, and the resources needed for, the United States Government to address deficits in the humanitarian environment and security of such facilities and camps.

(C) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

(i) support for efforts by the Syrian Democratic Forces to facilitate the return and reintegration of displaced people from Iraq and Syria;

(ii) repatriation efforts with respect to displaced women and children and male children aging into adults while held in these facilities and camps;

(iii) any current or future potential threat to United States national security interests posed by detained ISIS members or displaced families, including an analysis of the al-Hol camp and annexes; and

(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

(D) The number of individuals repatriated from the custody of the Syrian Democratic Forces.

(E) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained or displaced ISIS members, and an assessment of any measures available to mitigate such releases.

(F) A detailed description of efforts to encourage the final disposition and security of detained or displaced ISIS members with other countries and international organizations.

(G) A description of foreign repatriation and rehabilitation programs deemed successful systems to model, and an analysis of the long-term results of such programs.

(H) A description of the manner in which the United States Government communicates regarding repatriation and disposition efforts with the families of United States citizens believed to have been victims of a criminal act by a detained or displaced ISIS member, in accordance with section 503(c) of the Victims' Rights and Restitution Act of 1990 (34 U.S.C. 20141(c)) and section 3771 of title 18, United States Code.

(I) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share related information that may aid in resolving the final disposition of ISIS members, and any obstacles that may hinder such efforts.

(J) Any other matter the Coordinator considers appropriate.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex that is transmitted separately.

(g) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, may be construed—

(1) to limit the authority of any Federal agency to independently carry out the authorized functions of such agency; or

(2) to impair or otherwise affect the activities performed by that agency as granted by law.

At the appropriate place, insert the following:

Subtitle _____—CRYPTO ASSETS

SEC. _____01. CRYPTO ASSET ANTI-MONEY LAUNDERING EXAMINATION STANDARDS.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Conference of State Bank Supervisors and Federal functional regulators, as defined in section 1010.100 of title 31, Code of Federal Regulations, shall establish a risk-focused examination and review process for financial institutions, as defined in that section, to assess the following relating to crypto assets, as determined by the Secretary:

(1) The adequacy of reporting obligations and anti-money laundering programs under subsections (g) and (h) of section 5318 of title 31, United States Code, respectively as applied to those institutions.

(2) Compliance of those institutions with anti-money laundering and countering the financing of terrorism requirements under subchapter II of chapter 53 of title 31, United States Code.

SEC. _____02. COMBATING ANONYMOUS CRYPTO ASSET TRANSACTIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall submit a report and provide a briefing, as determined by the Secretary, to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives that assess the following issues:

(1) Categories of anonymity-enhancing technologies or services used in connection with crypto assets, such as mixers and tumblers, in use as of the date on which the report is submitted.

(2) As data are available, estimates of the magnitude of transactions related to the categories in paragraph (1) that are believed to be connected, directly or indirectly, to illicit finance, including crypto asset transaction volumes associated with sanctioned entities and entities subject to special measures pursuant to section 5318A of title 31, United States Code, and a description of any limitations applicable to the data used in such estimates.

(3) Categories of privacy-enhancing technologies or services used in connection with crypto assets in use as of the date on which the report is submitted.

(4) Legislative and regulatory approaches employed by other jurisdictions relating to the technologies and services described in paragraphs (1) and (3).

(5) Recommendations for legislation or regulation relating to the technologies and services described in paragraphs (1) and (3).

At the appropriate place in title XVI, insert the following:

SEC. 16___. REQUIREMENT TO SUPPORT FOR CYBER EDUCATION AND WORKFORCE DEVELOPMENT AT INSTITUTIONS OF HIGHER LEARNING.

(a) AUTHORITY.—The Secretary of Defense shall support the development of foundational expertise in critical cyber operational skills at institutions of higher learning, selected by the Secretary under subsection (b), for current and future members of the Armed Forces and civilian employees of the Department of Defense.

(b) SELECTION.—The Secretary shall select institutions of higher learning to receive support under subsection (a) from among institutions of higher learning that meet the following eligibility criteria:

(1) The institution offers a program from beginning through advanced skill levels to provide future military and civilian leaders of the Armed Forces with operational cyber expertise.

(2) The institution includes instruction and practical experiences that lead to recognized certifications and degrees in the cyber field.

(3) The institution has and maintains an educational partnership with an active component of the Armed Forces or a Department component designed to facilitate the development of critical cyber skills for students who may pursue a military career.

(4) The institution is located in close proximity to a military installation with a cyber mission defined by the Department or the Armed Forces.

(c) SUPPORT.—Under subsection (a), the Secretary shall provide, at a minimum, to each institution of higher learning selected by the Secretary under subsection (b) the following support for civilian and military leaders of the Department transitioning into cyber fields at the Department:

(1) Expansion of cyber educational programs focused on enhancing such transition.

(2) Hands-on cyber opportunities, including laboratories and security operations centers.

(3) Direct financial assistance to civilian and military students at the Department to increase access to courses and hands-on opportunities under paragraphs (1) and (2).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2024.

At the end of subtitle G of title X, add the following:

SEC. 1083. NATIONAL COLD WAR CENTER DESIGNATION.

(a) PURPOSES.—The purposes of this section are—

(1) to designate the museum located at Blytheville/Eaker Air Force Base in Blytheville, Arkansas, including its future and expanded exhibits, collections, and educational programs, as a ''National Cold War Center'';

(2) to recognize the preservation, maintenance, and interpretation of the artifacts, documents, images, and history collected by the Center;

(3) to enhance the knowledge of the American people of the experience of the United States during the Cold War years; and

(4) to ensure that all future generations understand the sacrifices made to preserve freedom and democracy, and the benefits of peace for all future generations in the 21st century and beyond.

(b) DESIGNATION.—

(1) IN GENERAL.—The museum located at Blytheville/Eaker Air Force Base in Blytheville, Arkansas, is designated as a ''National Cold War Center''.

(2) RULE OF CONSTRUCTION.—Nothing in this section shall preclude the designation of other national centers or museums in the United States interpreting the Cold War.

(c) EFFECT OF DESIGNATION.—The National Cold War Center designated by this section is not a unit of the National Park System, and the designation of the center as a National Cold War Center shall not be construed to require or permit Federal funds to be expended for any purpose related to the designation made by this section.

At the appropriate place, insert the following:

SEC. _____. SEMICONDUCTOR PROGRAM.

Title XCIX of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651 et seq.) is amended—

(1) in section 9902 (15 U.S.C. 4652)—

(A) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

''(h) AUTHORITY RELATING TO ENVIRONMENTAL REVIEW.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the provision by the Secretary of Federal financial assistance for a project described in this section that satisfies the requirements under subsection (a)(2)(C)(i) of this section shall not be considered to be a major Federal action under NEPA or an undertaking for the purposes of division A of subtitle III of title 54, United States Code, if—

''(A) the activity described in the application for that project has commenced not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2024;

''(B) the Federal financial assistance provided is in the form of a loan or loan guarantee; or

''(C) the Federal financial assistance provided, excluding any loan or loan guarantee, comprises not more than 10 percent of the total estimated cost of the project.

''(2) SAVINGS CLAUSE.—Nothing in this subsection may be construed as altering whether an activity described in subparagraph (A), (B), or (C) of paragraph (1) is considered to be a major Federal action under NEPA, or an undertaking under division A of subtitle III of title 54, United States Code, for a reason other than that the activity is eligible for Federal financial assistance provided under this section.''; and

(2) in section 9909 (15 U.S.C. 4659), by adding at the end the following:

''(c) LEAD FEDERAL AGENCY AND COOPERATING AGENCIES.—

''(1) DEFINITION.—In this subsection, the term 'lead agency' has the meaning given the term in section 111 of NEPA.

''(2) OPTION TO SERVE AS LEAD AGENCY.—With respect to a covered activity that is a major Federal action under NEPA, and with respect to which the Department of Commerce is authorized or required by law to issue an authorization or take action for or relating to that covered activity, the Department of Commerce shall have the first right to serve as the lead agency with respect to that covered activity under NEPA.

''(d) CATEGORICAL EXCLUSIONS.—

''(1) ESTABLISHMENT OF CATEGORICAL EXCLUSIONS.—Each of the following categorical exclusions is established for the National Institute of Standards and Technology with respect to a covered activity and, beginning on the date of enactment of this subsection, is available for use by the Secretary with respect to a covered activity:

''(A) Categorical exclusion 17.04.d (relating to the acquisition of machinery and equipment) in the document entitled 'EDA Program to Implement the National Environmental Policy Act of 1969 and Other Federal Environmental Mandates As Required' (Directive No. 17.02-2; effective date October 14, 1992).

''(B) Categorical exclusion A9 in Appendix A to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(C) Categorical exclusions B1.24, B1.31, B2.5, and B5.1 in Appendix B to subpart D of part 1021 of title 10, Code of Federal Regulations, or any successor regulation.

''(D) The categorical exclusions described in paragraphs (4) and (13) of section 50.19(b) of title 24, Code of Federal Regulations, or any successor regulation.

''(E) Categorical exclusion (c)(1) in Appendix B to part 651 of title 32, Code of Federal Regulations, or any successor regulation.

''(F) Categorical exclusions A2.3.8 and A2.3.14 in Appendix B to part 989 of title 32, Code of Federal Regulations, or any successor regulation.

''(2) ADDITIONAL CATEGORICAL EXCLUSIONS.—Notwithstanding any other provision of law, each of the following shall be treated as a category of action categorically excluded from the requirements relating to environmental assessments and environmental impact statements under section 1501.4 of title 40, Code of Federal Regulations, or any successor regulation:

''(A) The provision by the Secretary of any Federal financial assistance for a project described in section 9902, if the facility that is the subject of the project is on or adjacent to a site—

''(i) that is owned or leased by the covered entity to which Federal financial assistance is provided for that project; and

''(ii) on which, as of the date on which the Secretary provides that Federal financial assistance, substantially similar construction, expansion, or modernization is being or has been carried out, such that the facility would not more than double existing developed acreage or on-site supporting infrastructure.

''(B) The provision by the Secretary of Defense of any Federal financial assistance relating to—

''(i) the creation, expansion, or modernization of one or more facilities described in the second sentence of section 9903(a)(1); or

''(ii) carrying out section 9903(b), as in effect on the date of enactment of this subsection.

''(C) Any activity undertaken by the Secretary relating to carrying out section 9906, as in effect on the date of enactment of this subsection.

''(e) INCORPORATION OF PRIOR PLANNING DECISIONS.—

''(1) DEFINITION.—In this subsection, the term 'prior studies and decisions' means baseline data, planning documents, studies, analyses, decisions, and documentation that a Federal agency has completed for a project (or that have been completed under the laws and procedures of a State or Indian Tribe), including for determining the reasonable range of alternatives for that project.

''(2) RELIANCE ON PRIOR STUDIES AND DECISIONS.—In completing an environmental review under NEPA for a covered activity, the Secretary may consider and, as appropriate, rely on or adopt prior studies and decisions, if the Secretary determines that—

''(A) those prior studies and decisions meet the standards for an adequate statement, assessment, or determination under applicable procedures of the Department of Commerce implementing the requirements of NEPA;

''(B) in the case of prior studies and decisions completed under the laws and procedures of a State or Indian Tribe, those laws and procedures are of equal or greater rigor than those of each applicable Federal law, including NEPA, implementing procedures of the Department of Commerce; or

''(C) if applicable, the prior studies and decisions are informed by other analysis or documentation that would have been prepared if the prior studies and decisions were prepared by the Secretary under NEPA.

''(f) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITY.—The term 'covered activity' means any activity relating to the construction, expansion, or modernization of a facility, the investment in which is eligible for Federal financial assistance under section 9902 or 9906.

''(2) NEPA.—The term 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).''.

Viz:

At the appropriate place in title XII, insert the following:

Subtitle ____—*WESTERN HEMISPHERE PARTNERSHIP ACT OF 2023*

SEC. ___. SHORT TITLE.

This subtitle may be cited as the ''Western Hemisphere Partnership Act of 2023''.

SEC. ___. UNITED STATES POLICY IN THE WESTERN HEMISPHERE.

It is the policy of the United States to promote economic competitiveness, democratic governance, and security in the Western Hemisphere by—

(1) encouraging stronger economic relations, respect for property rights, the rule of law, and enforceable investment rules and labor and environmental standards;

(2) advancing the principles and practices expressed in the Charter of the Organization of American States, the American Declaration on the Rights and Duties of Man, and the Inter-American Democratic Charter; and

(3) enhancing the capacity and technical capabilities of democratic partner nation government institutions, including civilian law enforcement, the judiciary, attorneys general, and security forces.

SEC. ___. PROMOTING SECURITY AND THE RULE OF LAW IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should strengthen security cooperation with democratic partner nations in the Western Hemisphere to promote a secure hemisphere and to address the negative impacts of transnational criminal organizations and malign external state actors.

(b) COLLABORATIVE EFFORTS.—The Secretary of State, in coordination with the heads of other relevant Federal agencies, should support the improvement of security conditions and the rule of law in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) enhance the institutional capacity and technical capabilities of defense and security institutions in democratic partner nations to conduct national or regional security missions, including through regular bilateral and multilateral engagements, foreign military sales and financing, international military education and training programs, expanding the National Guard State Partnership Programs, and other means;

(2) provide technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to relevant security forces to disrupt, degrade, and dismantle organizations involved in the illicit trafficking of narcotics and precursor chemicals, transnational criminal activities, illicit mining, and illegal, unreported, and unregulated fishing, and other illicit activities;

(3) enhance the institutional capacity, legitimacy, and technical capabilities of relevant civilian law enforcement, attorneys general, and judicial institutions to—

(A) strengthen the rule of law and transparent governance;

(B) combat corruption and kleptocracy in the region; and

(C) improve regional cooperation to disrupt, degrade, and dismantle transnational organized criminal networks and terrorist organizations, including through training, anticorruption initiatives, anti-money laundering programs, and strengthening cyber capabilities and resources;

(4) enhance port management and maritime security partnerships and airport management and aviation security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services;

(5) strengthen cooperation to improve border security across the Western Hemisphere, dismantle human smuggling and trafficking networks, and increase cooperation to demonstrably strengthen migration management systems;

(6) counter the malign influence of state and non-state actors and disinformation campaigns;

(7) disrupt illicit domestic and transnational financial networks;

(8) foster mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) supporting regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources;

(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences;

(C) making available, preparing, and transferring on-hand nonlethal supplies, and providing training on the use of such supplies, for humanitarian or health purposes to respond to unforeseen emergencies; and

(D) conducting medical support operations and medical humanitarian missions, such as hospital ship deployments and base-operating services, to the extent required by the operation;

(9) foster regional mechanisms for early warning and response to pandemics in the Western Hemisphere, including through—

(A) improved cooperation with and research by the United States Centers for Disease Control and Prevention through regional pandemic response centers;

(B) personnel exchanges for technology transfer and skills development; and

(C) surveying and mapping of health networks to build local health capacity;

(10) promote the meaningful participation of women across all political processes, including conflict prevention and conflict resolution and post-conflict relief and recovery efforts; and

(11) hold accountable actors that violate political and civil rights.

(c) LIMITATIONS ON USE OF TECHNOLOGIES.—Operational technologies transferred pursuant to subsection (b) to partner governments for intelligence, defense, or law enforcement purposes shall be used solely for the purposes for which the technology was intended. The United States shall take all necessary steps to ensure that the use of such operational technologies is consistent with United States law, including protections of freedom of expression, freedom of movement, and freedom of association.

(d) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the heads of other relevant Federal agencies, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a 5-year strategy to promote security and the rule of law in the Western Hemisphere in accordance to this section.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) A detailed assessment of the resources required to carry out such collaborative efforts.

(B) Annual benchmarks to track progress and obstacles in undertaking such collaborative efforts.

(C) A public diplomacy component to engage the people of the Western Hemisphere

with the purpose of demonstrating that the security of their countries is enhanced to a greater extent through alignment with the United States and democratic values rather than with authoritarian countries such as the People's Republic of China, the Russian Federation, and the Islamic Republic of Iran.

(3) BRIEFING.—Not later than 1 year after submission of the strategy required under paragraph (1), and annually thereafter, the Secretary of State shall provide to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a briefing on the implementation of the strategy.

SEC. ___. PROMOTING DIGITALIZATION AND CYBERSECURITY IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support digitalization and expand cybersecurity cooperation in the Western Hemisphere to promote regional economic prosperity and security.

(b) PROMOTION OF DIGITALIZATION AND CYBERSECURITY.—The Secretary of State, in coordination with the heads of other relevant Federal agencies, should promote digitalization and cybersecurity in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) promote digital connectivity and facilitate e-commerce by expanding access to information and communications technology (ICT) supply chains that adhere to high-quality security and reliability standards, including—

(A) to open market access on a national treatment, nondiscriminatory basis; and

(B) to strengthen the cybersecurity and cyber resilience of partner countries;

(2) advance the provision of digital government services (e-government) that, to the greatest extent possible, promote transparency, lower business costs, and expand citizens' access to public services and public information; and

(3) develop robust cybersecurity partnerships to—

(A) promote the inclusion of components and architectures in information and communications technology (ICT) supply chains from participants in initiatives that adhere to high-quality security and reliability standards;

(B) share best practices to mitigate cyber threats to critical infrastructure from ICT architectures by technology providers that supply equipment and services covered under section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601);

(C) effectively respond to cybersecurity threats, including state-sponsored threats; and

(D) to strengthen resilience against cyberattacks and cybercrime.

SEC. ___. PROMOTING ECONOMIC AND COMMERCIAL PARTNERSHIPS IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should enhance economic and commercial ties with democratic partners to promote prosperity in the Western Hemisphere by modernizing and strengthening trade capacity-building and trade facilitation initiatives, encouraging market-based economic reforms that enable inclusive economic growth, strengthening labor and environmental standards, addressing economic disparities of women, and encouraging transparency and adherence to the rule of law in investment dealings.

(b) IN GENERAL.—The Secretary of State, in coordination with the United States Trade Representative, the Chief Executive Officer of the Development Finance Corporation, and the heads of other relevant Federal agencies, should support the improvement of economic conditions in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) facilitate a more open, transparent, and competitive environment for United States businesses and promote robust and comprehensive trade capacity-building and trade facilitation by—

(A) reducing trade and nontariff barriers between the countries in the region, establishing a mechanism for pursuing Mutual Recognition Agreements and Formalized Regulatory Cooperation Agreements in priority sectors of the economy;

(B) establishing a forum for discussing and evaluating technical and other assistance needs to help establish streamlined ''single window'' processes to facilitate movement of goods and common customs arrangements and procedures to lower costs of goods in transit and speed to destination;

(C) building relationships and exchanges between relevant regulatory bodies in the United States and democratic partners in the Western Hemisphere to promote best practices and transparency in rulemaking, implementation, and enforcement, and provide training and assistance to help improve supply chain management in the Western Hemisphere;

(D) establishing regional fora for identifying, raising, and addressing supply chain management issues, including infrastructure needs and strengthening of investment rules and regulatory frameworks;

(E) establishing a dedicated program of trade missions and reverse trade missions to increase commercial contacts and ties between the United States and Western Hemisphere partner countries; and

(F) strengthening labor and environmental standards in the region;

(2) establish frameworks or mechanisms to review and address the long-term financial sustainability and national security implications of foreign investments in strategic sectors or services;

(3) establish competitive and transparent infrastructure project selection and procurement processes that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms; and

(4) advance robust and comprehensive energy production and integration, including through a more open, transparent, and competitive environment for United States companies competing in the Western Hemisphere, including by—

(A) facilitating further development of integrated regional energy markets;

(B) improving management of grids, including technical capability to ensure the functionality, safe and responsible management, and quality of service of electricity providers, carriers, and management and distribution systems;

(C) facilitating private sector-led development of reliable and affordable power generation capacity;

(D) establishing a process for surveying grid capacity and management focused on identifying electricity service efficiencies and establishing cooperative mechanisms for providing technical assistance for—

(i) grid management, power pricing, and tariff issues;

(ii) establishing and maintaining appropriate regulatory best practices; and

(iii) proposals to establish regional power grids for the purpose of promoting the sale of excess supply to consumers across borders;

(E) assessing the viability and effectiveness of decentralizing power production and transmission and building micro-grid power networks to improve, when feasible, access to electricity, particularly in rural and underserved communities where centralized power grid connections may not be feasible in the short to medium term; and

(F) exploring opportunities to partner with the private sector and multilateral institutions, such as the World Bank and the Inter-American Development Bank, to promote universal access to reliable and affordable electricity in the Western Hemisphere.

SEC. ___. PROMOTING TRANSPARENCY AND DEMOCRATIC GOVERNANCE IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support efforts to strengthen the capacity and legitimacy of democratic institutions and inclusive processes in the Western Hemisphere to promote a more transparent, democratic, and prosperous region.

(b) IN GENERAL.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and heads of other relevant Federal agencies, should support transparent, accountable, and democratic governance in the Western Hemisphere through collaborative efforts with democratic partners that—

(1) strengthen the capacity of national electoral institutions to ensure free, fair, and transparent electoral processes, including through pre-election assessment missions, technical assistance, and independent local and international election monitoring and observation missions;

(2) enhance the capabilities of democratically elected national legislatures, parliamentary bodies, and autonomous regulatory institutions to conduct oversight;

(3) strengthen the capacity of subnational government institutions to govern in a transparent, accountable, and democratic manner, including through training and technical assistance;

(4) combat corruption at local and national levels, including through trainings, cooperation agreements, initiatives aimed at dismantling corrupt networks, and political support for bilateral or multilateral anticorruption mechanisms that strengthen attorneys general and prosecutors' offices;

(5) strengthen the capacity of civil society to conduct oversight of government institutions, build the capacity of independent professional journalism, facilitate substantive dialogue with government and the private sector to generate issue-based policies, and mobilize local resources to carry out such activities;

(6) promote the meaningful and significant participation of women in democratic processes, including in national and subnational government and civil society; and

(7) support the creation of procedures for the Organization of American States (OAS) to create an annual forum for democratically elected national legislatures from OAS member States to discuss issues of hemispheric importance, as expressed in section 4 of the Organization of American States Legislative Engagement Act of 2020 (Public Law 116–343).

SEC. ___. INVESTMENT, TRADE, AND DEVELOPMENT IN AFRICA AND LATIN AMERICA AND THE CARIBBEAN.

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—The President shall establish a comprehensive United States strategy for public and private investment, trade, and development in Africa and Latin America and the Caribbean.

(2) FOCUS OF STRATEGY.—The strategy required by paragraph (1) shall focus on increasing exports of United States goods and services to Africa and Latin America and the Caribbean by 200 percent in real dollar value by the date that is 10 years after the date of the enactment of this Act.

(3) CONSULTATIONS.—In developing the strategy required by paragraph (1), the President shall consult with—

(A) Congress;

(B) each agency that is a member of the Trade Promotion Coordinating Committee;

(C) the relevant multilateral development banks, in coordination with the Secretary of the Treasury and the respective United States Executive Directors of such banks;

(D) each agency that participates in the Trade Policy Staff Committee established;

(E) the President's Export Council;

(F) each of the development agencies;

(G) any other Federal agencies with responsibility for export promotion or financing and development; and

(H) the private sector, including businesses, nongovernmental organizations, and African and Latin American and Caribbean diaspora groups.

(4) SUBMISSION TO APPROPRIATE CONGRESSIONAL COMMITTEES.—

(A) STRATEGY.—Not later than 200 days after the date of the enactment of this Act, the President shall submit to Congress the strategy required by subsection (a).

(B) PROGRESS REPORT.—Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report on the implementation of the strategy required by paragraph (1).

(b) SPECIAL AFRICA AND LATIN AMERICA AND THE CARIBBEAN EXPORT STRATEGY COORDINATORS.—The Secretary of Commerce shall designate an individual within the Department of Commerce to serve as Special Africa Export Strategy Coordinator and an individual within the Department of Commerce to serve as Special Latin America and the Caribbean Export Strategy Coordinator—

(1) to oversee the development and implementation of the strategy required by subsection (a);

(2) to coordinate developing and implementing the strategy with—

(A) the Trade Promotion Coordinating Committee;

(B) the Director General for the U.S. and Foreign Commercial Service and the Assistant Secretary for Global Markets;

(C) the Assistant United States Trade Representative for African Affairs or the Assistant United States Trade Representative for the Western Hemisphere, as appropriate;

(D) the Assistant Secretary of State for African Affairs or the Assistant Secretary of State for Western Hemisphere Affairs, as appropriate;

(E) the Foreign Agricultural Service of the Department of Agriculture;

(F) the Export-Import Bank of the United States;

(G) the United States International Development Finance Corporation; and

(H) the development agencies; and

(3) considering and reflecting the impact of promotion of United States exports on the economy and employment opportunities of importing country, with a view to improving secure supply chains, avoiding economic disruptions, and stabilizing economic growth in a trade and export strategy.

(c) TRADE MISSIONS TO AFRICA AND LATIN AMERICA AND THE CARIBBEAN.—It is the sense of Congress that, not later than one year after the date of the enactment of this Act, the Secretary of Commerce and other high-level officials of the United States Government with responsibility for export promotion, financing, and development should conduct joint trade missions to Africa and to Latin America and the Caribbean.

(d) TRAINING.—The President shall develop a plan—

(1) to standardize the training received by United States and Foreign Commercial Service officers, economic officers of the Department of State, and economic officers of the United States Agency for International Development with respect to the programs and procedures of the Export-Import Bank of the United States, the United States International Development Finance Corporation, the Small Business Administration, and the United States Trade and Development Agency; and

(2) to ensure that, not later than one year after the date of the enactment of this Act—

(A) all United States and Foreign Commercial Service officers that are stationed overseas receive the training described in paragraph (1); and

(B) in the case of a country to which no United States and Foreign Commercial Service officer is assigned, any economic officer of the Department of State stationed in that country receives that training.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations, the Committee on Finance, the Committee on Commerce, Science, and Transportation, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives.

(2) DEVELOPMENT AGENCIES.—The term ''development agencies'' means the United States Department of State, the United States Agency for International Development, the Millennium Challenge Corporation, the United States International Development Finance Corporation, the United States Trade and Development Agency, the United States Department of Agriculture, and relevant multilateral development banks.

(3) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' has the meaning given that term in section 1701(c)(4) of the International Financial Institutions Act (22 U.S.C. 262r(c)(4)) and includes the African Development Foundation.

(4) TRADE POLICY STAFF COMMITTEE.—The term ''Trade Policy Staff Committee'' means the Trade Policy Staff Committee established pursuant to section 2002.2 of title 15, Code of Federal Regulations.

(5) TRADE PROMOTION COORDINATING COMMITTEE.—The term ''Trade Promotion Coordinating Committee'' means the Trade Promotion Coordinating Committee established under section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727).

(6) UNITED STATES AND FOREIGN COMMERCIAL SERVICE.—The term ''United States and Foreign Commercial Service'' means the United States and Foreign Commercial Service established by section 2301 of the Export Enhancement Act of 1988 (15 U.S.C. 4721).

SEC. ___. SENSE OF CONGRESS ON PRIORITIZING NOMINATION AND CONFIRMATION OF QUALIFIED AMBASSADORS.

It is the sense of Congress that it is critically important that both the President and the Senate play their respective roles to nominate and confirm qualified ambassadors as quickly as possible.

SEC. ___. WESTERN HEMISPHERE DEFINED.

In this subtitle, the term ''Western Hemisphere'' does not include Cuba, Nicaragua, or Venezuela.

SEC. ___. REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on efforts by the Maduro regime of Venezuela to detain United States citizens and lawful permanent residents.

(b) ELEMENTS.—The report required by subsection (a) shall include, regarding the arrest, capture, detainment, and imprisonment of United States citizens and lawful permanent residents—

(1) the names, positions, and institutional affiliation of Venezuelan individuals, or those acting on their behalf, who have engaged in such activities;

(2) a description of any role played by transnational criminal organizations, and an identification of such organizations; and

(3) where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but shall include a classified annex, which shall include a list of the total number of United States citizens and lawful permanent residents detained or imprisoned in Venezuela as of the date on which the report is submitted.

At the appropriate place in title XVI, insert the following:

SEC. 16___. IMPROVEMENTS RELATING TO CYBER PROTECTION SUPPORT FOR DEPARTMENT OF DEFENSE PERSONNEL IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

Section 1645 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C. 2224 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting ''and personal accounts'' after ''personal technology devices''; and

(ii) by inserting ''and shall provide such support to any such personnel who request the support'' after ''in paragraph (2)''; and

(B) in paragraph (2)(B), by inserting ''or personal accounts'' after ''personal technology devices'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or personal accounts'' after ''personal technology devices''; and

(B) in paragraph (2), by striking ''and networks'' and inserting '', personal networks, and personal accounts''; and

(3) by striking subsections (d) and (e) and inserting the following new subsection (d):

''(d) DEFINITIONS.—In this section:

''(1) The term 'personal accounts' means accounts for online and telecommunications services, including telephone, residential internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by Department of Defense personnel outside of the scope of their employment with the Department.

''(2) The term 'personal technology devices ' means technology devices used by Department of Defense personnel outside of the scope of their employment with the Department and includes networks to which such devices connect.''.

SEC. 16___. COMPTROLLER GENERAL REPORT ON EFFORTS TO PROTECT PERSONAL INFORMATION OF DEPARTMENT OF DEFENSE PERSONNEL FROM EXPLOITATION BY FOREIGN ADVERSARIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall brief the appropriate congressional committees on Department of Defense efforts to protect personal information of its personnel from exploitation by foreign adversaries.

(b) ELEMENTS.—The briefing required under subsection (a) shall include any observations on the following elements:

(1) An assessment of efforts by the Department of Defense to protect the personal information, including location data generated by smart phones, of members of the Armed Forces, civilian employees of the Department of Defense, veterans, and their families from exploitation by foreign adversaries.

(2) Recommendations to improve Department of Defense policies and programs to meaningfully address this threat.

(c) REPORT.—The Comptroller General shall publish on its website an unclassified report, which may contain a classified annex submitted to the congressional defense and intelligence committees, on the elements described in subsection (b) at a time mutually agreed upon.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Permanent Select Committee on Intelligence of the House of Representatives.

Viz:

At the end of subtitle F of title X, add the following:

SEC. 1063. ENSURING RELIABLE SUPPLY OF CRITICAL MINERALS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the People's Republic of China's dominant share of the global minerals market is a threat to the economic stability, well being, and competitiveness of key industries in the United States;

(2) the United States should reduce reliance on the People's Republic of China for critical minerals through—

(A) strategic investments in development projects, production technologies, and refining facilities in the United States; and

(B) in partnership with strategic allies of the United States that are reliable trading partners, including members of the Quadrilateral Security Dialogue; and

(3) the United States Trade Representative should initiate multilateral talks among the countries of the Quadrilateral Security Dialogue to promote shared investment and development of critical minerals.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the United States Trade Representative, in consultation with the officials specified in paragraph (3), shall submit to the appropriate congressional committees a report on the work of the Trade Representative to address the national security threat posed by the People's Republic of China's control of nearly ⅔ of the global supply of critical minerals.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) a description of the extent of the engagement of the United States with the other countries of the Quadrilateral Security Dialogue to promote shared investment and development of critical minerals during the period beginning on the date of the enactment of this Act and ending on the date of the report; and

(B) a description of the plans of the President to leverage the partnership of the countries of the Quadrilateral Security Dialogue to produce a more reliable and secure global supply chain of critical minerals.

(3) OFFICIALS SPECIFIED.—The officials specified in this paragraph are the following:

(A) The Secretary of Commerce.

(B) The Chief Executive Officer of the United States International Development Finance Corporation.

(C) The Secretary of Energy.

(D) The Director of the United States Geological Survey.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

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

(B) the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

At the end of subtitle G of title X, add the following:

SEC. 1083. PROHIBITION OF DEMAND FOR BRIBE.

Section 201 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(4) the term 'foreign official' means—

''(A)(i) any official or employee of a foreign government or any department, agency, or instrumentality thereof; or

''(ii) any senior foreign political figure, as defined in section 1010.605 of title 31, Code of Federal Regulations, or any successor regulation;

''(B) any official or employee of a public international organization;

''(C) any person acting in an official capacity for or on behalf of—

''(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

''(ii) a public international organization; or

''(D) any person acting in an unofficial capacity for or on behalf of—

''(i) a government, department, agency, or instrumentality described in subparagraph (A)(i); or

''(ii) a public international organization; and

''(5) the term 'public international organization' means—

''(A) an organization that is designated by Executive order pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288); or

''(B) any other international organization that is designated by the President by Executive order for the purposes of this section, effective as of the date of publication of such order in the Federal Register.''; and

(2) by adding at the end the following:

''(f) PROHIBITION OF DEMAND FOR A BRIBE.—

''(1) OFFENSE.—It shall be unlawful for any foreign official or person selected to be a foreign official to corruptly demand, seek, receive, accept, or agree to receive or accept, directly or indirectly, anything of value personally or for any other person or nongovernmental entity, by making use of the mails or any means or instrumentality of interstate commerce, from any person (as defined in section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–3), except that that definition shall be applied without regard to whether the person is an offender) while in the territory of the United States, from an issuer (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))), or from a domestic concern (as defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2)), in return for—

''(A) being influenced in the performance of any official act;

''(B) being induced to do or omit to do any act in violation of the official duty of such foreign official or person; or

''(C) conferring any improper advantage,

in connection with obtaining or retaining business for or with, or directing business to, any person.

''(2) PENALTIES.—Any person who violates paragraph (1) shall be fined not more than $250,000 or 3 times the monetary equivalent of the thing of value, imprisoned for not more than 15 years, or both.

''(3) JURISDICTION.—An offense under paragraph (1) shall be subject to extraterritorial Federal jurisdiction.

''(4) REPORT.—Not later than 1 year after the date of enactment of the Foreign Extortion Prevention Act, and annually thereafter, the Attorney General, in consultation with the Secretary of State as relevant, shall submit to the Committee on the Judiciary and the Committee on Foreign Relations of the Senate and the Committee on the Judiciary and the Committee on Foreign Affairs of the House of Representatives, and post on the publicly available website of the Department of Justice, a report—

''(A) focusing, in part, on demands by foreign officials for bribes from entities domiciled or incorporated in the United States, and the efforts of foreign governments to prosecute such cases;

''(B) addressing United States diplomatic efforts to protect entities domiciled or incorporated in the United States from foreign bribery, and the effectiveness of those efforts in protecting such entities;

''(C) summarizing major actions taken under this section in the previous year, including enforcement actions taken and penalties imposed;

''(D) evaluating the effectiveness of the Department of Justice in enforcing this section; and

''(E) detailing what resources or legislative action the Department of Justice needs to ensure adequate enforcement of this section.

''(5) RULE OF CONSTRUCTION.—This subsection shall not be construed as encompassing conduct that would violate section 30A of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1) or section 104 or 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2; 15 U.S.C. 78dd–3) whether pursuant to a theory of direct liability, conspiracy, complicity, or otherwise.''.

At the appropriate place in title III, insert the following:

SEC. 3____. MODIFICATIONS TO MILITARY AVIATION AND INSTALLATION ASSURANCE CLEARINGHOUSE FOR REVIEW OF MISSION OBSTRUCTIONS.

(a) PROJECTS PROPOSED WITHIN TWO NAUTICAL MILES OF ANY ACTIVE INTERCONTINENTAL BALLISTIC MISSILE LAUNCH FACILITY OR CONTROL CENTER.—Section 183a of title 10, United States Code, is amended—

(1) in subsection (d)(2)—

(A) in subparagraph (B), by inserting ''or any active intercontinental ballistic missile launch facility or control center'' after ''military training routes''; and

(B) in subparagraph (E), by striking ''or a Deputy Under Secretary of Defense'' and inserting ''a Deputy Under Secretary of Defense, or, in the case of a geographic area of concern related to an active intercontinental ballistic missile launch facility or control center, the Assistant Secretary of Defense for Energy, Installations, and Environment''; and

(2) in subsection (e)(1)—

(A) in the first sentence—

(i) by striking ''The Secretary'' and inserting ''(A) The Secretary''; and

(ii) by inserting ''or antenna structure project'' after ''energy project'';

(B) in the second sentence, by striking ''The Secretary of Defense's finding of unacceptable risk to national security'' and inserting the following:

''(C) Any finding of unacceptable risk to national security by the Secretary of Defense under this paragraph''; and

(C) by inserting after subparagraph (A), as designated by subparagraph (A)(i) of this paragraph, the following new subparagraph:

''(B)(i) In the case of any energy project or antenna structure project with proposed structures more than 200 feet above ground level located within two nautical miles of an active intercontinental ballistic missile launch facility or control center, the Secretary of Defense shall issue a finding of unacceptable risk to national security for such project if the mitigation actions identified pursuant to this section do not include removal of all such proposed structures from such project after receiving notice of presumed risk from the Clearinghouse under subsection (c)(2).

''(ii) Clause (i) does not apply to structures approved before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2024 or to structures that are repowered with updated technology in the same location as previously approved structures.''.

(b) INCLUSION OF ANTENNA STRUCTURE PROJECTS.—

(1) IN GENERAL.—Such section is further amended—

(A) by inserting ''or antenna structure projects'' after ''energy projects'' each place it appears; and

(B) by inserting ''or antenna structure project'' after ''energy project'' each place it appears (except for subsections (e)(1) and (h)(2)).

(2) ANTENNA STRUCTURE PROJECT DEFINED.—Section 183a(h) of such title is amended—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(B) by inserting after paragraph (1) the following new paragraph:

''(2) The term 'antenna structure project'—

''(A) means a project to construct a structure located within two nautical miles of any intercontinental ballistic missile launch facility or control center that is constructed or used to transmit radio energy or that is constructed or used for the primary purpose of supporting antennas to transmit or receive radio energy (or both), and any antennas and other appurtenances mounted on the structure, from the time construction of the supporting structure begins until such time as the supporting structure is dismantled; and

''(B) does not include any project in support of or required by an intercontinental ballistic missile launch facility or control center.''.

At the appropriate place in title X, insert the following:

SEC. 10___. STUDIES AND REPORTS ON TREATMENT OF SERVICE OF CERTAIN MEMBERS OF THE ARMED FORCES WHO SERVED IN FEMALE CULTURAL SUPPORT TEAMS.

(a) FINDINGS.—Congress finds the following:

(1) In 2010, the Commander of United States Special Operations Command established the Cultural Support Team Program to overcome significant intelligence gaps during the Global War on Terror.

(2) From 2010 through 2021, approximately 310 female members, from every Armed Force, passed and were selected as members of female cultural support teams, and deployed with special operations forces.

(3) Members of female cultural support teams served honorably, demonstrated commendable courage, overcame such intelligence gaps, engaged in direct action, and suffered casualties during the Global War on Terror.

(4) The Federal Government has a duty to recognize members and veterans of female cultural support teams who volunteered to join the Armed Forces, to undergo arduous training for covered service, and to execute dangerous and classified missions in the course of such covered service.

(5) Members who performed covered service have sought treatment from the Department of Veterans Affairs for traumatic brain injuries, post-traumatic stress, and disabling physical trauma incurred in the course of such covered service, but have been denied such care.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) individuals who performed covered service performed exceptional service to the United States; and

(2) the Secretary of Defense should ensure that the performance of covered service is included in the military service record of each individual who performed covered service so that those with service-connected injuries can receive proper care and benefits for their service.

(c) SECRETARY OF DEFENSE STUDY AND REPORT.—

(1) IN GENERAL.—Not later than March 31, 2024, the Secretary of Defense shall—

(A) carry out a study on the treatment of covered service for purposes of retired pay under laws administered by the Secretary; and

(B) submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the study carried out under paragraph (1).

(2) LIST.—The report submitted under paragraph (1)(B) shall include a list of each individual who performed covered service whose military service record should be modified on account of covered service.

(d) SECRETARY OF VETERANS AFFAIRS STUDY AND REPORT.—

(1) IN GENERAL.—Not later than March 31, 2024, the Secretary of Veterans Affairs shall—

(A) carry out a study on the treatment of covered service for purposes of compensation under laws administered by the Secretary; and

(B) submit to the appropriate committees of Congress a report on the findings of the Secretary with respect to the study carried out under paragraph (1).

(2) CONTENTS.—The report submitted under paragraph (1)(B) shall include the following:

(A) A list of each veteran who performed covered service whose claim for disability compensation under a law administered by the Secretary was denied due to the inability of the Department of Veterans Affairs to determine the injury was service-connected.

(B) An estimate of the cost that would be incurred by the Department to provide veterans described in subparagraph (A) with the health care and benefits they are entitled to under the laws administered by the Secretary on account of their covered service.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

(2) COVERED SERVICE.—The term ''covered service'' means service—

(A) as a member of the Armed Forces;

(B) in a female cultural support team;

(C) with the personnel development skill identifier of R2J or 5DK, or any other validation methods, such as valid sworn statements, officer and enlisted performance evaluations, training certificates, or records of an award from completion of tour with a cultural support team; and

(D) during the period beginning on January 1, 2010, and ending on August 31, 2021.

At the end of subtitle G of title X, add the following:

SEC. 1083. GLOBAL COOPERATIVE FRAMEWORK TO END HUMAN RIGHTS ABUSES IN SOURCING CRITICAL MINERALS.

(a) IN GENERAL.—The Secretary of State shall seek to convene a meeting of foreign leaders to establish a multilateral framework to end human rights abuses, including the exploitation of forced labor and child labor, related to the mining and sourcing of critical minerals.

(b) IMPLEMENTATION REPORT.—The Secretary shall lead the development of an annual global report on the implementation of the framework under subsection (a), including progress and recommendations to fully end human rights abuses, including the exploitation of forced labor and child labor, related to the extraction of critical minerals around the world.

(c) CONSULTATIONS.—The Secretary shall consult closely on a timely basis with the following with respect to developing and implementing the framework under subsection (a):

(1) The Forced Labor Enforcement Task Force established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681).

(2) Congress.

(d) RELATIONSHIP TO UNITED STATES LAW.—Nothing in the framework under subsection (a) shall be construed—

(1) to amend or modify any law of the United States; or

(2) to limit any authority conferred under any law of the United States.

(e) EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE AND CERTAIN PROVISIONS OF THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT.—Nothing in this section shall—

(1) affect the authority of the President to take any action to join and subsequently comply with the terms and obligations of the Extractive Industries Transparency Initiative (EITI); or

(2) affect section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 78m note), or subsection (q) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), as added by section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 2220), or any rule prescribed under either such section.

(f) CRITICAL MINERAL DEFINED.—In this section, the term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO CONTRACTING AUTHORITY FOR CERTAIN SMALL BUSINESS CONCERNS.

(a) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—Section 8(a)(1)(D)(i)(II) of the Small Business Act (15 U.S.C. 637(a)(1)(D)(i)(II)) is amended—

(1) by inserting ''(or $10,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$7,000,000''; and

(2) by inserting ''(or $8,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$3,000,000''.

(b) CERTAIN SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.—Section 8(m) of the Small Business Act (15 U.S.C.637(m)) is amended—

(1) in paragraph (7)(B)—

(A) in clause (i), by inserting ''(or $10,000,000, in the case of a Department of Defense contract, as adjusted for inflation by

the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$7,000,000''; and

(B) in clause (ii), by inserting ''(or $8,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$4,000,000''; and

(2) in paragraph (8)(B)—

(A) in clause (i), by inserting ''(or $10,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$7,000,000''; and

(B) in clause (ii), by inserting ''(or $8,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$4,000,000''.

(c) QUALIFIED HUBZONE SMALL BUSINESS CONCERNS.—Section 31(c)(2)(A)(ii) of the Small Business Act (15 U.S.C. 657a(c)(2)(A)(ii)) is amended—

(1) in subclause (I), by inserting ''(or $10,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$7,000,000''; and

(2) in subclause (II), by inserting ''(or $8,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$3,000,000''.

(d) SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.—Section 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2)) is amended—

(1) in subparagraph (A), by inserting ''(or $10,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$7,000,000''; and

(2) in subparagraph (B), by inserting ''(or $8,000,000, in the case of a Department of Defense contract, as adjusted for inflation by the Federal Acquisition Regulatory Council under section 1.109 of the Federal Acquisition Regulation)'' after ''$3,000,000''.

(e) CERTAIN VETERAN-OWNED CONCERNS.—Section 8127(c) of title 38, United States Code, is amended by striking ''$5,000,000'' and inserting ''the dollar thresholds under section 36(c)(2) of the Small Business Act (15 U.S.C. 657f(c)(2))''.

At the end of subtitle G of title XII, add the following:

SEC. 1299L. LEGAL PREPAREDNESS FOR SERVICEMEMBERS ABROAD.

(a) REVIEW REQUIRED.—Not later than December 31, 2024, the Secretary of State, in coordination with the Secretary of Defense, shall—

(1) review the 10 largest foreign countries by United States Armed Forces presence and evaluate local legal systems, protections afforded by bilateral agreements between the United States and countries being evaluated, and how the rights and privileges afforded under such agreements may differ from United States law; and

(2) brief the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate on the findings of the review.

(b) TRAINING REQUIRED.—The Secretary of Defense shall review and improve as necessary training and educational materials for members of the Armed Forces, their spouses, and dependents, as appropriate, who are stationed in a country reviewed pursuant to subsection (a)(1) regarding relevant foreign laws, how such foreign laws may differ from the laws of the United States, and the rights of accused in common scenarios under such foreign laws.

(c) TRANSLATION STANDARDS AND READINESS.—The Secretary of Defense, in coordination with the Secretary of State, shall review foreign language standards for servicemembers and employees of the Department of Defense and Department of State who are responsible for providing foreign language translation services in situations involving foreign law enforcement where a servicemember may be being detained, to ensure such persons maintain an appropriate proficiency in the legal terminology and meaning of essential terms in a relevant language.

At the end of title X of division A, add the following:

Subtitle H—Combating Cartels on Social Media Act of 2023

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the ''Combating Cartels on Social Media Act of 2023''.

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives.

(2) COVERED OPERATOR.—The term ''covered operator'' means the operator, developer, or publisher of a covered service.

(3) COVERED SERVICE.—The term ''covered service'' means—

(A) a social media platform;

(B) a mobile or desktop service with direct or group messaging capabilities, but not including text messaging services without other substantial social functionalities or electronic mail services, that the Secretary of Homeland Security determines is being or has been used by transnational criminal organizations in connection with matters described in section 1093; and

(C) a digital platform, or an electronic application utilizing the digital platform, involving real-time interactive communication between multiple individuals, including multi-player gaming services and immersive technology platforms or applications, that the Secretary of Homeland Security determines is being or has been used by transnational criminal organizations in connection with matters described in section 1093.

(4) CRIMINAL ENTERPRISE.—The term ''criminal enterprise'' has the meaning given the term ''continuing criminal enterprise'' in section 408 of the Controlled Substances Act (21 U.S.C. 848).

(5) ILLICIT ACTIVITIES.—The term ''illicit activities'' means the following criminal activities that transcend national borders:

(A) A violation of section 401 of the Controlled Substances Act (21 U.S.C. 841).

(B) Narcotics trafficking, as defined in section 808 of the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1907).

(C) Trafficking of weapons, as defined in section 922 of title 18, United States Code.

(D) Migrant smuggling, defined as a violation of section 274(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)(ii)).

(E) Human trafficking, defined as—

(i) a violation of section 1590, 1591, or 1592 of title 18, United States Code; or

(ii) engaging in severe forms of trafficking in persons, as defined in section 103 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7102).

(F) Cyber crime, defined as a violation of section 1030 of title 18, United States Code.

(G) A violation of any provision that is subject to intellectual property enforcement, as defined in section 302 of the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (15 U.S.C. 8112).

(H) Bulk cash smuggling of currency, defined as a violation of section 5332 of title 31, United States Code.

(I) Laundering the proceeds of the criminal activities described in subparagraphs (A) through (H).

(6) TRANSNATIONAL CRIMINAL ORGANIZATION.—The term ''transnational criminal organization'' means groups, networks, and associated individuals who operate transnationally for the purposes of obtaining power, influence, or monetary or commercial gain, wholly or in part by certain illegal means, while advancing their activities through a pattern of crime, corruption, or violence, and while protecting their illegal activities through a transnational organizational structure and the exploitation of public corruption or transnational logistics, financial, or communication mechanisms.

SEC. 1093. ASSESSMENT OF ILLICIT USAGE.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a joint assessment describing—

(1) the use of covered services by transnational criminal organizations, or criminal enterprises acting on behalf of transnational criminal organizations, to engage in recruitment efforts, including the recruitment of individuals, including individuals under the age of 18, located in the United States to engage in or provide support with respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States;

(2) the use of covered services by transnational criminal organizations to engage in illicit activities or conduct in support of illicit activities, including—

(A) smuggling or trafficking involving narcotics, other controlled substances, precursors thereof, or other items prohibited under the laws of the United States, Mexico, or another relevant jurisdiction, including firearms;

(B) human smuggling or trafficking, including the exploitation of children; and

(C) transportation of bulk currency or monetary instruments in furtherance of smuggling activity; and

(3) the existing efforts of the Secretary of Homeland Security, the Secretary of State, and relevant government and law enforcement entities to counter, monitor, or otherwise respond to the usage of covered services described in paragraphs (1) and (2).

SEC. 1094. STRATEGY TO COMBAT CARTEL RECRUITMENT ON SOCIAL MEDIA AND ONLINE PLATFORMS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a joint strategy, to be known as the National Strategy to Combat Illicit Recruitment Activity by Transnational Criminal Organizations on Social Media and Online Platforms, to combat the use of covered services by transnational criminal organizations, or criminal enterprises acting on behalf of transnational criminal organizations, to recruit individuals located in the United States to engage in or provide support with

respect to illicit activities occurring in the United States, Mexico, or otherwise in proximity to an international boundary of the United States.

(b) ELEMENTS.—

(1) IN GENERAL.—The strategy required under subsection (a) shall, at a minimum, include the following:

(A) A proposal to improve cooperation and thereafter maintain cooperation between the Secretary of Homeland Security, the Secretary of State, and relevant law enforcement entities with respect to the matters described in subsection (a).

(B) Recommendations to implement a process for the voluntary reporting of information regarding the recruitment efforts of transnational criminal organizations in the United States involving covered services.

(C) A proposal to improve intragovernmental coordination with respect to the matters described in subsection (a), including between the Department of Homeland Security, the Department of State, and State, Tribal, and local governments.

(D) A proposal to improve coordination within the Department of Homeland Security and the Department of State and between the components of those Departments with respect to the matters described in subsection (a).

(E) Activities to facilitate increased intelligence analysis for law enforcement purposes of efforts of transnational criminal organizations to utilize covered services for recruitment to engage in or provide support with respect to illicit activities.

(F) Activities to foster international partnerships and enhance collaboration with foreign governments and, as applicable, multilateral institutions with respect to the matters described in subsection (a).

(G) Activities to specifically increase engagement and outreach with youth in border communities, including regarding the recruitment tactics of transnational criminal organizations and the consequences of participation in illicit activities.

(H) A detailed description of the measures used to ensure—

(i) law enforcement and intelligence activities focus on the recruitment activities of transitional criminal organizations not individuals the transnational criminal organizations attempt to or successfully recruit; and

(ii) the privacy rights, civil rights, and civil liberties protections in carrying out the activities described in clause (i), with a particular focus on the protections in place to protect minors and constitutionally protected activities.

(2) LIMITATION.—The strategy required under subsection (a) shall not include legislative recommendations or elements predicated on the passage of legislation that is not enacted as of the date on which the strategy is submitted under subsection (a).

(c) CONSULTATION.—In drafting and implementing the strategy required under subsection (a), the Secretary of Homeland Security and the Secretary of State shall, at a minimum, consult and engage with—

(1) the heads of relevant components of the Department of Homeland Security, including—

(A) the Under Secretary for Intelligence and Analysis;

(B) the Under Secretary for Strategy, Policy, and Plans;

(C) the Under Secretary for Science and Technology;

(D) the Commissioner of U.S. Customs and Border Protection;

(E) the Director of U.S. Immigration and Customs Enforcement;

(F) the Officer for Civil Rights and Civil Liberties;

(G) the Privacy Officer; and

(H) the Assistant Secretary of the Office for State and Local Law Enforcement;

(2) the heads of relevant components of the Department of State, including—

(A) the Assistant Secretary for International Narcotics and Law Enforcement Affairs;

(B) the Assistant Secretary for Western Hemisphere Affairs; and

(C) the Coordinator of the Global Engagement Center;

(3) the Attorney General;

(4) the Secretary of Health and Human Services; and

(5) the Secretary of Education; and

(6) as selected by the Secretary of Homeland Security, or his or her designee in the Office of Public Engagement, representatives of border communities, including representatives of—

(A) State, Tribal, and local governments, including school districts and local law enforcement; and

(B) nongovernmental experts in the fields of—

(i) civil rights and civil liberties;

(ii) online privacy;

(iii) humanitarian assistance for migrants; and

(iv) youth outreach and rehabilitation.

(d) IMPLEMENTATION.—

(1) IN GENERAL.—Not later than 90 days after the date on which the strategy required under subsection (a) is submitted to the appropriate congressional committees, the Secretary of Homeland Security and the Secretary of State shall commence implementation of the strategy.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the strategy required under subsection (a) is implemented under paragraph (1), and semiannually thereafter for 5 years, the Secretary of Homeland Security and the Secretary of State shall submit to the appropriate congressional committees a joint report describing the efforts of the Secretary of Homeland Security and the Secretary of State to implement the strategy required under subsection (a) and the progress of those efforts, which shall include a description of—

(i) the recommendations, and corresponding implementation of those recommendations, with respect to the matters described in subsection (b)(1)(B);

(ii) the interagency posture with respect to the matters covered by the strategy required under subsection (a), which shall include a description of collaboration between the Secretary of Homeland Security, the Secretary of State, other Federal entities, State, local, and Tribal entities, and foreign governments; and

(iii) the threat landscape, including new developments related to the United States recruitment efforts of transnational criminal organizations and the use by those organizations of new or emergent covered services and recruitment methods.

(B) FORM.—Each report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(3) CIVIL RIGHTS, CIVIL LIBERTIES, AND PRIVACY ASSESSMENT.—Not later than 2 years after the date on which the strategy required under subsection (a) is implemented under paragraph (1), the Office for Civil Rights and Civil Liberties and the Privacy Office of the Department of Homeland Security shall submit to the appropriate congressional committees a joint report that includes—

(A) a detailed assessment of the measures used to ensure the protection of civil rights, civil liberties, and privacy rights in carrying out this section; and

(B) recommendations to improve the implementation of the strategy required under subsection (a).

(4) RULEMAKING.—Prior to implementation of the strategy required under subsection (a) at the Department of Homeland Security, the Secretary of Homeland Security shall issue rules to carry out this section in accordance with section 553 of title 5, United States Code.

SEC. 1095. RULE OF CONSTRUCTION.

Nothing in this subtitle shall be construed to expand the statutory law enforcement or regulatory authority of the Department of Homeland Security or the Department of State.

SEC. 1096. NO ADDITIONAL FUNDS.

No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

At the end of subtitle G of title X, add the following:

SEC. 1083. READMISSION REQUIREMENTS FOR SERVICEMEMBERS.

Section 484C(a) of the Higher Education Act of 1965 (20 U.S.C. 1091c(a)) is amended to read as follows:

''(a) DEFINITION OF SERVICE IN THE UNIFORMED SERVICES.—In this section, the term 'service in the uniformed services' means service (whether voluntary or involuntary) on active duty in the Armed Forces, including such service by a member of the National Guard or Reserve.''

At the end, add the following:

DIVISION I—COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

TITLE LXIX—FEDERAL DATA AND INFORMATION SECURITY

Subtitle A—Federal Data Center Enhancement Act of 2023

SEC. 11001. SHORT TITLE.

This subtitle may be cited as the ''Federal Data Center Enhancement Act of 2023''.

SEC. 11002. FEDERAL DATA CENTER CONSOLIDATION INITIATIVE AMENDMENTS.

(a) FINDINGS.—Congress finds the following:

(1) The statutory authorization for the Federal Data Center Optimization Initiative under section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) expired at the end of fiscal year 2022.

(2) The expiration of the authorization described in paragraph (1) presents Congress with an opportunity to review the objectives of the Federal Data Center Optimization Initiative to ensure that the initiative is meeting the current needs of the Federal Government.

(3) The initial focus of the Federal Data Center Optimization Initiative, which was to consolidate data centers and create new efficiencies, has resulted in, since 2010—

(A) the consolidation of more than 6,000 Federal data centers; and

(B) cost savings and avoidance of $5,800,000,000.

(4) The need of the Federal Government for access to data and data processing systems has evolved since the date of enactment in 2014 of subtitle D of title VIII of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015.

(5) Federal agencies and employees involved in mission critical functions increasingly need reliable access to secure, reliable, and protected facilities to house mission critical data and data operations to meet the immediate needs of the people of the United States.

(6) As of the date of enactment of this subtitle, there is a growing need for Federal

agencies to use data centers and cloud applications that meet high standards for cybersecurity, resiliency, and availability.

(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—Section 834 of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

''(3) NEW DATA CENTER.—The term 'new data center' means—

''(A)(i) a data center or a portion thereof that is owned, operated, or maintained by a covered agency; or

''(ii) to the extent practicable, a data center or portion thereof—

''(I) that is owned, operated, or maintained by a contractor on behalf of a covered agency on the date on which the contract between the covered agency and the contractor expires; and

''(II) with respect to which the covered agency extends the contract, or enters into a new contract, with the contractor; and

''(B) on or after the date that is 180 days after the date of enactment of the Federal Data Center Enhancement Act of 2023, a data center or portion thereof that is—

''(i) established; or

''(ii) substantially upgraded or expanded.'';

(2) by striking subsection (b) and inserting the following:

''(b) MINIMUM REQUIREMENTS FOR NEW DATA CENTERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Data Center Enhancement Act of 2023, the Administrator shall establish minimum requirements for new data centers in consultation with the Administrator of General Services and the Federal Chief Information Officers Council.

''(2) CONTENTS.—

''(A) IN GENERAL.—The minimum requirements established under paragraph (1) shall include requirements relating to—

''(i) the availability of new data centers;

''(ii) the use of new data centers;

''(iii) uptime percentage;

''(iv) protections against power failures, including on-site energy generation and access to multiple transmission paths;

''(v) protections against physical intrusions and natural disasters;

''(vi) information security protections required by subchapter II of chapter 35 of title 44, United States Code, and other applicable law and policy; and

''(vii) any other requirements the Administrator determines appropriate.

''(B) CONSULTATION.—In establishing the requirements described in subparagraph (A)(vi), the Administrator shall consult with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director.

''(3) INCORPORATION OF MINIMUM REQUIREMENTS INTO CURRENT DATA CENTERS.—As soon as practicable, and in any case not later than 90 days after the Administrator establishes the minimum requirements pursuant to paragraph (1), the Administrator shall issue guidance to ensure, as appropriate, that covered agencies incorporate the minimum requirements established under that paragraph into the operations of any data center of a covered agency existing as of the date of enactment of the Federal Data Center Enhancement Act of 2023.

''(4) REVIEW OF REQUIREMENTS.—The Administrator, in consultation with the Administrator of General Services and the Federal Chief Information Officers Council, shall review, update, and modify the minimum requirements established under paragraph (1), as necessary.

''(5) REPORT ON NEW DATA CENTERS.—During the development and planning lifecycle of a new data center, if the head of a covered agency determines that the covered agency is likely to make a management or financial decision relating to any data center, the head of the covered agency shall—

''(A) notify—

''(i) the Administrator;

''(ii) Committee on Homeland Security and Governmental Affairs of the Senate; and

''(iii) Committee on Oversight and Accountability of the House of Representatives; and

''(B) describe in the notification with sufficient detail how the covered agency intends to comply with the minimum requirements established under paragraph (1).

''(6) USE OF TECHNOLOGY.—In determining whether to establish or continue to operate an existing data center, the head of a covered agency shall—

''(A) regularly assess the application portfolio of the covered agency and ensure that each at-risk legacy application is updated, replaced, or modernized, as appropriate, to take advantage of modern technologies; and

''(B) prioritize and, to the greatest extent possible, leverage commercial cloud environments rather than acquiring, overseeing, or managing custom data center infrastructure.

''(7) PUBLIC WEBSITE.—

''(A) IN GENERAL.—The Administrator shall maintain a public-facing website that includes information, data, and explanatory statements relating to the compliance of covered agencies with the requirements of this section.

''(B) PROCESSES AND PROCEDURES.—In maintaining the website described in subparagraph (A), the Administrator shall—

''(i) ensure covered agencies regularly, and not less frequently than biannually, update the information, data, and explanatory statements posed on the website, pursuant to guidance issued by the Administrator, relating to any new data centers and, as appropriate, each existing data center of the covered agency; and

''(ii) ensure that all information, data, and explanatory statements on the website are maintained as open Government data assets.''; and

(3) in subsection (c), by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The head of a covered agency shall oversee and manage the data center portfolio and the information technology strategy of the covered agency in accordance with Federal cybersecurity guidelines and directives, including—

''(A) information security standards and guidelines promulgated by the Director of the National Institute of Standards and Technology;

''(B) applicable requirements and guidance issued by the Director of the Office of Management and Budget pursuant to section 3614 of title 44, United States Code; and

''(C) directives issued by the Secretary of Homeland Security under section 3553 of title 44, United States Code.''.

(c) EXTENSION OF SUNSET.—Section 834(e) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) is amended by striking ''2022'' and inserting ''2026''.

(d) GAO REVIEW.—Not later than 1 year after the date of the enactment of this subtitle, and annually thereafter, the Comptroller General of the United States shall review, verify, and audit the compliance of covered agencies with the minimum requirements established pursuant to section 834(b)(1) of the Carl Levin and Howard P. ''Buck'' McKeon National Defense Authorization Act for Fiscal Year 2015 (44 U.S.C. 3601 note; Public Law 113–291) for new data centers and subsection (b)(3) of that section for existing data centers, as appropriate.

TITLE LXX—STEMMING THE FLOW OF ILLICIT NARCOTICS

Subtitle A—Enhancing DHS Drug Seizures Act

SEC. 11101. SHORT TITLE.

This subtitle may be cited as the ''Enhancing DHS Drug Seizures Act''.

SEC. 11102. COORDINATION AND INFORMATION SHARING.

(a) PUBLIC-PRIVATE PARTNERSHIPS.—

(1) STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop a strategy to strengthen existing and establish new public-private partnerships with shipping, chemical, and pharmaceutical industries to assist with early detection and interdiction of illicit drugs and precursor chemicals.

(2) CONTENTS.—The strategy required under paragraph (1) shall contain goals and objectives for employees of the Department of Homeland Security to ensure the tactics, techniques, and procedures gained from the public-private partnerships described in paragraph (1) are included in policies, best practices, and training for the Department.

(3) IMPLEMENTATION PLAN.—Not later than 180 days after developing the strategy required under paragraph (1), the Secretary of Homeland Security shall develop an implementation plan for the strategy, which shall outline departmental lead and support roles, responsibilities, programs, and timelines for accomplishing the goals and objectives of the strategy.

(4) BRIEFING.—The Secretary of Homeland Security shall provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in addressing the implementation plan developed pursuant to paragraph (3).

(b) ASSESSMENT OF DRUG TASK FORCES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall conduct an assessment of the counterdrug task forces in which the Department of Homeland Security, including components of the Department, participates in or leads, which shall include—

(A) areas of potential overlap;

(B) opportunities for sharing information and best practices;

(C) how the Department's processes for ensuring accountability and transparency in its vetting and oversight of partner agency task force members align with best practices; and

(D) corrective action plans for any capability limitations and deficient or negative findings identified in the report for any such task forces led by the Department.

(2) COORDINATION.—In conducting the assessment required under paragraph (1), with respect to counterdrug task forces that include foreign partners, the Secretary of Homeland Security shall coordinate with the Secretary of State.

(3) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that contains a summary of the results of the assessment conducted pursuant to paragraph (1).

(B) FOREIGN PARTNERS.—If the report submitted under subparagraph (A) includes information about counterdrug forces that include foreign partners, the Secretary of Homeland Security shall submit the report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(4) CORRECTIVE ACTION PLAN.—The Secretary of Homeland Security shall—

(A) implement the corrective action plans described in paragraph (1)(D) immediately after the submission of the report pursuant to paragraph (2); and

(B) provide annual briefings to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made in implementing the corrective action plans.

(c) COMBINATION OF BRIEFINGS.—The Secretary of Homeland Security may combine the briefings required under subsections (a)(4) and (b)(3)(B) and provide such combined briefings through fiscal year 2026.

SEC. 11103. DANGER PAY FOR DEPARTMENT OF HOMELAND SECURITY PERSONNEL DEPLOYED ABROAD.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by inserting after section 881 the following:

''SEC. 881A. DANGER PAY ALLOWANCE.

''(a) AUTHORIZATION.—An employee of the Department, while stationed in a foreign area, may be granted a danger pay allowance, not to exceed 35 percent of the basic pay of such employee, for any period during which such foreign area experiences a civil insurrection, a civil war, ongoing terrorist acts, or wartime conditions that threaten physical harm or imminent danger to the health or well-being of such employee.

''(b) NOTICE.—Before granting or terminating a danger pay allowance to any employee pursuant to subsection (a), the Secretary, after consultation with the Secretary of State, shall notify the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives of—

''(1) the intent to make such payments and the circumstances justifying such payments; or

''(2) the intent to terminate such payments and the circumstances justifying such termination.''.

SEC. 11104. IMPROVING TRAINING TO FOREIGN-VETTED LAW ENFORCEMENT OR NATIONAL SECURITY UNITS.

The Secretary of Homeland Security, or the designee of the Secretary, may, with the concurrence of the Secretary of State, provide training to foreign-vetted law enforcement or national security units and may waive reimbursement for salary expenses of such Department of Homeland Security personnel, in accordance with an agreement with the Department of Defense pursuant to section 1535 of title 31, United States Code.

SEC. 11105. ENHANCING THE OPERATIONS OF U.S. CUSTOMS AND BORDER PROTECTION IN FOREIGN COUNTRIES.

Section 411(f) of the Homeland Security Act of 2002 (6 U.S.C. 211(f)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) PERMISSIBLE ACTIVITIES.—

''(A) IN GENERAL.—Employees of U.S. Customs and Border Protection and other customs officers designated in accordance with the authorities granted to officers and agents of Air and Marine Operations may, with the concurrence of the Secretary of State, provide the support described in subparagraph (B) to authorities of the government of a foreign country if an arrangement has been entered into between the Government of the United States and the government of such country that permits such support by such employees and officers.

''(B) SUPPORT DESCRIBED.—The support described in this subparagraph is support for—

''(i) the monitoring, locating, tracking, and deterrence of—

''(I) illegal drugs to the United States;

''(II) the illicit smuggling of persons and goods into the United States;

''(III) terrorist threats to the United States; and

''(IV) other threats to the security or economy of the United States;

''(ii) emergency humanitarian efforts; and

''(iii) law enforcement capacity-building efforts.

''(C) PAYMENT OF CLAIMS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iv), the Secretary, with the concurrence of the Secretary of State, may expend funds that have been appropriated or otherwise made available for the operating expenses of the Department to pay claims for money damages against the United States, in accordance with the first paragraph of section 2672 of title 28, United States Code, which arise in a foreign country in connection with U.S. Customs and Border Protection operations in such country.

''(ii) SUBMISSION DEADLINE.—A claim may be allowed under clause (i) only if it is presented not later than 2 years after it accrues.

''(iii) REPORT.—Not later than 90 days after the date on which the expenditure authority under clause (i) expires pursuant to clause (iv), the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate and the Committee on Homeland Security and Committee on Foreign Affairs of the House of Representatives that describes, for each of the payments made pursuant to clause (i)—

''(I) the foreign entity that received such payment;

''(II) the amount paid to such foreign entity;

''(III) the country in which such foreign entity resides or has its principal place of business; and

''(IV) a detailed account of the circumstances justify such payment.

''(iv) SUNSET.—The expenditure authority under clause (i) shall expire on the date that is 5 years after the date of the enactment of the Enhancing DHS Drug Seizures Act.''.

SEC. 11106. DRUG SEIZURE DATA IMPROVEMENT.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to identify any opportunities for improving drug seizure data collection.

(b) ELEMENTS.—The study required under subsection (a) shall—

(1) include a survey of the entities that use drug seizure data; and

(2) address—

(A) any additional data fields or drug type categories that should be added to U.S. Customs and Border Protection's SEACATS, U.S. Border Patrol's e3 portal, and any other systems deemed appropriate by the Commissioner of U.S. Customs and Border Protection, in accordance with the first recommendation in the Government Accountability Office's report GAO-22-104725, entitled ''Border Security: CBP Could Improve How It Categorizes Drug Seizure Data and Evaluates Training'';

(B) how all the Department of Homeland Security components that collect drug seizure data can standardize their data collection efforts and deconflict drug seizure reporting;

(C) how the Department of Homeland Security can better identify, collect, and analyze additional data on precursor chemicals, synthetic drugs, novel psychoactive substances, and analogues that have been seized by U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(D) how the Department of Homeland Security can improve its model of anticipated drug flow into the United States.

(c) IMPLEMENTATION OF FINDINGS.—Following the completion of the study required under subsection (a)—

(1) the Secretary of Homeland Security, in accordance with the Office of National Drug Control Policy's 2022 National Drug Control Strategy, shall modify Department of Homeland Security drug seizure policies and training programs, as appropriate, consistent with the findings of such study; and

(2) the Commissioner of U.S. Customs and Border Protection, in consultation with the Director of U.S. Immigration and Customs Enforcement, shall make any necessary updates to relevant systems to include the results of confirmatory drug testing results.

SEC. 11107. DRUG PERFORMANCE MEASURES.

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall develop and implement a plan to ensure that components of the Department of Homeland Security develop and maintain outcome-based performance measures that adequately assess the success of drug interdiction efforts and how to utilize the existing drug-related metrics and performance measures to achieve the missions, goals, and targets of the Department.

SEC. 11108. PENALTIES FOR HINDERING IMMIGRATION, BORDER, AND CUSTOMS CONTROLS.

(a) PERSONNEL AND STRUCTURES.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by inserting after section 274D the following:

''SECTION 274E. DESTROYING OR EVADING BORDER CONTROLS.

''(a) IN GENERAL.—It shall be unlawful to knowingly and without lawful authorization—

''(1)(A) destroy or significantly damage any fence, barrier, sensor, camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; or

''(B) otherwise construct, excavate, or make any structure intended to defeat, circumvent or evade such a fence, barrier, sensor camera, or other physical or electronic device deployed by the Federal Government to control an international border of, or a port of entry to, the United States; and

''(2) in carrying out an act described in paragraph (1), have the intent to knowingly and willfully—

''(A) secure a financial gain;

''(B) further the objectives of a criminal organization; and

''(C) violate—

''(i) section 274(a)(1)(A)(i);

''(ii) the customs and trade laws of the United States (as defined in section 2(4) of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125));

''(iii) any other Federal law relating to transporting controlled substances, agriculture, or monetary instruments into the United States; or

''(iv) any Federal law relating to border controls measures of the United States.

''(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18,

United States Code, imprisoned for not more than 5 years, or both.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 274D the following:

''Sec. 274E. Destroying or evading border controls.''.

Subtitle B—Non-Intrusive Inspection Expansion Act

SEC. 11111. SHORT TITLE.

This subtitle may be cited as the ''Non-Intrusive Inspection Expansion Act''.

SEC. 11112. USE OF NON-INTRUSIVE INSPECTION SYSTEMS AT LAND PORTS OF ENTRY.

(a) FISCAL YEAR 2026.—Using non-intrusive inspection systems acquired through previous appropriations Acts, beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan, cumulatively, at ports of entry where systems are in place by the deadline, not fewer than—

(1) 40 percent of passenger vehicles entering the United States; and

(2) 90 percent of commercial vehicles entering the United States.

(b) SUBSEQUENT FISCAL YEARS.—Beginning in fiscal year 2027, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to reach the next projected benchmark for incremental scanning of passenger and commercial vehicles entering the United States at such ports of entry.

(c) BRIEFING.—Not later than May 30, 2026, the Commissioner of U.S. Customs and Border Protection shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the progress made during the first half of fiscal year 2026 in achieving the scanning benchmarks described in subsection (a).

(d) REPORT.—If the scanning benchmarks described in subsection (a) are not met by the end of fiscal year 2026, not later than 120 days after the end of that fiscal year, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(1) analyzes the causes for not meeting such requirements;

(2) identifies any resource gaps and challenges; and

(3) details the steps that will be taken to ensure compliance with such requirements in the subsequent fiscal year.

SEC. 11113. NON-INTRUSIVE INSPECTION SYSTEMS FOR OUTBOUND INSPECTIONS.

(a) STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a strategy to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives for increasing sustained outbound inspection operations at land ports of entry that includes—

(1) the number of existing and planned outbound inspection lanes at each port of entry;

(2) infrastructure limitations that limit the ability of U.S. Customs and Border Protection to deploy non-intrusive inspection systems for outbound inspections;

(3) the number of additional non-intrusive inspection systems that are necessary to increase scanning capacity for outbound inspections; and

(4) plans for funding and acquiring the systems described in paragraph (3).

(b) IMPLEMENTATION.—Beginning not later than September 30, 2026, U.S. Customs and Border Protection shall use non-intrusive inspection systems at land ports of entry to scan not fewer than 10 percent of all vehicles exiting the United States through land ports of entry.

SEC. 11114. GAO REVIEW AND REPORT.

(a) REVIEW.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the use by U.S. Customs and Border Protection of non-intrusive inspection systems for border security.

(2) ELEMENTS.—The review required under paragraph (1) shall—

(A) identify—

(i) the number and types of non-intrusive inspection systems deployed by U.S. Customs and Border Protection; and

(ii) the locations to which such systems have been deployed; and

(B) examine the manner in which U.S. Customs and Border Protection—

(i) assesses the effectiveness of such systems; and

(ii) uses such systems in conjunction with other border security resources and assets, such as border barriers and technology, to detect and interdict drug smuggling and trafficking at the southwest border of the United States.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives containing the findings of the review conducted pursuant to subsection (a).

Subtitle C—Securing America's Ports of Entry Act of 2023

SEC. 11121. SHORT TITLE.

This subtitle may be cited as the ''Securing America's Ports of Entry Act of 2023''.

SEC. 11122. ADDITIONAL U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) OFFICERS.—Subject to appropriations, the Commissioner of U.S. Customs and Border Protection shall hire, train, and assign not fewer than 600 new U.S. Customs and Border Protection officers above the current attrition level during every fiscal year until the total number of U.S. Customs and Border Protection officers equals and sustains the requirements identified each year in the Workload Staffing Model.

(b) SUPPORT STAFF.—The Commissioner is authorized to hire, train, and assign support staff, including technicians and Enterprise Services mission support, to perform non-law enforcement administrative functions to support the new U.S. Customs and Border Protection officers hired pursuant to subsection (a).

(c) TRAFFIC FORECASTS.—In calculating the number of U.S. Customs and Border Protection officers needed at each port of entry through the Workload Staffing Model, the Commissioner shall—

(1) rely on data collected regarding the inspections and other activities conducted at each such port of entry;

(2) consider volume from seasonal surges, other projected changes in commercial and passenger volumes, the most current commercial forecasts, and other relevant information;

(3) consider historical volume and forecasts prior to the COVID–19 pandemic and the impact on international travel; and

(4) incorporate personnel requirements for increasing the rate of outbound inspection operations at land ports of entry.

(d) GAO REPORT.—If the Commissioner does not hire the 600 additional U.S. Customs and Border Protection officers authorized under subsection (a) during fiscal year 2024, or during any subsequent fiscal year in which the hiring requirements set forth in the Workload Staffing Model have not been achieved, the Comptroller General of the United States shall—

(1) conduct a review of U.S. Customs and Border Protection hiring practices to determine the reasons that such requirements were not achieved and other issues related to hiring by U.S. Customs and Border Protection; and

(2) submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that describes the results of the review conducted pursuant to paragraph (1).

SEC. 11123. PORTS OF ENTRY INFRASTRUCTURE ENHANCEMENT REPORT.

Not later than 90 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Finance of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Ways and Means of the House of Representatives that identifies—

(1) infrastructure improvements at ports of entry that would enhance the ability of U.S. Customs and Border Protection officers to interdict opioids and other drugs that are being illegally transported into the United States, including a description of circumstances at specific ports of entry that prevent the deployment of technology used at other ports of entry;

(2) detection equipment that would improve the ability of such officers to identify opioids, including precursors and derivatives, that are being illegally transported into the United States; and

(3) safety equipment that would protect such officers from accidental exposure to such drugs or other dangers associated with the inspection of potential drug traffickers.

SEC. 11124. REPORTING REQUIREMENTS.

(a) TEMPORARY DUTY ASSIGNMENTS.—

(1) QUARTERLY REPORT.—The Commissioner of U.S. Customs and Border Protection shall submit a quarterly report to the appropriate congressional committees that includes, for the reporting period—

(A) the number of temporary duty assignments;

(B) the number of U.S. Customs and Border Protection officers required for each temporary duty assignment;

(C) the ports of entry from which such officers were reassigned;

(D) the ports of entry to which such officers were reassigned;

(E) the ports of entry at which reimbursable service agreements have been entered into that may be affected by temporary duty assignments;

(F) the duration of each temporary duty assignment;

(G) the cost of each temporary duty assignment; and

(H) the extent to which the temporary duty assignments within the reporting period were in support of the other U.S. Customs and Border Protection activities or operations along the southern border of the United States, including the specific costs associated with such temporary duty assignments.

(2) NOTICE.—Not later than 10 days before redeploying employees from 1 port of entry to another, absent emergency circumstances—

(A) the Commissioner shall notify the director of the port of entry from which employees will be reassigned of the intended redeployments; and

(B) the port director shall notify impacted facilities (including airports, seaports, and land ports) of the intended redeployments.

(3) STAFF BRIEFING.—The Commissioner shall brief all affected U.S. Customs and Border Protection employees regarding plans to mitigate vulnerabilities created by any planned staffing reductions at ports of entry.

(b) REPORTS ON U.S. CUSTOMS AND BORDER PROTECTION AGREEMENTS.—Section 907(a) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4451(a)) is amended—

(1) in paragraph (3), by striking ''and an assessment'' and all that follows and inserting a period;

(2) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

(3) by inserting after paragraph (3) the following:

''(4) A description of the factors that were considered before entering into the agreement, including an assessment of how the agreement provides economic benefits and security benefits (if applicable) at the port of entry to which the agreement relates.''; and

(4) in paragraph (5), as redesignated by paragraph (2), by inserting after ''the report'' the following: '', including the locations of such services and the total hours of reimbursable services under the agreement, if any''.

(c) ANNUAL WORKLOAD STAFFING MODEL REPORT.—As part of the Annual Report on Staffing required under section 411(g)(5)(A) of the Homeland Security Act of 2002 (6 U.S.C. 211(g)(5)(A)), the Commissioner shall include—

(1) information concerning the progress made toward meeting the U.S. Customs and Border Protection officer and support staff hiring targets set forth in section 2, while accounting for attrition;

(2) an update to the information provided in the Resource Optimization at the Ports of Entry report, which was submitted to Congress on September 12, 2017, pursuant to the Department of Homeland Security Appropriations Act, 2017 (division F of Public Law 115–31); and

(3) a summary of the information included in the reports required under subsection (a) and section 907(a) of the Trade Facilitation and Trade Enforcement Act of 2015, as amended by subsection (b).

(d) CBP ONE MOBILE APPLICATION.—During the 2-year period beginning on the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish a monthly report on the use of the CBP One mobile application, including, with respect to each reporting period—

(1) the number of application registration attempts made through CBP One pursuant to the Circumvention of Lawful Pathways final rule (88 Fed. Reg. 31314 (May 16, 2023)) that resulted in a system error, disaggregated by error type;

(2) the total number of noncitizens who successfully registered appointments through CBP One pursuant to such rule;

(3) the total number of appointments made through CBP One pursuant to such rule that went unused;

(4) the total number of individuals who have been granted parole with a Notice to Appear subsequent to appointments scheduled for such individuals through CBP One pursuant to such rule; and

(5) the total number of noncitizens who have been issued a Notice to Appear and have been transferred to U.S. Immigration and Customs Enforcement custody subsequent to appointments scheduled for such noncitizens through CBP One pursuant to such rule.

(e) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Finance of the Senate;

(4) the Committee on Homeland Security of the House of Representatives

(5) the Committee on Appropriations of the House of Representatives; and

(6) the Committee on Ways and Means of the House of Representatives.

SEC. 11125. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this subtitle—

(1) $136,292,948 for fiscal year 2024; and

(2) $156,918,590 for each of the fiscal years 2025 through 2029.

Subtitle D—Border Patrol Enhancement Act

SEC. 11131. SHORT TITLE.

This subtitle may be cited as the ''Border Patrol Enhancement Act''.

SEC. 11132. AUTHORIZED STAFFING LEVEL FOR THE UNITED STATES BORDER PATROL.

(a) DEFINED TERM.—In this subtitle, the term ''validated personnel requirements determination model'' means a determination of the number of United States Border Patrol agents needed to meet the critical mission requirements of the United States Border Patrol to maintain an orderly process for migrants entering the United States, that has been validated by a qualified research entity pursuant to subsection (c).

(b) UNITED STATES BORDER PATROL PERSONNEL REQUIREMENTS DETERMINATION MODEL.—

(1) COMPLETION; NOTICE.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall complete a personnel requirements determination model for United States Border Patrol that builds on the 5-year United States Border Patrol staffing and deployment plan referred to on page 33 of House of Representatives Report 112–91 (May 26, 2011) and submit a notice of completion to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Director of the Office of Personnel Management; and

(D) the Comptroller General of the United States.

(2) CERTIFICATION.—Not later than 30 days after the completion of the personnel requirements determination model described in paragraph (1), the Commissioner shall submit a copy of such model, an explanation of its development, and a strategy for obtaining independent verification of such model, to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Office of Personnel Management; and

(D) the Comptroller General of the United States.

(c) INDEPENDENT STUDY OF PERSONNEL REQUIREMENTS DETERMINATION MODEL.—

(1) REQUIREMENT FOR STUDY.—Not later than 90 days after the completion of the personnel requirements determination model pursuant to subsection (b)(1), the Secretary of Homeland Security shall select an entity that is technically, managerially, and financially independent from the Department of Homeland Security to conduct an independent verification and validation of the model.

(2) REPORTS.—

(A) TO SECRETARY.—Not later than 1 year after the completion of the personnel requirements determination model under subsection (b)(1), the entity performing the independent verification and validation of the model shall submit a report to the Secretary of Homeland Security that includes—

(i) the results of the study conducted pursuant to paragraph (1); and

(ii) any recommendations regarding the model that such entity considers to be appropriate.

(B) TO CONGRESS.—Not later than 30 days after receiving the report described in subparagraph (A), the Secretary of Homeland Security shall submit such report, along with any additional views or recommendations regarding the personnel requirements determination model, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

(d) AUTHORITY TO HIRE ADDITIONAL PERSONNEL.—Beginning on the date that is 180 days after receiving a report from a qualified research entity pursuant to subsection (c)(2) that validates the personnel requirements determination model and after implementing any recommendations to improve or update such model, the Secretary of Homeland Security may hire, train, and assign 600 or more United States Border Patrol agents above the attrition level during every fiscal year until the number of active agents meets the level recommended by the validated personnel requirements determination model.

SEC. 11133. ESTABLISHMENT OF HIGHER RATES OF REGULARLY SCHEDULED OVERTIME PAY FOR UNITED STATES BORDER PATROL AGENTS CLASSIFIED AT GS–12.

Section 5550 of title 5, United States Code, is amended by adding at the end the following:

''(h) SPECIAL OVERTIME PAY FOR GS–12 BORDER PATROL AGENTS.—

''(1) IN GENERAL.—Notwithstanding paragraphs (1)(F), (2)(C), and (3)(C) of subsection (b), a border patrol agent encumbering a position at grade GS–12 shall receive a special overtime payment under this subsection for hours of regularly scheduled work described in paragraph (2)(A)(ii) or (3)(A)(ii) of subsection (b), as applicable, that are credited to the agent through actual performance of work, crediting under rules for canine agents under subsection (b)(1)(F), or substitution of overtime hours in the same work period under subsection (f)(2)(A), except that no such payment may be made for periods of absence resulting in an hours obligation under paragraph (3) or (4) of subsection (f).

''(2) COMPUTATION.—The special overtime payment authorized under paragraph (1) shall be computed by multiplying the credited hours by 50 percent of the border patrol agent's hourly rate of basic pay, rounded to the nearest cent.

''(3) LIMITATIONS.—The special overtime payment authorized under paragraph (1)—

''(A) is not considered basic pay for retirement under section 8331(3) or 8401(4) or for any other purpose;

''(B) is not payable during periods of paid leave or other paid time off; and

''(C) is not considered in computing an agent's lump-sum annual leave payment under sections 5551 and 5552.''.

SEC. 11134. GAO ASSESSMENT OF RECRUITING EFFORTS, HIRING REQUIREMENTS, AND RETENTION OF LAW ENFORCEMENT PERSONNEL.

The Comptroller General of the United States shall—

(1) conduct an assessment of U.S. Customs and Border Protection's—

(A) efforts to recruit law enforcement personnel;

(B) hiring process and job requirements relating to such recruitment; and

(C) retention of law enforcement personnel, including the impact of employee compensation on such retention efforts; and

(2) not later than 2 years after the date of the enactment of this Act, submit a report containing the results of such assessment to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

SEC. 11135. CONTINUING TRAINING.

(a) IN GENERAL.—The Commissioner shall require all United States Border Patrol agents and other employees or contracted employees designated by the Commissioner, to participate in annual continuing training to maintain and update their understanding of—

(1) Department of Homeland Security policies, procedures, and guidelines;

(2) the fundamentals of law, ethics, and professional conduct;

(3) applicable Federal law and regulations;

(4) precedential legal rulings, including Federal Circuit Court and United States Supreme Court opinions relating to the duty of care and treatment of persons in the custody of the United States Border Patrol that the Commissioner determines are relevant to active duty agents;

(5) applicable migration trends that the Commissioner determines are relevant;

(6) best practices for coordinating with community stakeholders; and

(7) any other information that the Commissioner determines to be relevant to active duty agents.

(b) TRAINING SUBJECTS.—Continuing training under this subsection shall include training regarding—

(1) non-lethal use of force policies available to United States Border Patrol agents and de-escalation strategies and methods;

(2) identifying, screening, and responding to vulnerable populations, such as children, persons with diminished mental capacity, victims of human trafficking, pregnant mothers, victims of gender-based violence, victims of torture or abuse, and the acutely ill;

(3) trends in transnational criminal organization activities that impact border security and migration;

(4) policies, strategies, and programs—

(A) to protect due process, the civil, human, and privacy rights of individuals, and the private property rights of land owners;

(B) to reduce the number of migrant and agent deaths; and

(C) to improve the safety of agents on patrol;

(5) personal resilience;

(6) anti-corruption and officer ethics training;

(7) current migration trends, including updated cultural and societal issues of nations that are a significant source of migrants who are—

(A) arriving at a United States port of entry to seek humanitarian protection; or

(B) encountered at a United States international boundary while attempting to enter without inspection;

(8) the impact of border security operations on natural resources and the environment, including strategies to limit the impact of border security operations on natural resources and the environment;

(9) relevant cultural, societal, racial, and religious training, including cross-cultural communication skills;

(10) training authorized under the Prison Rape Elimination Act of 2003 (42 U.S.C. 15601 et seq.);

(11) risk management and safety training that includes agency protocols for ensuring public safety, personal safety, and the safety of persons in the custody of the Department of Homeland Security;

(12) non-lethal, self-defense training; and

(13) any other training that meets the requirements to maintain and update the subjects identified in subsection (a).

(c) COURSE REQUIREMENTS.—Courses offered under this section—

(1) shall be administered by the United States Border Patrol, in consultation with the Federal Law Enforcement Training Center; and

(2) shall be approved in advance by the Commissioner of U.S. Customs and Border Protection to ensure that such courses satisfy the requirements for training under this section.

(d) ASSESSMENT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that assesses the training and education provided pursuant to this section, including continuing education.

(e) FREQUENCY REQUIREMENTS.—Training offered as part of continuing education under this section shall include—

(1) annual courses focusing on the curriculum described in paragraphs (1) through (6) of subsection (b); and

(2) biannual courses focusing on curriculum described in paragraphs (7) through (12) of subsection (b).

SEC. 11136. REPORTING REQUIREMENTS.

(a) RECRUITMENT AND RETENTION REPORT.—The Comptroller General of the United States shall—

(1) conduct a study of the recruitment and retention of female agents in the United States Border Patrol that examines—

(A) the recruitment, application processes, training, promotion, and other aspects of employment for women in the United States Border Patrol;

(B) the training, complaints system, and redress for sexual harassment and assault; and

(C) additional issues related to recruitment and retention of female Border Patrol agents; and

(2) not later than 1 year after the date of the enactment of this Act, submit a report containing the results of such study and recommendations for addressing any identified deficiencies or opportunities for improvement to—

(A) the Commissioner of U.S. Customs and Border Protection;

(B) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Homeland Security of the House of Representatives.

(b) IMPLEMENTATION REPORT.—Not later than 90 days after receiving the recruitment and retention report required under subsection (a), the Commissioner shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the status of the Commissioner's efforts to implement any recommendations included in recruitment and retention report.

Subtitle E—END FENTANYL Act

SEC. 11141. SHORT TITLES.

This subtitle may be cited as the ''Eradicating Narcotic Drugs and Formulating Effective New Tools to Address National Yearly Losses of Life Act'' or the ''END FENTANYL Act''.

SEC. 11142. ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not less frequently than triennially, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise illegal activity, such as the smuggling of drugs and humans, along the border.

(b) REPORTING REQUIREMENT.—Shortly after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that summarizes the policy and manual changes implemented by such update.

TITLE LXXI—IMPROVING LOBBYING DISCLOSURE REQUIREMENTS

Subtitle A—Lobbying Disclosure Improvement Act

SEC. 11201. SHORT TITLE.

This subtitle may be cited as the ''Lobbying Disclosure Improvement Act''.

SEC. 11202. REGISTRANT DISCLOSURE REGARDING FOREIGN AGENT REGISTRATION EXEMPTION.

Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)) is amended—

(1) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) a statement as to whether the registrant is exempt under section 3(h) of the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 613(h)).''.

Subtitle B—Disclosing Foreign Influence in Lobbying Act

SEC. 11211. SHORT TITLE.

This subtitle may be cited as the ''Disclosing Foreign Influence in Lobbying Act''.

SEC. 11212. CLARIFICATION OF CONTENTS OF REGISTRATION.

Section 4(b) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1603(b)), as amended by section 11202 of this title, is amended—

(1) in paragraph (8), as added by section 11202 of this title, by striking the period at the end and inserting ''; and''; and

(2) by adding at the end the following:

''(9) notwithstanding paragraph (4), the name and address of each government of a foreign country (including any agency or subdivision of a government of a foreign country, such as a regional or municipal unit of government) and foreign political party, other than the client, that participates in the direction, planning, supervision, or control of any lobbying activities of the registrant.''.

TITLE LXXII—PROTECTING OUR DOMESTIC WORKFORCE AND SUPPLY CHAIN

Subtitle A—Government-wide Study Relating to High-security Leased Space

SEC. 11301. GOVERNMENT-WIDE STUDY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) BENEFICIAL OWNER.—

(A) IN GENERAL.—The term ''beneficial owner'', with respect to a covered entity, means each natural person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise—

(i) exercises substantial control over the covered entity; or

(ii) owns or controls not less than 25 percent of the ownership interests of, or receives substantial economic benefits from the assets of, the covered entity.

(B) EXCLUSIONS.—The term ''beneficial owner'', with respect to a covered entity, does not include—

(i) a minor;

(ii) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

(iii) a person acting solely as an employee of the covered entity and whose control over or economic benefits from the covered entity derives solely from the employment status of the person;

(iv) a person whose only interest in the covered entity is through a right of inheritance, unless the person also meets the requirements of subparagraph (A); or

(v) a creditor of the covered entity, unless the creditor also meets the requirements of subparagraph (A).

(C) ANTI-ABUSE RULE.—The exclusions under subparagraph (B) shall not apply if, in the determination of the Administrator, an exclusion is used for the purpose of evading, circumventing, or abusing the requirements of this Act.

(3) CONTROL.—The term ''control'', with respect to a covered entity, means—

(A) having the authority or ability to determine how the covered entity is utilized; or

(B) having some decisionmaking power for the use of the covered entity.

(4) COVERED ENTITY.—The term ''covered entity'' means—

(A) a person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group; or

(B) any governmental entity or instrumentality of a government.

(5) EXECUTIVE AGENCY.—The term ''Executive agency'' has the meaning given the term in section 105 of title 5, United States Code.

(6) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) an Executive agency; and

(B) any establishment in the legislative or judicial branch of the Federal Government.

(7) FEDERAL LESSEE.—

(A) IN GENERAL.—The term ''Federal lessee'' means—

(i) the Administrator;

(ii) the Architect of the Capitol; and

(iii) the head of any other Federal agency that has independent statutory leasing authority.

(B) EXCLUSIONS.—The term ''Federal lessee'' does not include—

(i) the head of an element of the intelligence community; or

(ii) the Secretary of Defense.

(8) FEDERAL TENANT.—

(A) IN GENERAL.—The term ''Federal tenant'' means a Federal agency that is occupying or will occupy a high-security leased space for which a lease agreement has been secured on behalf of the Federal agency.

(B) EXCLUSION.—The term ''Federal tenant'' does not include an element of the intelligence community.

(9) FOREIGN ENTITY.—The term ''foreign entity'' means—

(A) a corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group that is headquartered in or organized under the laws of—

(i) a country that is not the United States; or

(ii) a State, unit of local government, or Indian Tribe that is not located within or a territory of the United States; or

(B) a government or governmental instrumentality that is not—

(i) the United States Government; or

(ii) a State, unit of local government, or Indian Tribe that is located within or a territory of the United States.

(10) FOREIGN PERSON.—The term ''foreign person'' means an individual who is not a United States person.

(11) HIGH-SECURITY LEASED ADJACENT SPACE.—The term ''high-security leased adjacent space'' means a building or office space that shares a boundary with or surrounds a high-security leased space.

(12) HIGH-SECURITY LEASED SPACE.—The term ''high-security leased space'' means a space leased by a Federal lessee that—

(A) will be occupied by Federal employees for nonmilitary activities; and

(B) has a facility security level of III, IV, or V, as determined by the Federal tenant in consultation with the Interagency Security Committee, the Secretary of Homeland Security, and the Administrator.

(13) HIGHEST-LEVEL OWNER.—The term ''highest-level owner'' means an entity that owns or controls—

(A) an immediate owner of the offeror of a lease for a high-security leased adjacent space; or

(B) 1 or more entities that control an immediate owner of the offeror of a lease described in subparagraph (A).

(14) IMMEDIATE OWNER.—The term ''immediate owner'' means an entity, other than the offeror of a lease for a high-security leased adjacent space, that has direct control of that offeror, including—

(A) ownership or interlocking management;

(B) identity of interests among family members;

(C) shared facilities and equipment; and

(D) the common use of employees.

(15) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(16) SUBSTANTIAL ECONOMIC BENEFITS.—The term ''substantial economic benefits'', with respect to a natural person described in paragraph (2)(A)(ii), means having an entitlement to the funds or assets of a covered entity that, as a practical matter, enables the person, directly or indirectly, to control, manage, or direct the covered entity.

(17) UNITED STATES PERSON.—The term ''United States person'' means an individual who—

(A) is a citizen of the United States; or

(B) is an alien lawfully admitted for permanent residence in the United States.

(b) GOVERNMENT-WIDE STUDY.—

(1) COORDINATION STUDY.—The Administrator, in coordination with the Director of the Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall carry out a Government-wide study examining options to assist agencies (as defined in section 551 of title 5, United States Code) to produce a security assessment process for high-security leased adjacent space before entering into a lease or novation agreement with a covered entity for the purposes of accommodating a Federal tenant located in a high-security leased space.

(2) CONTENTS.—The study required under paragraph (1)—

(A) shall evaluate how to produce a security assessment process that includes a process for assessing the threat level of each occupancy of a high-security leased adjacent space, including through—

(i) site-visits;

(ii) interviews; and

(iii) any other relevant activities determined necessary by the Director of the Federal Protective Service; and

(B) may include a process for collecting and using information on each immediate owner, highest-level owner, or beneficial owner of a covered entity that seeks to enter into a lease with a Federal lessee for a high-security leased adjacent space, including—

(i) name;

(ii) current residential or business street address; and

(iii) an identifying number or document that verifies identity as a United States person, a foreign person, or a foreign entity.

(3) WORKING GROUP.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall establish a working group to assist in the carrying out of the study required under paragraph (1).

(B) NO COMPENSATION.—A member of the working group established under subparagraph (A) shall receive no compensation as a result of serving on the working group.

(C) SUNSET.—The working group established under subparagraph (A) shall terminate on the date on which the report required under paragraph (6) is submitted.

(4) PROTECTION OF INFORMATION.—The Administrator shall ensure that any information collected pursuant to the study required under paragraph (1) shall not be made available to the public.

(5) LIMITATION.—Nothing in this subsection requires an entity located in the United States to provide information requested pursuant to the study required under paragraph (1).

(6) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator, in coordination with the Director of Federal Protective Service, the Secretary of Homeland Security, the Director of the Office of Management and Budget, and any other relevant entities, as determined by the Administrator, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) the results of the study required under paragraph (1); and

(B) how all applicable privacy laws and rights relating to the First and Fourth Amendments to the Constitution of the United States would be upheld and followed in—

(i) the security assessment process described in subparagraph (A) of paragraph (2); and

(ii) the information collection process described in subparagraph (B) of that paragraph.

(7) LIMITATION.—Nothing in this subsection authorizes a Federal entity to mandate information gathering unless specifically authorized by law.

(8) PROHIBITION.—No information collected pursuant the security assessment process described in paragraph (2)(A) may be used for law enforcement purposes.

(9) NO ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

Subtitle B—Intergovernmental Critical Minerals Task Force

SEC. 11311. SHORT TITLE.

This subtitle may be cited as the ''Intergovernmental Critical Minerals Task Force Act''.

SEC. 11312. FINDINGS.

Congress finds that—

(1) current supply chains of critical minerals pose a great risk to the national security of the United States;

(2) critical minerals are necessary for transportation, technology, renewable energy, military equipment and machinery, and other relevant sectors crucial for the homeland and national security of the United States;

(3) in 2022, the United States was 100 percent import reliant for 12 out of 50 critical minerals and more than 50 percent import reliant for an additional 31 critical mineral commodities classified as ''critical'' by the United States Geological Survey, and the People's Republic of China was the top producing nation for 30 of those 50 critical minerals;

(4) as of July, 2023, companies based in the People's Republic of China that extract critical minerals around the world have received hundreds of charges of human rights violations;

(5) on March 26, 2014, the World Trade Organization ruled that the export restraints by the People's Republic of China on rare earth metals violated obligations under the protocol of accession to the World Trade Organization, which harmed manufacturers and workers in the United States; and

(6) the President has yet to submit to Congress the plans and recommendations that were due on the December 27, 2022, deadline under section 5(a) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(a)), which are intended to support a coherent national mineral and materials policy, including through intergovernmental and interagency coordination.

SEC. 11313. INTERGOVERNMENTAL CRITICAL MINERALS TASK FORCE.

(a) IN GENERAL.—Section 5 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604) is amended by adding at the end the following:

''(g) INTERGOVERNMENTAL CRITICAL MINERALS TASK FORCE.—

''(1) PURPOSES.—The purposes of the task force established under paragraph (3)(B) are—

''(A) to assess the reliance of the United States on the People's Republic of China, and other covered countries, for critical minerals, and the resulting national security risks associated with that reliance, at each level of the Federal Government, Indian Tribes, and State, local, and territorial governments;

''(B) to make recommendations to the President for the implementation of this Act with regard to critical minerals, including—

''(i) the congressional declarations of policies in section 3; and

''(ii) revisions to the program plan of the President and the initiatives required under this section;

''(C) to make recommendations to secure United States and global supply chains for critical minerals;

''(D) to make recommendations to reduce the reliance of the United States, and partners and allies of the United States, on critical mineral supply chains involving covered countries; and

''(E) to facilitate cooperation, coordination, and mutual accountability among each level of the Federal Government, Indian Tribes, and State, local, and territorial governments, on a holistic response to the dependence on covered countries for critical minerals across the United States.

''(2) DEFINITIONS.—In this subsection:

''(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term 'appropriate committees of Congress' means—

''(i) the Committees on Homeland Security and Governmental Affairs, Energy and Natural Resources, Armed Services, Environment and Public Works, Commerce, Science, and Transportation, Finance, and Foreign Relations of the Senate; and

''(ii) the Committees on Oversight and Accountability, Natural Resources, Armed Services, Ways and Means, and Foreign Affairs of the House of Representatives.

''(B) CHAIR.—The term 'Chair' means a member of the Executive Office of the President, designated by the President pursuant to paragraph (3)(A).

''(C) COVERED COUNTRY.—The term 'covered country' means—

''(i) a covered nation (as defined in section 4872(d) of title 10, United States Code); and

''(ii) any other country determined by the task force to be a geostrategic competitor or adversary of the United States with respect to critical minerals.

''(D) CRITICAL MINERAL.—The term 'critical mineral' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

''(E) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(F) TASK FORCE.—The term 'task force' means the task force established under paragraph (3)(B).

''(3) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall—

''(A) designate a Chair for the task force; and

''(B) acting through the Executive Office of the President, establish a task force.

''(4) COMPOSITION; MEETINGS.—

''(A) APPOINTMENT.—The Chair, in consultation with key intergovernmental, private, and public sector stakeholders, shall appoint to the task force representatives with expertise in critical mineral supply chains from Federal agencies, Indian Tribes, and State, local, and territorial governments, including not less than 1 representative from each of—

''(i) the Bureau of Indian Affairs;

''(ii) the Bureau of Land Management;

''(iii) the Critical Minerals Subcommittee of the National Science and Technology Council;

''(iv) the Department of Agriculture;

''(v) the Department of Commerce;

''(vi) the Department of Defense;

''(vii) the Department of Energy;

''(viii) the Department of Homeland Security;

''(ix) the Department of the Interior;

''(x) the Department of Labor;

''(xi) the Department of State;

''(xii) the Department of Transportation;

''(xiii) the Environmental Protection Agency;

''(xiv) the Export-Import Bank of the United States

''(xv) the Forest Service;

''(xvi) the General Services Administration;

''(xvii) the National Science Foundation;

''(xviii) the Office of the United States Trade Representative;

''(xix) the United States International Development Finance Corporation;

''(xx) the United States Geological Survey; and

''(xxi) any other relevant Federal entity, as determined by the Chair.

''(B) CONSULTATION.—The task force shall consult individuals with expertise in critical mineral supply chains, individuals from States whose communities, businesses, and industries are involved in aspects of critical mineral supply chains, including mining and processing operations, and individuals from a diverse and balanced cross-section of—

''(i) intergovernmental consultees, including—

''(I) State governments;

''(II) local governments;

''(III) territorial governments; and

''(IV) Indian Tribes; and

''(ii) other stakeholders, including—

''(I) academic research institutions;

''(II) corporations;

''(III) nonprofit organizations;

''(IV) private sector stakeholders;

''(V) trade associations;

''(VI) mining industry stakeholders; and

''(VII) labor representatives.

''(C) MEETINGS.—

''(i) INITIAL MEETING.—Not later than 90 days after the date on which all representatives of the task force have been appointed, the task force shall hold the first meeting of the task force.

''(ii) FREQUENCY.—The task force shall meet not less than once every 90 days.

''(5) DUTIES.—

''(A) IN GENERAL.—The duties of the task force shall include—

''(i) facilitating cooperation, coordination, and mutual accountability for the Federal Government, Indian Tribes, and State, local, and territorial governments to enhance data sharing and transparency to build more robust and secure domestic supply chains for critical minerals in support of the purposes described in paragraph (1);

''(ii) providing recommendations with respect to—

''(I) increasing capacities for mining, processing, refinement, reuse, and recycling of critical minerals in the United States to facilitate the environmentally responsible production of domestic resources to meet national critical mineral needs, in consultation with Tribal and local communities;

''(II) identifying how statutes, regulations, and policies related to the critical mineral supply chain, such as stockpiling and development finance, could be modified to accelerate environmentally responsible domestic and international production of critical minerals, in consultation with Indian Tribes and local communities;

''(III) strengthening the domestic workforce to support growing critical mineral supply chains with good-paying, safe jobs in the United States;

''(IV) identifying alternative domestic and global sources to critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling, including the availability, cost, and quality of those domestic alternatives;

''(V) identifying critical minerals and critical mineral supply chains that the United States can onshore, at a competitive availability, cost, and quality, for those minerals and supply chains that the United States relies on the People's Republic of China or other covered countries to provide;

''(VI) opportunities for the Federal Government, Indian Tribes, and State, local, and territorial governments to mitigate risks to the national security of the United States with respect to supply chains for critical minerals that the United States currently relies on the People's Republic of China or other covered countries for mining, processing, refining, and recycling; and

''(VII) evaluating and integrating the recommendations of the Critical Minerals Subcommittee of the National Science and Technology Council into the recommendations of the task force.

''(iii) prioritizing the recommendations in clause (ii), taking into consideration economic costs and focusing on the critical mineral supply chains with vulnerabilities posing the most significant risks to the national security of the United States;

''(iv) recommending specific strategies, to be carried out in coordination with the Secretary of State and the Secretary of Commerce, to strengthen international partnerships in furtherance of critical minerals supply chain security with international allies and partners, including a strategy to collaborate with governments of the allies and partners described in subparagraph (B) to develop advanced mining, refining, separation and processing technologies; and

''(v) other duties, as determined by the Chair.

''(B) ALLIES AND PARTNERS.—The allies and partners referred to subparagraph (A) include—

''(i) countries participating in the Quadrilateral Security Dialogue;

''(ii) countries that are—

''(I) signatories to the Abraham Accords; or

''(II) participants in the Negev Forum;

''(iii) countries that are members of the North Atlantic Treaty Organization; and

''(iv) other countries or multilateral partnerships the task force determines to be appropriate.

''(C) REPORT.—The Chair shall—

''(i) not later than 60 days after the date of enactment of this subsection, and every 60 days thereafter until the requirements under subsection (a) are satisfied, brief the appropriate committees of Congress on the status of the compliance of the President with completing the requirements under that subsection.

''(ii) not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress a report, which shall be submitted in unclassified form, but may include a classified annex, that describes any findings, guidelines, and recommendations created in performing the duties under subparagraph (A);

''(iii) not later than 120 days after the date on which the Chair submits the report under clause (ii), publish that report in the Federal Register and on the website of the Office of Management and Budget, except that the Chair shall redact information from the report that the Chair determines could pose a risk to the national security of the United States by being publicly available; and

''(iv) brief the appropriate committees of Congress twice per year.

''(6) SUNSET.—The task force shall terminate on the date that is 90 days after the date on which the task force completes the requirements under paragraph (5)(C).''.

(b) GAO STUDY.—

(1) DEFINITION OF CRITICAL MINERALS.—In this subsection, the term ''critical mineral'' has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study examining the Federal and State regulatory landscape related to improving domestic supply chains for critical minerals in the United States.

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that describes the results of the study under paragraph (2).

Subtitle C—Customs Trade Partnership Against Terrorism Pilot Program Act of 2023

SEC. 11321. SHORT TITLE.

This subtitle may be cited as the ''Customs Trade Partnership Against Terrorism Pilot Program Act of 2023'' or the ''CTPAT Pilot Program Act of 2023''.

SEC. 11322. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate; and

(B) the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives.

(2) CTPAT.—The term ''CTPAT'' means the Customs Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act (6 U.S.C. 961 et seq.).

SEC. 11323. PILOT PROGRAM ON PARTICIPATION OF THIRD-PARTY LOGISTICS PROVIDERS IN CTPAT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Homeland Security shall carry out a pilot program to assess whether allowing entities described in subsection (b) to participate in CTPAT would enhance port security, combat terrorism, prevent supply chain security breaches, or otherwise meet the goals of CTPAT.

(2) FEDERAL REGISTER NOTICE.—Not later than one year after the date of the enactment of this Act, the Secretary shall publish in the Federal Register a notice specifying the requirements for the pilot program required by paragraph (1).

(b) ENTITIES DESCRIBED.—An entity described in this subsection is—

(1) a non-asset-based third-party logistics provider that—

(A) arranges international transportation of freight and is licensed by the Department of Transportation; and

(B) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2); or

(2) an asset-based third-party logistics provider that—

(A) facilitates cross border activity and is licensed or bonded by the Federal Maritime Commission, the Transportation Security Administration, U.S. Customs and Border Protection, or the Department of Transportation;

(B) manages and executes logistics services using its own warehousing assets and resources on behalf of its customers; and

(C) meets such other requirements as the Secretary specifies in the Federal Register notice required by subsection (a)(2).

(c) REQUIREMENTS.—In carrying out the pilot program required by subsection (a)(1), the Secretary shall—

(1) ensure that—

(A) not more than 10 entities described in paragraph (1) of subsection (b) participate in the pilot program; and

(B) not more than 10 entities described in paragraph (2) of that subsection participate in the program;

(2) provide for the participation of those entities on a voluntary basis;

(3) continue the program for a period of not less than one year after the date on which the Secretary publishes the Federal Register notice required by subsection (a)(2); and

(4) terminate the pilot program not more than 5 years after that date.

(d) REPORT REQUIRED.—Not later than 180 days after the termination of the pilot program under subsection (c)(4), the Secretary shall submit to the appropriate congressional committees a report on the findings of, and any recommendations arising from, the pilot program concerning the participation in CTPAT of entities described in subsection (b), including an assessment of participation by those entities.

SEC. 11324. REPORT ON EFFECTIVENESS OF CTPAT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report assessing the effectiveness of CTPAT.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An analysis of—

(A) security incidents in the cargo supply chain during the 5-year period preceding submission of the report that involved criminal activity, including drug trafficking, human smuggling, commercial fraud, or terrorist activity; and

(B) whether those incidents involved participants in CTPAT or entities not participating in CTPAT.

(2) An analysis of causes for the suspension or removal of entities from participating in CTPAT as a result of security incidents during that 5-year period.

(3) An analysis of the number of active CTPAT participants involved in one or more security incidents while maintaining their status as participants.

(4) Recommendations to the Commissioner of U.S. Customs and Border Protection for improvements to CTPAT to improve prevention of security incidents in the cargo supply chain involving participants in CTPAT.

SEC. 11325. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated for the purpose of carrying out this subtitle.

Subtitle D—Military Spouse Employment Act

SEC. 11331. SHORT TITLE.

This subtitle may be cited as the ''Military Spouse Employment Act''.

SEC. 11332. APPOINTMENT OF MILITARY SPOUSES.

Section 3330d of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by inserting after paragraph (2) the following:

''(3) The term 'remote work' refers to a particular type of telework under which an employee is not expected to report to an officially established agency location on a regular and recurring basis.''; and

(C) by adding at the end the following:

''(5) The term 'telework' has the meaning given the term in section 6501.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''or'' at the end;

(B) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(3) a spouse of a member of the Armed Forces on active duty, or a spouse of a disabled or deceased member of the Armed Forces, to a position in which the spouse will engage in remote work.''; and

(3) in subsection (c)(1), by striking ''subsection (a)(3)'' and inserting ''subsection (a)(4)''.

SEC. 11333. GAO STUDY AND REPORT.

(a) DEFINITIONS.—In this section—

(1) the terms ''agency'' means an agency described in paragraph (1) or (2) of section 901(b) of title 31, United States Code;

(2) the term ''employee'' means an employee of an agency;

(3) the term ''remote work'' means a particular type of telework under which an employee is not expected to report to an officially established agency location on a regular and recurring basis; and

(4) the term ''telework'' means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

(b) REQUIREMENT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and publish a report regarding the use of remote work by agencies, which shall include a discussion of what is known regarding—

(1) the number of employees who are engaging in remote work;

(2) the role of remote work in agency recruitment and retention efforts;

(3) the geographic location of employees who engage in remote work;

(4) the effect that remote work has had on how often employees are reporting to officially established agency locations to perform the duties and responsibilities of the positions of those employees and other authorized activities; and

(5) how the use of remote work has affected Federal office space utilization and spending.

Subtitle E—Designation of Airports

SEC. 11341. DESIGNATION OF ADDITIONAL PORT OF ENTRY FOR THE IMPORTATION AND EXPORTATION OF WILDLIFE AND WILDLIFE PRODUCTS BY THE UNITED STATES FISH AND WILDLIFE SERVICE.

(a) IN GENERAL.—Subject to appropriations and in accordance with subsection (b), the Director of the United States Fish and Wildlife Service shall designate 1 additional port as a ''port of entry designated for the importation and exportation of wildlife and wildlife products'' under section 14.12 of title 50, Code of Federal Regulations.

(b) CRITERIA FOR SELECTING ADDITIONAL DESIGNATED PORT.—The Director shall select the additional port to be designated pursuant to subsection (a) from among the United States airports that handled more than 8,000,000,000 pounds of cargo during 2021, as reported by the Federal Aviation Administration Air Carrier Activity Information System, and based upon the analysis submitted to Congress by the Director pursuant to the Wildlife Trafficking reporting directive under title I of Senate Report 114–281.

At the appropriate place, insert the following:

DIVISION __—*INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2024*

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Intelligence Authorization Act for Fiscal Year 2024''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term ''congressional intelligence committees'' has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2024 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2024 the sum of $658,950,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2024 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 104. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund $514,000,000 for fiscal year 2024.

TITLE III—INTELLIGENCE COMMUNITY MATTERS

Subtitle A—General Intelligence Community Matters

SEC. 301. PLAN TO RECRUIT, TRAIN, AND RETAIN PERSONNEL WITH EXPERIENCE IN FINANCIAL INTELLIGENCE AND EMERGING TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the heads of human capital of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a plan for the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies in order to improve analytic tradecraft.

(b) ELEMENTS.—The plan required by subsection (a) shall include the following elements:

(1) An assessment, including measurable benchmarks of progress, of current initiatives of the intelligence community to recruit, train, and retain personnel who have skills and experience in financial intelligence and emerging technologies.

(2) An assessment of whether personnel in the intelligence community who have such skills are currently well integrated into the analytical cadre of the relevant elements of the intelligence community that produce analyses with respect to financial intelligence and emerging technologies.

(3) An identification of challenges to hiring or compensation in the intelligence community that limit progress toward rapidly increasing the number of personnel with such skills, and an identification of hiring or other reforms to resolve such challenges.

(4) A determination of whether the National Intelligence University has the resources and expertise necessary to train existing personnel in financial intelligence and emerging technologies.

(5) A strategy, including measurable benchmarks of progress, to, by January 1, 2025, increase by 10 percent the analytical cadre of personnel with expertise and previous employment in financial intelligence and emerging technologies.

SEC. 302. POLICY AND PERFORMANCE FRAMEWORK FOR MOBILITY OF INTELLIGENCE COMMUNITY WORKFORCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Secretary of Defense and the Director of the Office of Personnel Management as the Director of National Intelligence considers appropriate, develop and implement a policy and performance framework to ensure the timely and effective mobility of employees and contractors of the Federal Government who are transferring employment between elements of the intelligence community.

(b) ELEMENTS.—The policy and performance framework required by subsection (a) shall include processes with respect to the following:

(1) Human resources.

(2) Medical reviews.

(3) Determinations of suitability or eligibility for access to classified information in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information).

SEC. 303. IN-STATE TUITION RATES FOR ACTIVE DUTY MEMBERS OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 135(d) of the Higher Education Act of 1965 (20 U.S.C. 1015d(d)), as amended by section 6206(a)(4) of the Foreign Service Families Act of 2021 (Public Law 117–81), is further amended—

(1) in paragraph (1), by striking ''or'' after the semicolon;

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) a member of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) (other than a member of the Armed Forces of the United States) who is on active duty for a period of more than 30 days.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at each public institution of higher education in a State that receives assistance under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) for the first period of enrollment at such institution that begins after July 1, 2026.

SEC. 304. STANDARDS, CRITERIA, AND GUIDANCE FOR COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.

Section 904(d)(7)(A) of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383(d)(7)(A)) is amended to read as follows:

''(A) COUNTERINTELLIGENCE VULNERABILITY ASSESSMENTS AND SURVEYS.—To develop standards, criteria, and guidance for counterintelligence risk assessments and surveys of the vulnerability of the United States to intelligence threats, including with respect to critical infrastructure and critical technologies, in order to identify the areas, programs, and activities that require protection from such threats.''.

SEC. 305. IMPROVING ADMINISTRATION OF CERTAIN POST-EMPLOYMENT RESTRICTIONS FOR INTELLIGENCE COMMUNITY.

Section 304 of the National Security Act of 1947 (50 U.S.C. 3073a) is amended—

(1) in subsection (c)(1)—

(A) by striking ''A former'' and inserting the following:

''(A) IN GENERAL.—A former''; and

(B) by adding at the end the following:

''(B) PRIOR DISCLOSURE TO DIRECTOR OF NATIONAL INTELLIGENCE.—

''(i) IN GENERAL.—In the case of a former employee who occupies a covered post-service position in violation of subsection (a), whether the former employee voluntarily notified the Director of National Intelligence of the intent of the former employee to occupy such covered post-service position before occupying such post-service position may be used in determining whether the violation was knowing and willful for purposes of subparagraph (A).

''(ii) PROCEDURES AND GUIDANCE.—The Director of National Intelligence may establish procedures and guidance relating to the submittal of notice for purposes of clause (i).''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''the restrictions under subsection (a) and'' before ''the report requirements'';

(B) in paragraph (2), by striking ''ceases to occupy'' and inserting ''occupies''; and

(C) in paragraph (3)(B), by striking ''before the person ceases to occupy a covered intelligence position'' and inserting ''when the person occupies a covered intelligence position''.

SEC. 306. MISSION OF THE NATIONAL COUNTERINTELLIGENCE AND SECURITY CENTER.

(a) IN GENERAL.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

''(d) MISSION.—The mission of the National Counterintelligence and Security Center shall include organizing and leading strategic planning for counterintelligence activities of the United States Government by integrating instruments of national power as needed to counter foreign intelligence activities.''.

(b) CONFORMING AMENDMENTS.—

(1) COUNTERINTELLIGENCE ENHANCEMENT ACT OF 2002.—Section 904 of the Counterintelligence Enhancement Act of 2002 (50 U.S.C. 3383) is amended—

(A) in subsection (e), as redesignated by subsection (a)(1), by striking ''Subject to subsection (e)'' both places it appears and inserting ''Subject to subsection (f)''; and

(B) in subsection (f), as so redesignated—

(i) in paragraph (1), by striking ''subsection (d)(1)'' and inserting ''subsection (e)(1)''; and

(ii) in paragraph (2), by striking ''subsection (d)(2)'' and inserting ''subsection (e)(2)''.

(2) COUNTERINTELLIGENCE AND SECURITY ENHANCEMENTS ACT OF 1994.—Section 811(d)(1)(B)(ii) of the Counterintelligence and Security Enhancements Act of 1994 (50 U.S.C. 3381(d)(1)(B)(ii)) is amended by striking ''section 904(d)(2) of that Act (50 U.S.C. 3383(d)(2))'' and inserting ''section 904(e)(2) of that Act (50 U.S.C. 3383(e)(2))''.

SEC. 307. PROHIBITION RELATING TO TRANSPORT OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) DEFINITION OF INDIVIDUAL DETAINED AT GUANTANAMO.—In this section, the term ''individual detained at Guantanamo'' has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114–92; 129 Stat. 971; 10 U.S.C. 801 note).

(b) PROHIBITION ON CHARTERING PRIVATE OR COMMERCIAL AIRCRAFT TO TRANSPORT INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.—No head of an element of the intelligence community may charter any private or commercial aircraft to transport an individual who is or was an individual detained at Guantanamo.

SEC. 308. DEPARTMENT OF ENERGY SCIENCE AND TECHNOLOGY RISK ASSESSMENTS.

(a) DEFINITIONS.—In this section:

(1) COUNTRY OF RISK.—

(A) IN GENERAL.—The term ''country of risk'' means a foreign country determined by the Secretary, in accordance with subparagraph (B), to present a risk of theft of United States intellectual property or a threat to the national security of the United States if nationals of the country, or entities owned or controlled by the country or nationals of the country, participate in any research, development, demonstration, or deployment activity authorized under this Act or an amendment made by this Act.

(B) DETERMINATION.—In making a determination under subparagraph (A), the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence, shall take into consideration—

(i) the most recent World Wide Threat Assessment of the United States Intelligence Community, prepared by the Director of National Intelligence; and

(ii) the most recent National Counterintelligence Strategy of the United States.

(2) COVERED SUPPORT.—The term ''covered support'' means any grant, contract, subcontract, award, loan, program, support, or other activity authorized under this Act or an amendment made by this Act.

(3) ENTITY OF CONCERN.—The term ''entity of concern'' means any entity, including a national, that is—

(A) identified under section 1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1701 note; Public Law 105–261);

(B) identified under section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 113 note; Public Law 116–283);

(C) on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of title 15, Code of Federal Regulations;

(D) included in the list required by section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145; 134 Stat. 656); or

(E) identified by the Secretary, in coordination with the Director of the Office of Intelligence and Counterintelligence and the applicable office that would provide, or is providing, covered support, as posing an unmanageable threat—

(i) to the national security of the United States; or

(ii) of theft or loss of United States intellectual property.

(4) NATIONAL.—The term ''national'' has the meaning given the term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) SCIENCE AND TECHNOLOGY RISK ASSESSMENT.—

(1) IN GENERAL.—The Secretary shall develop and maintain tools and processes to manage and mitigate research security risks, such as a science and technology risk matrix, informed by threats identified by the Director of the Office of Intelligence and Counterintelligence, to facilitate determinations of the risk of loss of United States intellectual property or threat to the national security of the United States posed by activities carried out under any covered support.

(2) CONTENT AND IMPLEMENTATION.—In developing and using the tools and processes developed under paragraph (1), the Secretary shall—

(A) deploy risk-based approaches to evaluating, awarding, and managing certain research, development, demonstration, and deployment activities, including designations that will indicate the relative risk of activities;

(B) assess, to the extent practicable, ongoing high-risk activities;

(C) designate an officer or employee of the Department of Energy to be responsible for tracking and notifying recipients of any covered support of unmanageable threats to United States national security or of theft or loss of United States intellectual property posed by an entity of concern;

(D) consider requiring recipients of covered support to implement additional research security mitigations for higher-risk activities if appropriate; and

(E) support the development of research security training for recipients of covered support on the risks posed by entities of concern.

(3) ANNUAL UPDATES.—The tools and processes developed under paragraph (1) shall be evaluated annually and updated as needed, with threat-informed input from the Office of Intelligence and Counterintelligence, to reflect changes in the risk designation under paragraph (2)(A) of research, development, demonstration, and deployment activities conducted by the Department of Energy.

(c) ENTITY OF CONCERN.—

(1) PROHIBITION.—Except as provided in paragraph (2), no entity of concern, or individual that owns or controls, is owned or controlled by, or is under common ownership or control with an entity of concern, may receive, or perform work under, any covered support.

(2) WAIVER OF PROHIBITION.—

(A) IN GENERAL.—The Secretary may waive the prohibition under paragraph (1) if determined by the Secretary to be in the national interest.

(B) NOTIFICATION TO CONGRESS.—Not less than 2 weeks prior to issuing a waiver under subparagraph (A), the Secretary shall notify Congress of the intent to issue the waiver, including a justification for the waiver.

(3) PENALTY.—

(A) TERMINATION OF SUPPORT.—On finding that any entity of concern or individual described in paragraph (1) has received covered support and has not received a waiver under paragraph (2), the Secretary shall terminate all covered support to that entity of concern or individual, as applicable.

(B) PENALTIES.—An entity of concern or individual identified under subparagraph (A) shall be—

(i) prohibited from receiving or participating in covered support for a period of not less than 1 year but not more than 10 years, as determined by the Secretary; or

(ii) instead of the penalty described in clause (i), subject to any other penalties authorized under applicable law or regulations that the Secretary determines to be in the national interest.

(C) NOTIFICATION TO CONGRESS.—Prior to imposing a penalty under subparagraph (B), the Secretary shall notify Congress of the intent to impose the penalty, including a description of and justification for the penalty.

(4) COORDINATION.—The Secretary shall—

(A) share information about the unmanageable threats described in subsection (a)(3)(E) with other Federal agencies; and

(B) develop consistent approaches to identifying entities of concern.

(d) INTERNATIONAL AGREEMENTS.—This section shall be applied in a manner consistent

with the obligations of the United States under international agreements.

(e) REPORT REQUIRED.—Not later than 240 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) describes—

(A) the tools and processes developed under subsection (b)(1) and any updates to those tools and processes; and

(B) if applicable, the science and technology risk matrix developed under that subsection and how that matrix has been applied;

(2) includes a mitigation plan for managing risks posed by countries of risk with respect to future or ongoing research and development activities of the Department of Energy; and

(3) defines critical research areas, designated by risk, as determined by the Secretary.

SEC. 309. CONGRESSIONAL OVERSIGHT OF INTELLIGENCE COMMUNITY RISK ASSESSMENTS.

(a) RISK ASSESSMENT DOCUMENTS AND MATERIALS.—Except as provided in subsection (b), whenever an element of the intelligence community conducts a risk assessment arising from the mishandling or improper disclosure of classified information, the Director of National Intelligence shall, not later than 30 days after the date of the commencement of such risk assessment—

(1) submit to the congressional intelligence committees copies of such documents and materials as are—

(A) within the jurisdiction of such committees; and

(B) subject to the risk assessment; and

(2) provide such committees a briefing on such documents, materials, and risk assessment.

(b) EXCEPTION.—If the Director determines, with respect to a risk assessment described in subsection (a), that the documents and other materials otherwise subject to paragraph (1) of such subsection (a) are of such a volume that submittal pursuant to such paragraph would be impracticable, the Director shall—

(1) in lieu of submitting copies of such documents and materials, submit a log of such documents and materials; and

(2) pursuant to a request by the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a document or material included in such log, submit to such committee such copy.

SEC. 310. INSPECTOR GENERAL REVIEW OF DISSEMINATION BY FEDERAL BUREAU OF INVESTIGATION RICHMOND, VIRGINIA, FIELD OFFICE OF CERTAIN DOCUMENT.

(a) REVIEW REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall conduct a review of the actions and events, including any underlying policy direction, that served as a basis for the January 23, 2023, dissemination by the field office of the Federal Bureau of Investigation located in Richmond, Virginia, of a document titled ''Interest of Racially or Ethnically Motivated Violent Extremists in Radical-Traditionalist Catholic Ideology Almost Certainly Presents New Mitigation Opportunities.''.

(b) SUBMITTAL TO CONGRESS.—The Inspector General of the Department of Justice shall submit the findings of the Inspector General with respect to the review required by subsection (a) to the following:

(1) The congressional intelligence committees.

(2) The Committee on the Judiciary, Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate.

(3) The Committee on the Judiciary, the Committee on Oversight and Accountability, and the Committee on Appropriations of the House of Representatives.

SEC. 311. OFFICE OF INTELLIGENCE AND ANALYSIS.

Section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by adding at the end the following:

''(h) PROHIBITION.—

''(1) DEFINITION.—In this subsection, the term 'United States person' means a United States citizen, an alien known by the Office of Intelligence and Analysis to be a permanent resident alien, an unincorporated association substantially composed of United States citizens or permanent resident aliens, or a corporation incorporated in the United States, except for a corporation directed and controlled by 1 or more foreign governments.

''(2) COLLECTION OF INFORMATION FROM UNITED STATES PERSONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Office of Intelligence and Analysis may not engage in the collection of information or intelligence targeting any United States person except as provided in subparagraph (B).

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any employee, officer, or contractor of the Office of Intelligence and Analysis who is responsible for collecting information from individuals working for a State, local, or Tribal territory government or a private employer.''.

Subtitle B—Central Intelligence Agency

SEC. 321. CHANGE TO PENALTIES AND INCREASED AVAILABILITY OF MENTAL HEALTH TREATMENT FOR UNLAWFUL CONDUCT ON CENTRAL INTELLIGENCE AGENCY INSTALLATIONS.

Section 15(b) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(b)) is amended, in the second sentence, by striking ''those specified in section 1315(c)(2) of title 40, United States Code'' and inserting ''the maximum penalty authorized for a Class B misdemeanor under section 3559 of title 18, United States Code''.

SEC. 322. MODIFICATIONS TO PROCUREMENT AUTHORITIES OF THE CENTRAL INTELLIGENCE AGENCY.

Section 3 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3503) is amended—

(1) in subsection (a), by striking ''sections'' and all that follows through ''session)'' and inserting ''sections 3201, 3203, 3204, 3206, 3207, 3302 through 3306, 3321 through 3323, 3801 through 3808, 3069, 3134, 3841, and 4752 of title 10, United States Code'' and

(2) in subsection (d), by striking ''in paragraphs'' and all that follows through ''1947'' and inserting ''in sections 3201 through 3204 of title 10, United States Code, shall not be delegable. Each determination or decision required by sections 3201 through 3204, 3321 through 3323, and 3841 of title 10, United States Code''.

SEC. 323. ESTABLISHMENT OF CENTRAL INTELLIGENCE AGENCY STANDARD WORKPLACE SEXUAL MISCONDUCT COMPLAINT INVESTIGATION PROCEDURE.

(a) WORKPLACE SEXUAL MISCONDUCT DEFINED.—The term ''workplace sexual misconduct''—

(1) means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when—

(A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

(B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(C) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; and

(2) includes sexual harassment and sexual assault.

(b) STANDARD COMPLAINT INVESTIGATION PROCEDURE.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) establish a standard workplace sexual misconduct complaint investigation procedure;

(2) implement the standard workplace sexual misconduct complaint investigation procedure through clear workforce communication and education on the procedure; and

(3) submit the standard workplace sexual misconduct complaint investigation procedure to the congressional intelligence committees.

(c) MINIMUM REQUIREMENTS.—The procedure established pursuant to subsection (b)(1) shall, at a minimum—

(1) identify the individuals and offices of the Central Intelligence Agency to which an employee of the Agency may bring a complaint of workplace sexual misconduct;

(2) detail the steps each individual or office identified pursuant to paragraph (1) shall take upon receipt of a complaint of workplace sexual misconduct and the timeframes within which those steps shall be taken, including—

(A) documentation of the complaint;

(B) referral or notification to another individual or office;

(C) measures to document or preserve witness statements or other evidence; and

(D) preliminary investigation of the complaint;

(3) set forth standard criteria for determining whether a complaint of workplace sexual misconduct will be referred to law enforcement and the timeframe within which such a referral shall occur; and

(4) for any complaint not referred to law enforcement, set forth standard criteria for determining—

(A) whether a complaint has been substantiated; and

(B) for any substantiated complaint, the appropriate disciplinary action.

(d) ANNUAL REPORTS.—On or before April 30 of each year, the Director shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives an annual report that includes, for the preceding calendar year, the following:

(1) The number of workplace sexual misconduct complaints brought to each individual or office of the Central Intelligence Agency identified pursuant to subsection (c)(1), disaggregated by—

(A) complaints referred to law enforcement; and

(B) complaints substantiated.

(2) For each complaint described in paragraph (1) that is substantiated, a description of the disciplinary action taken by the Director.

TITLE IV—MATTERS CONCERNING FOREIGN COUNTRIES

Subtitle A—People's Republic of China

SEC. 401. INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) DEFINITIONS.—In this section:

(1) ATROCITY.—The term ''atrocity'' means a crime against humanity, genocide, or a war crime.

(2) FOREIGN PERSON.—The term ''foreign person'' means—

(A) any person or entity that is not a United States person; or

(B) any entity not organized under the laws of the United States or of any jurisdiction within the United States.

(3) UNITED STATES PERSON.—The term ''United States person'' has the meaning given that term in section 105A(c) of the National Security Act of 1947 (50 U.S.C. 3039).

(b) INTELLIGENCE COMMUNITY COORDINATOR FOR ACCOUNTABILITY OF ATROCITIES OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) DESIGNATION.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate a senior official of the Office of the Director of National Intelligence to serve as the intelligence community coordinator for accountability of atrocities of the People's Republic of China (in this section referred to as the ''Coordinator'').

(2) DUTIES.—The Coordinator shall lead the efforts of and coordinate and collaborate with the intelligence community with respect to the following:

(A) Identifying and addressing any gaps in intelligence collection relating to atrocities of the People's Republic of China, including by recommending the modification of the priorities of the intelligence community with respect to intelligence collection and by utilizing informal processes and collaborative mechanisms with key elements of the intelligence community to increase collection on atrocities of the People's Republic of China.

(B) Prioritizing and expanding the intelligence analysis with respect to ongoing atrocities of the People's Republic of China and disseminating within the United States Government intelligence relating to the identification and activities of foreign persons suspected of being involved with or providing support to atrocities of the People's Republic of China, including genocide and forced labor practices in Xinjiang, in order to support the efforts of other Federal agencies, including the Department of State, the Department of Justice, the Department of the Treasury, the Office of Foreign Assets Control, the Department of Commerce, the Bureau of Industry and Security, U.S. Customs and Border Protection, and the National Security Council, to hold the People's Republic of China accountable for such atrocities.

(C) Increasing efforts to declassify and share with the people of the United States and the international community information regarding atrocities of the People's Republic of China in order to expose such atrocities and counter the disinformation and misinformation campaign by the People's Republic of China to deny such atrocities.

(D) Documenting and storing intelligence and other unclassified information that may be relevant to preserve as evidence of atrocities of the People's Republic of China for future accountability, and ensuring that other relevant Federal agencies receive appropriate support from the intelligence community with respect to the collection, analysis, preservation, and, as appropriate, dissemination, of intelligence related to atrocities of the People's Republic of China, which may include the information from the annual report required by section 6504 of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263).

(E) Sharing information with the Forced Labor Enforcement Task Force, established under section 741 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4681), the Department of Commerce, and the Department of the Treasury for the purposes of entity listings and sanctions.

(3) PLAN REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Director shall submit to the appropriate committees of Congress—

(A) the name of the official designated as the Coordinator pursuant to paragraph (1); and

(B) the strategy of the intelligence community for the collection and dissemination of intelligence relating to ongoing atrocities of the People's Republic of China, including a detailed description of how the Coordinator shall support, and assist in facilitating the implementation of, such strategy.

(4) ANNUAL REPORT TO CONGRESS.—

(A) REPORTS REQUIRED.—Not later than May 1, 2024, and annually thereafter until May 1, 2034, the Director shall submit to Congress a report detailing, for the year covered by the report—

(i) the analytical findings, changes in collection, and other activities of the intelligence community with respect to ongoing atrocities of the People's Republic of China;

(ii) the recipients of information shared pursuant to this section for the purpose of—

(I) providing support to Federal agencies to hold the People's Republic of China accountable for such atrocities; and

(II) sharing information with the people of the United States to counter the disinformation and misinformation campaign by the People's Republic of China to deny such atrocities; and

(iii) with respect to clause (ii), the date of any such sharing.

(B) FORM.—Each report submitted under subparagraph (A) may be submitted in classified form, consistent with the protection of intelligence sources and methods.

(c) SUNSET.—This section shall cease to have effect on the date that is 10 years after the date of the enactment of this Act.

SEC. 402. INTERAGENCY WORKING GROUP AND REPORT ON THE MALIGN EFFORTS OF THE PEOPLE'S REPUBLIC OF CHINA IN AFRICA.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish an interagency working group within the intelligence community to analyze the tactics and capabilities of the People's Republic of China in Africa.

(2) ESTABLISHMENT FLEXIBILITY.—The working group established under paragraph (1) may be—

(A) independently established; or

(B) to avoid redundancy, incorporated into existing working groups or cross-intelligence efforts within the intelligence community.

(b) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and twice annually thereafter, the working group established under subsection (a) shall submit to the appropriate committees of Congress a report on the specific tactics and capabilities of the People's Republic of China in Africa.

(3) ELEMENTS.—Each report required by paragraph (2) shall include the following elements:

(A) An assessment of efforts by the Government of the People's Republic of China to exploit mining and reprocessing operations in Africa.

(B) An assessment of efforts by the Government of the People's Republic of China to provide or fund technologies in Africa, including—

(i) telecommunications and energy technologies, such as advanced reactors, transportation, and other commercial products; and

(ii) by requiring that the People's Republic of China be the sole provider of such technologies.

(C) An assessment of efforts by the Government of the People's Republic of China to expand intelligence capabilities in Africa.

(D) A description of actions taken by the intelligence community to counter such efforts.

(E) An assessment of additional resources needed by the intelligence community to better counter such efforts.

(4) FORM.—Each report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) SUNSET.—The requirements of this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

SEC. 403. AMENDMENT TO REQUIREMENT FOR ANNUAL ASSESSMENT BY INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3)(D) of the Intelligence Authorization Act for Fiscal Year 2023 (division F of Public Law 117–263) is amended by striking ''the top 200'' and inserting ''all the known''.

SEC. 404. ASSESSMENTS OF RECIPROCITY IN THE RELATIONSHIP BETWEEN THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Assistant Secretary of State for Intelligence and Research, in consultation with the Director of National Intelligence and such other heads of elements of the intelligence community as the Assistant Secretary considers relevant, shall submit to Congress the following:

(1) A comprehensive assessment that identifies critical areas in the security, diplomatic, economic, financial, technological, scientific, commercial, academic, and cultural spheres in which the United States does not enjoy a reciprocal relationship with the People's Republic of China.

(2) A comprehensive assessment that describes how the lack of reciprocity between the People's Republic of China and the United States in the areas identified in the assessment required by paragraph (1) provides advantages to the People's Republic of China.

(b) FORM OF ASSESSMENTS.—

(1) CRITICAL AREAS.—The assessment required by subsection (a)(1) shall be submitted in unclassified form.

(2) ADVANTAGES.—The assessment required by subsection (a)(2) shall be submitted in classified form.

SEC. 405. ANNUAL BRIEFING ON INTELLIGENCE COMMUNITY EFFORTS TO IDENTIFY AND MITIGATE CHINESE COMMUNIST PARTY AND RUSSIAN FOREIGN MALIGN INFLUENCE OPERATIONS AGAINST THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) CHINESE ENTITIES ENGAGED IN FOREIGN MALIGN INFLUENCE OPERATIONS.—The term ''hinese entities engaged in foreign malign influence operations'' means all of the elements of the Government of the People's Republic of China and the Chinese Communist Party involved in foreign malign influence, such as—

(A) the Ministry of State Security;

(B) other security services of the People's Republic of China;

(C) the intelligence services of the People's Republic of China;

(D) the United Front Work Department and other united front organs;

(E) state-controlled media systems, such as the China Global Television Network (CGTN); and

(F) any entity involved in foreign malign influence operations that demonstrably and intentionally disseminate false information and propaganda of the Government of the People's Republic of China or the Chinese Communist Party.

(2) RUSSIAN MALIGN INFLUENCE ACTORS.—The term ''Russian malign influence actors'' refers to entities or individuals engaged in foreign malign influence operations against the United States who are affiliated with—

(A) the intelligence and security services of the Russian Federation

(B) the Presidential Administration;

(C) any other entity of the Government of the Russian Federation; or

(D) Russian mercenary or proxy groups such as the Wagner Group.

(3) FOREIGN MALIGN INFLUENCE OPERATION.—The term ''foreign malign influence operation'' means a coordinated and often concealed activity that is covered by the definition of the term ''foreign malign influence'' in section 119C of the National Security Act of 1947 (50 U.S.C. 3059) and uses disinformation, press manipulation, economic coercion, targeted investments, corruption, or academic censorship, which are often intended—

(A) to coerce and corrupt United States interests, values, institutions, or individuals; and

(B) to foster attitudes, behavior, decisions, or outcomes in the United States that support the interests of the Government of the People's Republic of China or the Chinese Communist Party.

(b) BRIEFING REQUIRED.—Not later than 120 days after the date of the enactment of this Act and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Director of the Foreign Malign Influence Center shall, in collaboration with the heads of the elements of the intelligence community, provide Congress a classified briefing on the ways in which the relevant elements of the intelligence community are working internally and coordinating across the intelligence community to identify and mitigate the actions of Chinese and Russian entities engaged in foreign malign influence operations against the United States, including against United States persons.

(c) ELEMENTS.—The classified briefing required by subsection (b) shall cover the following:

(1) The Government of the Russian Federation, the Government of the People's Republic of China, and the Chinese Communist Party tactics, tools, and entities that spread disinformation, misinformation, and malign information and conduct influence operations, information campaigns, or other propaganda efforts.

(2) A description of ongoing foreign malign influence operations and campaigns of the Russian Federation against the United States and an assessment of their objectives and effectiveness in meeting those objectives.

(3) A description of ongoing foreign malign influence operations and campaigns of the People's Republic of China against the United States and an assessment of their objectives and effectiveness in meeting those objectives.

(4) A description of any cooperation, information-sharing, amplification, or other coordination between the Russian Federation and the People's Republic of China in developing or carrying out foreign malign influence operations against the United States.

(5) A description of front organizations, proxies, cut-outs, aligned third-party countries, or organizations used by the Russian Federation or the People's Republic of China to carry out foreign malign influence operations against the United States.

(6) An assessment of the loopholes or vulnerabilities in United States law that Russia and the People's Republic of China exploit to carry out foreign malign influence operations.

(7) The actions of the Foreign Malign Influence Center, in coordination with the Global Engagement Center, relating to early-warning, information sharing, and proactive risk mitigation systems, based on the list of entities identified in subsection (a)(1), to detect, expose, deter, and counter foreign malign influence operations of the Government of the People's Republic of China or the Chinese Communist Party against the United States.

(8) The actions of the Foreign Malign Influence Center to conduct outreach, to identify and counter tactics, tools, and entities described in paragraph (1) by sharing information with allies and partners of the United States, in coordination with the Global Engagement Center, as well as State and local governments, the business community, and civil society in order to expose the political influence operations and information operations of the Government of the Russian Federation and the Government of the People's Republic of China or the Chinese Communist Party carried out against individuals and entities in the United States.

SEC. 406. ASSESSMENT OF THREAT POSED TO UNITED STATES PORTS BY CRANES MANUFACTURED BY COUNTRIES OF CONCERN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, the Committee on Banking, Housing, and Urban Affairs, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(C) the Committee on Armed Services, the Committee on Oversight and Accountability, the Committee on Financial Services, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(2) COUNTRY OF CONCERN.—The term ''country of concern'' has the meaning given that term in section 1(m)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(m)(1)).

(b) ASSESSMENT.—The Director of National Intelligence, in coordination with such other heads of the elements of the intelligence community as the Director considers appropriate and the Secretary of Defense, shall conduct an assessment of the threat posed to United States ports by cranes manufactured by countries of concern and commercial entities of those countries, including the Shanghai Zhenhua Heavy Industries Co. (ZPMC).

(c) REPORT AND BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit a report and provide a briefing to the appropriate committees of Congress on the findings of the assessment required by subsection (b).

(2) ELEMENTS.—The report and briefing required by paragraph (1) shall outline the potential for the cranes described in subsection (b) to collect intelligence, disrupt operations at United States ports, and impact the national security of the United States.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

Subtitle B—Other Foreign Countries

SEC. 411. REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on efforts by the Maduro regime in Venezuela to detain United States citizens and lawful permanent residents.

(c) ELEMENTS.—The report required by subsection (b) shall include, regarding the arrest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents, the following:

(1) The names, positions, and institutional affiliation of Venezuelan individuals, or those acting on their behalf, who have engaged in such activities.

(2) A description of any role played by transnational criminal organizations, and an identification of such organizations.

(3) Where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(4) An analysis of the motive for the arrest, capture, detainment, or imprisonment of United States citizens and lawful permanent residents.

(5) The total number of United States citizens and lawful permanent residents detained or imprisoned in Venezuela as of the date on which the report is submitted.

(d) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 412. SENSE OF CONGRESS ON PRIORITY OF FENTANYL IN NATIONAL INTELLIGENCE PRIORITIES FRAMEWORK.

It is the sense of Congress that the trafficking of illicit fentanyl, including precursor chemicals and manufacturing equipment associated with illicit fentanyl production and organizations that traffic or finance the trafficking of illicit fentanyl, originating from the People's Republic of China and Mexico should be among the highest priorities in the National Intelligence Priorities Framework of the Office of the Director of National Intelligence.

TITLE V—MATTERS PERTAINING TO UNITED STATES ECONOMIC AND EMERGING TECHNOLOGY COMPETITION WITH UNITED STATES ADVERSARIES

Subtitle A—General Matters

SEC. 501. ASSIGNMENT OF DETAILEES FROM INTELLIGENCE COMMUNITY TO DEPARTMENT OF COMMERCE.

(a) AUTHORITY.—In order to better facilitate the sharing of actionable intelligence on foreign adversary intent, capabilities, threats, and operations that pose a threat to the interests or security of the United States, particularly as they relate to the procurement, development, and use of dual-use and emerging technologies, the Director of National Intelligence may assign or facilitate the assignment of members from across the intelligence community to serve as detailees to the Bureau of Industry and Security of the Department of Commerce.

(b) ASSIGNMENT.—Detailees assigned pursuant to subsection (a) shall be drawn from such elements of the intelligence community as the Director considers appropriate, in consultation with the Secretary of Commerce.

(c) EXPERTISE.—The Director shall ensure that detailees assigned pursuant to subsection (a) have subject matter expertise on countries of concern, including China, Iran, North Korea, and Russia, as well as functional areas such as illicit procurement, counterproliferation, emerging and foundational technology, economic and financial intelligence, information and communications technology systems, supply chain vulnerability, and counterintelligence.

(d) DUTY CREDIT.—The detail of an employee of the intelligence community to the Department of Commerce under subsection (a) shall be without interruption or loss of civil service status or privilege.

Subtitle B—Next-generation Energy, Biotechnology, and Artificial Intelligence

SEC. 511. EXPANDED ANNUAL ASSESSMENT OF ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

Section 6503(c)(3) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263) is amended by adding at the end the following:

''(I) A detailed assessment, prepared in consultation with all elements of the working group—

''(i) of the investments made by the People's Republic of China in—

''(I) artificial intelligence;

''(II) next-generation energy technologies, especially small modular reactors and advanced batteries; and

''(III) biotechnology; and

''(ii) that identifies—

''(I) competitive practices of the People's Republic of China relating to the technologies described in clause (i);

''(II) opportunities to counter the practices described in subclause (I);

''(III) countries the People's Republic of China is targeting for exports of civil nuclear technology;

''(IV) countries best positioned to utilize civil nuclear technologies from the United States in order to facilitate the commercial export of those technologies;

''(V) United States vulnerabilities in the supply chain of these technologies; and

''(VI) opportunities to counter the export by the People's Republic of China of civil nuclear technologies globally.

''(J) An identification and assessment of any unmet resource or authority needs of the working group that affect the ability of the working group to carry out this section.''.

SEC. 512. ASSESSMENT OF USING CIVIL NUCLEAR ENERGY FOR INTELLIGENCE COMMUNITY CAPABILITIES.

(a) ASSESSMENT REQUIRED.—The Director of National Intelligence shall, in consultation with the heads of such other elements of the intelligence community as the Director considers appropriate, conduct an assessment of capabilities identified by the Intelligence Community Continuity Program established pursuant to section E(3) of Intelligence Community Directive 118, or any successor directive, or such other intelligence community facilities or intelligence community capabilities as may be determined by the Director to be critical to United States national security, that have unique energy needs—

(1) to ascertain the feasibility and advisability of using civil nuclear reactors to meet such needs; and

(2) to identify such additional resources, technologies, infrastructure, or authorities needed, or other potential obstacles, to commence use of a nuclear reactor to meet such needs.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate, and the Committee on Oversight and Accountability and the Committee on Appropriations of the House of Representatives a report, which may be in classified form, on the findings of the Director with respect to the assessment conducted pursuant to subsection (a).

SEC. 513. POLICIES ESTABLISHED BY DIRECTOR OF NATIONAL INTELLIGENCE FOR ARTIFICIAL INTELLIGENCE CAPABILITIES.

(a) IN GENERAL.—Section 6702 of the Intelligence Authorization Act for Fiscal Year 2023 (50 U.S.C. 3334m) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''subsection (b)'' and inserting ''subsection (c)'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) POLICIES.—

''(1) IN GENERAL.—In carrying out subsection (a)(1), not later than 1 year after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2024, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, the Director of the Office of Management and Budget, and such other officials as the Director of National Intelligence determines appropriate, shall establish the policies described in paragraph (2).

''(2) POLICIES DESCRIBED.—The policies described in this paragraph are policies for the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities that—

''(A) establish a lexicon relating to the use of machine learning and artificial intelligence developed or acquired by elements of the intelligence community;

''(B) establish guidelines for evaluating the performance of models developed or acquired by elements of the intelligence community, such as by—

''(i) specifying conditions for the continuous monitoring of artificial intelligence capabilities for performance, including the conditions for retraining or retiring models based on performance;

''(ii) documenting performance objectives, including specifying how performance objectives shall be developed and contractually enforced for capabilities procured from third parties;

''(iii) specifying the manner in which models should be audited, as necessary, including the types of documentation that should be provided to any auditor; and

''(iv) specifying conditions under which models used by elements of the intelligence community should be subject to testing and evaluation for vulnerabilities to techniques meant to undermine the availability, integrity, or privacy of an artificial intelligence capability;

''(C) establish guidelines for tracking dependencies in adjacent systems, capabilities, or processes impacted by the retraining or sunsetting of any model described in subparagraph (B);

''(D) establish documentation requirements for capabilities procured from third parties, aligning such requirements, as necessary, with existing documentation requirements applicable to capabilities developed by elements of the intelligence community;

''(E) establish standards for the documentation of imputed, augmented, or synthetic data used to train any model developed, procured, or used by an element of the intelligence community; and

''(F) provide guidance on the acquisition and usage of models that have previously been trained by a third party for subsequent modification and usage by such an element.

''(3) POLICY REVIEW AND REVISION.—The Director of National Intelligence shall periodically review and revise each policy established under paragraph (1).''.

(b) CONFORMING AMENDMENT.—Section 6712(b)(1) of such Act (50 U.S.C. 3024 note) is amended by striking ''section 6702(b)'' and inserting ''section 6702(c)''.

TITLE VI—WHISTLEBLOWER MATTERS

SEC. 601. SUBMITTAL TO CONGRESS OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY.

(a) AMENDMENTS TO CHAPTER 4 OF TITLE 5.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 416 of title 5, United States Code, is amended by adding at the end the following:

''(i) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (b)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to employees and contractors described in subsection (b)(1) who intend to report to Congress complaints or information, so that such employees and contractors can obtain direction on how to report to Congress in accordance with appropriate security practices.''.

(2) PROCEDURES.—Subsection (e) of such section is amended—

(A) in paragraph (1), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending paragraph (2) to read as follows:

''(2) LIMITATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (b)(4) only if the employee—

''(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(ii)(I) obtains and follows, from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (i).

''(B) LACK OF PROCEDURAL DIRECTION.—If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.''; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) COMMITTEE MEMBERS AND STAFF.—An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (b) of such section is amended by adding at the end the following:

''(4) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subject to paragraphs (2) and (3) of subsection (e), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress.''.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

''(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.''.

(2) PROCEDURES.—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the congressional intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(c) AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

''(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by section 416(i) of title 5, United States Code.''.

(2) PROCEDURES.—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting ''or any other committee of jurisdiction of the Senate or the House of Representatives'' after ''either or both of the intelligence committees'';

(B) by amending clause (ii) to read as follows:

''(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

''(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

''(bb)(AA) obtains and follows, from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

''(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 416(i) of title 5, United States Code.

''(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.'';

(C) by redesignating clause (iii) as clause (iv); and

(D) by inserting after clause (ii) the following:

''(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.''.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subparagraph (A) of such section is amended—

(A) by inserting ''(i)'' before ''An employee of''; and

(B) by adding at the end the following:

''(ii) Subject to clauses (ii) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

''(I) in lieu of reporting such complaint or information under clause (i); or

''(II) in addition to reporting such complaint or information under clause (i).''.

(d) RULE OF CONSTRUCTION.—Nothing in this section or an amendment made by this section shall be construed to revoke or diminish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) in subparagraph (I), by striking ''; or'' and inserting a semicolon;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

''(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee so as to identify the employee or contractor employee as an employee or contractor employee who has made a lawful disclosure described in subsection (b) or (c); or'';

(2) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(3) by inserting after subsection (e) the following:

''(f) PERSONNEL ACTIONS INVOLVING DISCLOSURE OF WHISTLEBLOWER IDENTITY.—A personnel action described in subsection (a)(3)(J) shall not be considered to be in violation of subsection (b) or (c) under the following circumstances:

''(1) The personnel action was taken with the express consent of the employee or contractor employee.

''(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

''(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), section 407(b) of title 5, United States Code, or section 420(b)(2)(B) of such title;

''(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

''(C) the personnel action was required by statute or an order from a court of competent jurisdiction.''.

(b) APPLICABILITY TO DETAILEES.—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

''(5) EMPLOYEE.—The term 'employee', with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.''.

(c) HARMONIZATION OF ENFORCEMENT.—Subsection (g) of such section, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

''(g) ENFORCEMENT.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, the President shall provide for the enforcement of this section.

''(2) HARMONIZATION WITH OTHER ENFORCEMENT.—To the fullest extent possible, the President shall provide for enforcement of this section in a manner that is consistent with the enforcement of section 2302(b)(8) of title 5, United States Code, especially with respect to policies and procedures used to adjudicate alleged violations of such section.''.

SEC. 603. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

''(C) CONTRIBUTING FACTOR.—

''(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

''(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

''(I) the official making the determination knew of the disclosure; and

''(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

''(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.''.

SEC. 604. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking ''not to exceed $300,000''.

SEC. 605. MODIFICATION AND REPEAL OF REPORTING REQUIREMENTS.

(a) MODIFICATION OF FREQUENCY OF WHISTLEBLOWER NOTIFICATIONS TO INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.—Section 5334(a) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (Public Law 116–92; 50 U.S.C. 3033 note) is amended by striking ''in real time'' and inserting ''monthly''.

(b) REPEAL OF REQUIREMENT FOR INSPECTORS GENERAL REVIEWS OF ENHANCED PERSONNEL SECURITY PROGRAMS.—

(1) IN GENERAL.—Section 11001 of title 5, United States Code, is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) TECHNICAL CORRECTIONS.—Subsection (d) of section 11001 of such title, as redesignated by paragraph (1)(B), is amended—

(A) in paragraph (3), by adding ''and'' after the semicolon at the end; and

(B) in paragraph (4), by striking ''; and'' and inserting a period.

TITLE VII—CLASSIFICATION REFORM

Subtitle A—Classification Reform Act of 2023

SEC. 701. SHORT TITLE.

This subtitle may be cited as the ''Classification Reform Act of 2023''.

SEC. 702. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' means any Executive agency as defined in section 105 of title 5, United States Code, any military department as defined in section 102 of such title, and any other entity in the executive branch of the Federal Government that comes into the possession of classified information.

(2) CLASSIFY, CLASSIFIED, CLASSIFICATION.—The terms ''classify'', ''classified'', and ''classification'' refer to the process by which information is determined to require protection from unauthorized disclosure pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703 in order to protect the national security of the United States.

(3) CLASSIFIED INFORMATION.—The term ''classified information'' means information that has been classified under Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703.

(4) DECLASSIFY, DECLASSIFIED, DECLASSIFICATION.—The terms ''declassify'', ''declassified'', and ''declassification'' refer to the process by which information that has been classified is determined to no longer require protection from unauthorized disclosure pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or previous and successor executive orders or similar directives, or section 703.

(5) INFORMATION.—The term ''information'' means any knowledge that can be communicated, or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

SEC. 703. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) IN GENERAL.—The President may, in accordance with this section, protect from unauthorized disclosure any information owned by, produced by or for, or under the control of the executive branch of the Federal Government when there is a demonstrable need to do so in order to protect the national security of the United States.

(b) ESTABLISHMENT OF STANDARDS AND PROCEDURES FOR CLASSIFICATION AND DECLASSIFICATION.—

(1) GOVERNMENTWIDE PROCEDURES.—

(A) CLASSIFICATION.—The President shall, to the extent necessary, establish categories of information that may be classified and procedures for classifying information under subsection (a).

(B) DECLASSIFICATION.—At the same time the President establishes categories and procedures under subparagraph (A), the President shall establish procedures for declassifying information that was previously classified.

(C) MINIMUM REQUIREMENTS.—The procedures established pursuant to subparagraphs (A) and (B) shall—

(i) provide that information may be classified under this section, and may remain classified under this section, only if the harm to national security that might reasonably be expected from disclosure of such information outweighs the public interest in disclosure of such information;

(ii) establish standards and criteria for the classification of information;

(iii) establish standards, criteria, and timelines for the declassification of information classified under this section;

(iv) provide for the automatic declassification of classified records with permanent historical value;

(v) provide for the timely review of materials submitted for pre-publication;

(vi) narrow the criteria for classification set forth under section 1.4 of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), as in effect on the day before the date of the enactment of this Act;

(vii) narrow the exemptions from automatic declassification set forth under section 3.3(b) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), as in effect on the day before the date of the enactment of this Act;

(viii) provide a clear and specific definition of ''harm to national security'' as it pertains to clause (i); and

(ix) provide a clear and specific definition of ''intelligence sources and methods'' as it pertains to the categories and procedures under subparagraph (A).

(2) AGENCY STANDARDS AND PROCEDURES.—

(A) IN GENERAL.—The head of each agency shall establish a single set of consolidated standards and procedures to permit such agency to classify and declassify information created by such agency in accordance with the categories and procedures established by the President under this section and otherwise to carry out this section.

(B) SUBMITTAL TO CONGRESS.—Each agency head shall submit to Congress the standards and procedures established by such agency head under subparagraph (A).

(c) CONFORMING AMENDMENT TO FOIA.—Section 552(b)(1) of title 5, United States Code, is amended to read as follows:

''(1)(A) specifically authorized to be classified under section 703 of the Intelligence Authorization Act for Fiscal Year 2024, or specifically authorized under criteria established by an Executive order to be kept secret in the interest of national security; and

''(B) are in fact properly classified pursuant to that section or Executive order;''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) RELATION TO PRESIDENTIAL DIRECTIVES.—Presidential directives regarding classifying, safeguarding, and declassifying national security information, including Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, in effect on the day before the date of the enactment of this Act, as well as procedures issued pursuant to such Presidential directives, shall remain in effect until superseded by procedures issues pursuant to subsection (b).

SEC. 704. TRANSPARENCY OFFICERS.

(a) DESIGNATION.—The Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of the Treasury, the Secretary of Health and Human Services, the Secretary of Homeland Security, the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the head of any other department, agency, or element of the executive branch of the Federal Government determined by the Privacy and Civil Liberties Oversight Board established by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee) to be appropriate for coverage under this section, shall each designate at least 1 senior officer to serve as the principal advisor to assist such head of a department, agency, or element and other officials of the department, agency, or element of the head in identifying records of significant public interest and prioritizing appropriate review of such records in order to facilitate the public disclosure of such records in redacted or unredacted form.

(b) DETERMINING PUBLIC INTEREST IN DISCLOSURE.—In assisting the head of a department, agency, or element and other officials of such department, agency, or element in identifying records of significant public interest under subsection (a), the senior officer designated by the head under such subsection shall consider whether—

(1) or not disclosure of the information would better enable United States citizens to hold Federal Government officials accountable for their actions and policies;

(2) or not disclosure of the information would assist the United States criminal justice system in holding persons responsible for criminal acts or acts contrary to the Constitution;

(3) or not disclosure of the information would assist Congress or any committee or subcommittee thereof, in carrying out its oversight responsibilities with regard to the executive branch of the Federal Government or in adequately informing itself of executive branch policies and activities in order to carry out its legislative responsibilities;

(4) the disclosure of the information would assist Congress or the public in understanding the interpretation of the Federal Government of a provision of law, including Federal regulations, Presidential directives, statutes, case law, and the Constitution of the United States; or

(5) or not disclosure of the information would bring about any other significant benefit, including an increase in public awareness or understanding of Government activities or an enhancement of Federal Government efficiency.

(c) PERIODIC REPORTS.—

(1) IN GENERAL.—Each senior officer designated under subsection (a) shall periodically, but not less frequently than annually, submit a report on the activities of the officer, including the documents determined to be in the public interest for disclosure under subsection (b), to—

(A) the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate;

(B) the Committee on Oversight and Government Reform and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the head of the department, agency, or element of the senior officer.

(2) FORM.—Each report submitted pursuant to paragraph (1) shall be submitted, to the greatest extent possible, in unclassified form, with a classified annex as may be necessary.

Subtitle B—Sensible Classification Act of 2023

SEC. 711. SHORT TITLE.

This subtitle may be cited as the ''Sensible Classification Act of 2023''.

SEC. 712. DEFINITIONS.

In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code.

(2) CLASSIFICATION.—The term ''classification'' means the act or process by which information is determined to be classified information.

(3) CLASSIFIED INFORMATION.—The term ''classified information'' means information that has been determined pursuant to Executive Order 12958 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

(4) DECLASSIFICATION.—The term ''declassification'' means the authorized change in the status of information from classified information to unclassified information.

(5) DOCUMENT.—The term ''document'' means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(6) DOWNGRADE.—The term ''downgrade'' means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(7) INFORMATION.—The term ''information'' means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(8) ORIGINATE, ORIGINATING, AND ORIGINATED.—The term ''originate'', ''originating'', and ''originated'', with respect to classified information and an authority, means the authority that classified the information in the first instance.

(9) RECORDS.—The term ''records'' means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency's control under the terms of the contract, license, certificate, or grant.

(10) SECURITY CLEARANCE.—The term ''security clearance'' means an authorization to access classified information.

(11) UNAUTHORIZED DISCLOSURE.—The term ''unauthorized disclosure'' means a communication or physical transfer of classified information to an unauthorized recipient.

(12) UNCLASSIFIED INFORMATION.—The term ''unclassified information'' means information that is not classified information.

SEC. 713. FINDINGS AND SENSE OF THE SENATE.

(a) FINDINGS.—The Senate makes the following findings:

(1) According to a report released by the Office of the Director of Intelligence in 2020 titled ''Fiscal Year 2019 Annual Report on Security Clearance Determinations'', more than 4,000,000 individuals have been granted eligibility for a security clearance.

(2) At least 1,300,000 of such individuals have been granted access to information classified at the Top Secret level.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the classification system of the Federal Government is in urgent need of reform;

(2) the number of people with access to classified information is exceedingly high and must be justified or reduced;

(3) reforms are necessary to reestablish trust between the Federal Government and the people of the United States; and

(4) classification should be limited to the minimum necessary to protect national security while balancing the public's interest in disclosure.

SEC. 714. CLASSIFICATION AUTHORITY.

(a) IN GENERAL.—The authority to classify information originally may be exercised only by—

(1) the President and, in the performance of executive duties, the Vice President;

(2) the head of an agency or an official of any agency authorized by the President pursuant to a designation of such authority in the Federal Register; and

(3) an official of the Federal Government to whom authority to classify information originally has been delegated pursuant to subsection (c).

(b) SCOPE OF AUTHORITY.—An individual authorized by this section to classify information originally at a specified level may also classify the information originally at a lower level.

(c) DELEGATION OF ORIGINAL CLASSIFICATION AUTHORITY.—An official of the Federal Government may be delegated original classification authority subject to the following:

(1) Delegation of original classification authority shall be limited to the minimum required to administer this section. Agency heads shall be responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) Authority to originally classify information at the level designated as ''Top Secret'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2).

(3) Authority to originally classify information at the level designated as ''Secret'' or ''Confidential'' may be delegated only by the President, in the performance of executive duties, the Vice President, or an agency head or official designated pursuant to subsection (a)(2), or the senior agency official described in section 5.4(d) of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, provided that official has been delegated ''Top Secret'' original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be redelegated except as provided by paragraphs (1), (2), and (3). Each delegation shall identify the official by name or position title.

(d) TRAINING REQUIRED.—

(1) IN GENERAL.—An individual may not be delegated original classification authority under this section unless the individual has first received training described in paragraph (2).

(2) TRAINING DESCRIBED.—Training described in this paragraph is training on original classification that includes instruction on the proper safeguarding of classified information and of the criminal, civil, and administrative sanctions that may be brought against an individual who fails to protect classified information from unauthorized disclosure.

(e) EXCEPTIONAL CASES.—

(1) IN GENERAL.—When an employee, contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that employee, contractor, licensee, certificate holder, or grantee to require classification, the information shall be protected in a manner consistent with Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order.

(2) TRANSMITTAL.—An employee, contractor, licensee, certificate holder, or grantee described in paragraph (1), who originates information described in such paragraph, shall promptly transmit such information to—

(A) the agency that has appropriate subject matter interest and classification authority with respect to this information; or

(B) if it is not clear which agency has appropriate subject matter interest and classification authority with respect to the information, the Director of the Information Security Oversight Office.

(3) AGENCY DECISIONS.—An agency that receives information pursuant to paragraph (2)(A) or (4) shall decide within 30 days whether to classify this information.

(4) INFORMATION SECURITY OVERSIGHT OFFICE ACTION.—If the Director of the Information Security Oversight Office receives information under paragraph (2)(B), the Director shall determine the agency having appropriate subject matter interest and classification authority and forward the information, with appropriate recommendations, to that agency for a classification determination.

SEC. 715. PROMOTING EFFICIENT DECLASSIFICATION REVIEW.

(a) IN GENERAL.—Whenever an agency is processing a request pursuant to section 552 of title 5, United States Code (commonly known as the ''Freedom of Information Act'') or the mandatory declassification review provisions of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, and identifies responsive classified records that are more than 25 years of age as of December 31 of the year in which the request is received, the head of the agency shall review the record and process the record for declassification and release by the National Declassification Center of the National Archives and Records Administration.

(b) APPLICATION.—Subsection (a) shall apply—

(1) regardless of whether or not the record described in such subsection is in the legal custody of the National Archives and Records Administration; and

(2) without regard for any other provisions of law or existing agreements or practices between agencies.

SEC. 716. TRAINING TO PROMOTE SENSIBLE CLASSIFICATION.

(a) DEFINITIONS.—In this section:

(1) OVER-CLASSIFICATION.—The term ''over-classification'' means classification at a level that exceeds the minimum level of classification that is sufficient to protect the national security of the United States.

(2) SENSIBLE CLASSIFICATION.—The term ''sensible classification'' means classification at a level that is the minimum level of classification that is sufficient to protect the national security of the United States.

(b) TRAINING REQUIRED.—Each head of an agency with classification authority shall conduct training for employees of the agency with classification authority to discourage over-classification and to promote sensible classification.

SEC. 717. IMPROVEMENTS TO PUBLIC INTEREST DECLASSIFICATION BOARD.

Section 703 of the Public Interest Declassification Act of 2000 (50 U.S.C. 3355a) is amended—

(1) in subsection (c), by adding at the end the following:

''(5) A member of the Board whose term has expired may continue to serve until a successor is appointed and sworn in.''; and

(2) in subsection (f)—

(A) by inserting ''(1)'' before ''Any employee''; and

(B) by adding at the end the following:

''(2)(A) In addition to any employees detailed to the Board under paragraph (1), the Board may hire not more than 12 staff members.

''(B) There are authorized to be appropriated to carry out subparagraph (A) such sums as are necessary for fiscal year 2024 and each fiscal year thereafter.''.

SEC. 718. IMPLEMENTATION OF TECHNOLOGY FOR CLASSIFICATION AND DECLASSIFICATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Office of Electronic Government (in this section referred to as the ''Administrator'') shall, in consultation with the Secretary of Defense, the Director of the Central Intelligence Agency, the Director of National Intelligence, the Public Interest Declassification Board, the Director of the Information Security Oversight Office, and the head of the National Declassification Center of the National Archives and Records Administration—

(1) research a technology-based solution—

(A) utilizing machine learning and artificial intelligence to support efficient and effective systems for classification and declassification; and

(B) to be implemented on an interoperable and federated basis across the Federal Government; and

(2) submit to the President a recommendation regarding a technology-based solution described in paragraph (1) that should be adopted by the Federal Government.

(b) STAFF.—The Administrator may hire sufficient staff to carry out subsection (a).

(c) REPORT.—Not later than 540 days after the date of the enactment of this Act, the President shall submit to Congress a classified report on the technology-based solution recommended by the Administrator under subsection (a)(2) and the President's decision regarding its adoption.

SEC. 719. STUDIES AND RECOMMENDATIONS ON NECESSITY OF SECURITY CLEARANCES.

(a) AGENCY STUDIES ON NECESSITY OF SECURITY CLEARANCES.—

(1) STUDIES REQUIRED.—The head of each agency that grants security clearances to personnel of such agency shall conduct a study on the necessity of such clearances.

(2) REPORTS REQUIRED.—

(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, each head of an agency that conducts a study under paragraph (1) shall submit to Congress a report on the findings of the agency head with respect to such study, which the agency head may classify as appropriate.

(B) REQUIRED ELEMENTS.—Each report submitted by the head of an agency under subparagraph (A) shall include, for such agency, the following:

(i) The number of personnel eligible for access to information up to the ''Top Secret'' level.

(ii) The number of personnel eligible for access to information up to the ''Secret'' level.

(iii) Information on any reduction in the number of personnel eligible for access to classified information based on the study conducted under paragraph (1).

(iv) A description of how the agency head will ensure that the number of security clearances granted by such agency will be kept to the minimum required for the conduct of agency functions, commensurate with the size, needs, and mission of the agency.

(3) INDUSTRY.—This subsection shall apply to the Secretary of Defense in the Secretary's capacity as the Executive Agent for the National Industrial Security Program, and the Secretary shall treat contractors, licensees, and grantees as personnel of the Department of Defense for purposes of the studies and reports required by this subsection.

(b) DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF SENSITIVE COMPARTMENTED INFORMATION.—The Director of National Intelligence shall—

(1) review the number of personnel eligible for access to sensitive compartmented information; and

(2) submit to Congress a report on how the Director will ensure that the number of such personnel is limited to the minimum required.

(c) AGENCY REVIEW OF SPECIAL ACCESS PROGRAMS.—Each head of an agency who is authorized to establish a special access program by Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information), or successor order, shall—

(1) review the number of personnel of the agency eligible for access to such special access programs; and

(2) submit to Congress a report on how the agency head will ensure that the number of such personnel is limited to the minimum required.

(d) SECRETARY OF ENERGY REVIEW OF Q AND L CLEARANCES.—The Secretary of Energy shall—

(1) review the number of personnel of the Department of Energy granted Q and L access; and

(2) submit to Congress a report on how the Secretary will ensure that the number of such personnel is limited to the minimum required

(e) INDEPENDENT REVIEWS.—Not later than 180 days after the date on which a study is completed under subsection (a) or a review is completed under subsections (b) through (d), the Director of the Information Security Oversight Office of the National Archives and Records Administration, the Director of National Intelligence, and the Public Interest Declassification Board shall each review the study or review, as the case may be.

TITLE VIII—SECURITY CLEARANCE AND TRUSTED WORKFORCE

SEC. 801. REVIEW OF SHARED INFORMATION TECHNOLOGY SERVICES FOR PERSONNEL VETTING.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

(b) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a review of the extent to which the intelligence community can use information technology services shared among the intelligence community for purposes of personnel vetting, including with respect to human resources, suitability, and security.

SEC. 802. TIMELINESS STANDARD FOR RENDERING DETERMINATIONS OF TRUST FOR PERSONNEL VETTING.

(a) TIMELINESS STANDARD.—

(1) IN GENERAL.—The President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent, establish and publish in such public venue as the President considers appropriate, new timeliness performance standards for processing personnel vetting trust determinations in accordance with the Federal personnel vetting performance management standards.

(2) QUINQUENNIAL REVIEWS.—Not less frequently than once every 5 years, the President shall, acting through the Security Executive Agent and the Suitability and Credentialing Executive Agent—

(A) review the standards established pursuant to paragraph (1); and

(B) pursuant to such review—

(i) update such standards as the President considers appropriate; and

(ii) publish in the Federal Register such updates as may be made pursuant to clause (i).

(3) CONFORMING AMENDMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (g).

(b) QUARTERLY REPORTS ON IMPLEMENTATION.—

(1) IN GENERAL.—Not less frequently than quarterly, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly make available to the public a quarterly report on the compliance of Executive agencies (as defined in section 105 of title 5, United States Code) with the standards established pursuant to subsection (a).

(2) DISAGGREGATION.—Each report made available pursuant to paragraph (1) shall disaggregate, to the greatest extent practicable, data by appropriate category of personnel risk and between Government and contractor personnel.

(c) COMPLEMENTARY STANDARDS FOR INTELLIGENCE COMMUNITY.—The Director of National Intelligence may, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information) establish for the intelligence community standards complementary to those established pursuant to subsection (a).

SEC. 803. ANNUAL REPORT ON PERSONNEL VETTING TRUST DETERMINATIONS.

(a) DEFINITION OF PERSONNEL VETTING TRUST DETERMINATION.—In this section, the term ''personnel vetting trust determination'' means any determination made by an executive branch agency as to whether an individual can be trusted to perform job functions or to be granted access necessary for a position.

(b) ANNUAL REPORT.—Not later than March 30, 2024, and annually thereafter for 5 years, the Director of National Intelligence, acting as the Security Executive Agent, and the Director of the Office of Personnel Management, acting as the Suitability and Credentialing Executive Agent, in coordination with the Security, Suitability, and Credentialing Performance Accountability Council, shall jointly make available to the public a report on specific types of personnel vetting trust determinations made during the fiscal year preceding the fiscal year in which the report is made available, disaggregated, to the greatest extent possible, by the following:

(1) Determinations of eligibility for national security-sensitive positions, separately noting—

(A) the number of individuals granted access to national security information; and

(B) the number of individuals determined to be eligible for but not granted access to national security information.

(2) Determinations of suitability or fitness for a public trust position.

(3) Status as a Government employee, a contractor employee, or other category.

(c) ELIMINATION OF REPORT REQUIREMENT.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341) is amended by striking subsection (h).

SEC. 804. SURVEY TO ASSESS STRENGTHS AND WEAKNESSES OF TRUSTED WORKFORCE 2.0.

Not later than 1 year after the date of the enactment of this Act, and once every 2 years thereafter until 2029, the Comptroller General of the United States shall administer a survey to such sample of Federal agencies, Federal contractors, and other persons that require security clearances to access classified information as the Comptroller General considers appropriate to assess—

(1) the strengths and weaknesses of the implementation of the Trusted Workforce 2.0 initiative; and

(2) the effectiveness of vetting Federal personnel while managing risk during the onboarding of such personnel.

SEC. 805. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF PAST USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term ''cannabis'' has the meaning given the term ''marihuana'' in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ''eligibility for access to classified information'' has the meaning given the term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(b) PROHIBITION.—Notwithstanding any other provision of law, the head of an element of the intelligence community may not make a determination to deny eligibility for access to classified information to an individual based solely on the use of cannabis by the individual prior to the submission of the application for a security clearance by the individual.

TITLE IX—ANOMALOUS HEALTH INCIDENTS

SEC. 901. IMPROVED FUNDING FLEXIBILITY FOR PAYMENTS MADE BY THE CENTRAL INTELLIGENCE AGENCY FOR QUALIFYING INJURIES TO THE BRAIN.

Section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) is amended by striking paragraph (3) and inserting the following new paragraph:

''(3) FUNDING.—

''(A) IN GENERAL.—Payment under paragraph (2) in a fiscal year may be made using any funds—

''(i) appropriated in advance specifically for payments under such paragraph; or

''(ii) reprogrammed in accordance with section 504 of the National Security Act of 1947 (50 U.S.C. 3094).

''(B) BUDGET.—For each fiscal year, the Director shall include with the budget justification materials submitted to Congress in support of the budget of the President for that fiscal year pursuant to section 1105(a) of title 31, United States Code, an estimate of the funds required in that fiscal year to make payments under paragraph (2).''.

SEC. 902. CLARIFICATION OF REQUIREMENTS TO SEEK CERTAIN BENEFITS RELATING TO INJURIES TO THE BRAIN.

(a) IN GENERAL.—Section 19A(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(5)) is amended—

(1) by striking ''Payments made'' and inserting the following:

''(A) IN GENERAL.—Payments made''; and

(2) by adding at the end the following:

''(B) RELATION TO CERTAIN FEDERAL WORKERS COMPENSATION LAWS.—Without regard to the requirements in sections (b) and (c), covered employees need not first seek benefits provided under chapter 81 of title 5, United States Code, to be eligible solely for payment authorized under paragraph (2) of this subsection.''.

(b) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) revise applicable regulations to conform with the amendment made by subsection (a); and

(2) submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives copies of such regulations, as revised pursuant to paragraph (1).

SEC. 903. INTELLIGENCE COMMUNITY IMPLEMENTATION OF HAVANA ACT OF 2021 AUTHORITIES.

(a) REGULATIONS.—Except as provided in subsection (c), not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community that has not already done so shall—

(1) issue regulations and procedures to implement the authorities provided by section 19A(d) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)) and section 901(i) of title IX of division J of the Further Consolidated Appropriations Act, 2020 (22 U.S.C. 2680b(i)) to provide payments under such sections, to the degree that such authorities are applicable to the head of the element; and

(2) submit to the congressional intelligence, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives committees copies of such regulations.

(b) REPORTING.—Not later than 210 days after the date of the enactment of this Act, each head of an element of the intelligence community shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives a report on—

(1) the estimated number of individuals associated with their element that may be eligible for payment under the authorities described in subsection (a)(1);

(2) an estimate of the obligation that the head of the intelligence community element expects to incur in fiscal year 2025 as a result of establishing the regulations pursuant to subsection (a)(1); and

(3) any perceived barriers or concerns in implementing such authorities.

(c) ALTERNATIVE REPORTING.—Not later than 180 days after the date of the enactment of this Act, each head of an element of the intelligence community (other than the Director of the Central Intelligence Agency) who believes that the authorities described in subsection (a)(1) are not currently relevant for individuals associated with their element, or who are not otherwise in position to issue the regulations and procedures required by subsection (a)(1) shall provide written and detailed justification to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives to explain this position.

SEC. 904. REPORT AND BRIEFING ON CENTRAL INTELLIGENCE AGENCY HANDLING OF ANOMALOUS HEALTH INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''Agency'' means the Central Intelligence Agency.

(2) QUALIFYING INJURY.—The term ''qualifying injury'' has the meaning given such term in section 19A(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b(d)(1)).

(b) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees a report on the handling of anomalous health incidents by the Agency.

(c) CONTENTS.—The report required by subsection (b) shall include the following:

(1) HAVANA ACT IMPLEMENTATION.—

(A) An explanation of how the Agency determines whether a reported anomalous health incident resulted in a qualifying injury or a qualifying injury to the brain.

(B) The number of participants of the Expanded Care Program of the Central Intelligence Agency who—

(i) have a certified qualifying injury or a certified qualifying injury to the brain; and

(ii) as of September 30, 2023, applied to the Expanded Care Program due to a reported anomalous health incident.

(C) A comparison of the number of anomalous health incidents reported by applicants to the Expanded Care Program that occurred in the United States and that occurred in a foreign country.

(D) The specific reason each applicant was approved or denied for payment under the Expanded Care Program.

(E) The number of applicants who were initially denied payment but were later approved on appeal.

(F) The average length of time, from the time of application, for an applicant to receive a determination from the Expanded Care Program, aggregated by qualifying injuries and qualifying injuries to the brain.

(2) PRIORITY CASES.—

(A) A detailed list of priority cases of anomalous health incidents, including, for each incident, locations, dates, times, and circumstances.

(B) For each priority case listed in accordance with subparagraph (A), a detailed explanation of each credible alternative explanation that the Agency assigned to the incident, including—

(i) how the incident was discovered;

(ii) how the incident was assigned within the Agency; and

(iii) whether an individual affected by the incident is provided an opportunity to appeal the credible alternative explanation.

(C) For each priority case of an anomalous health incident determined to be largely consistent with the definition of ''anomalous health incident'' established by the National Academy of Sciences and for which the Agency does not have a credible alternative explanation, a detailed description of such case.

(3) ANOMALOUS HEALTH INCIDENT SENSORS.—

(A) A list of all types of sensors that the Agency has developed or deployed with respect to reports of anomalous health incidents, including, for each type of sensor, the deployment location, the date and the duration of the employment of such type of sensor, and, if applicable, the reason for removal.

(B) A list of entities to which the Agency has provided unrestricted access to data associated with anomalous health incidents.

(C) A list of requests for support the Agency has received from elements of the Federal Government regarding sensor development, testing, or deployment, and a description of the support provided in each case.

(D) A description of all emitter signatures obtained by sensors associated with anomalous health incidents in Agency holdings since 2016, including—

(i) the identification of any of such emitters that the Agency prioritizes as a threat; and

(ii) an explanation of such prioritization.

(d) ADDITIONAL SUBMISSIONS.—Concurrent with the submission of the report required by subsection (b), the Director of the Central Intelligence Agency shall submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives—

(1) a template of each form required to apply for the Expanded Care Program, including with respect to payments for a qualifying injury or a qualifying injury to the brain;

(2) copies of internal guidance used by the Agency to adjudicate claims for the Expanded Care Program, including with respect to payments for a qualifying injury to the brain;

(3) the case file of each applicant to the Expanded Care Program who applied due to a reported anomalous health incident, including supporting medical documentation, with name and other identifying information redacted;

(4) copies of all informational and instructional materials provided to employees of and other individuals affiliated with the Agency with respect to applying for the Expanded Care Program; and

(5) copies of Agency guidance provided to employees of and other individuals affiliated with the Agency with respect to reporting and responding to a suspected anomalous health incident, and the roles and responsibilities of each element of the Agency tasked with responding to a report of an anomalous health incident.

(e) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall brief the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives on the report.

TITLE X—ELECTION SECURITY

SEC. 1001. STRENGTHENING ELECTION CYBERSECURITY TO UPHOLD RESPECT FOR ELECTIONS THROUGH INDEPENDENT TESTING ACT OF 2023.

(a) REQUIRING PENETRATION TESTING AS PART OF THE TESTING AND CERTIFICATION OF VOTING SYSTEMS.—Section 231 of the Help America Vote Act of 2002 (52 U.S.C. 20971) is amended by adding at the end the following new subsection:

''(e) REQUIRED PENETRATION TESTING.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the Commission shall provide for the conduct of penetration testing as part of the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories under this section.

''(2) ACCREDITATION.—The Director of the National Institute of Standards and Technology shall recommend to the Commission entities the Director proposes be accredited to carry out penetration testing under this subsection and certify compliance with the penetration testing-related guidelines required by this subsection. The Commission shall vote on the accreditation of any entity recommended. The requirements for such accreditation shall be a subset of the requirements for accreditation of laboratories under subsection (b) and shall only be based on consideration of an entity's competence to conduct penetration testing under this subsection.''.

(b) INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS.—

(1) IN GENERAL.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following new part:

''PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS

''SEC. 297. INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PILOT PROGRAM FOR ELECTION SYSTEMS.

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Commission, in consultation with the Secretary, shall establish an Independent Security Testing and Coordinated Vulnerability Disclosure Pilot Program for Election Systems (VDP–E) (in this section referred to as the 'program') in order to test for and disclose cybersecurity vulnerabilities in election systems.

''(2) DURATION.—The program shall be conducted for a period of 5 years.

''(3) REQUIREMENTS.—In carrying out the program, the Commission, in consultation with the Secretary, shall—

''(A) establish a mechanism by which an election systems vendor may make their election system (including voting machines and source code) available to cybersecurity researchers participating in the program;

''(B) provide for the vetting of cybersecurity researchers prior to their participation in the program, including the conduct of background checks;

''(C) establish terms of participation that—

''(i) describe the scope of testing permitted under the program;

''(ii) require researchers to—

''(I) notify the vendor, the Commission, and the Secretary of any cybersecurity vulnerability they identify with respect to an election system; and

''(II) otherwise keep such vulnerability confidential for 180 days after such notification;

''(iii) require the good faith participation of all participants in the program;

''(iv) require an election system vendor, within 180 days after validating notification of a critical or high vulnerability (as defined by the National Institute of Standards and Technology) in an election system of the vendor, to—

''(I) send a patch or propound some other fix or mitigation for such vulnerability to the appropriate State and local election officials, in consultation with the researcher who discovered it; and

''(II) notify the Commission and the Secretary that such patch has been sent to such officials;

''(D) in the case where a patch or fix to address a vulnerability disclosed under subparagraph (C)(ii)(I) is intended to be applied to a system certified by the Commission, provide—

''(i) for the expedited review of such patch or fix within 90 days after receipt by the Commission; and

''(ii) if such review is not completed by the last day of such 90 day period, that such patch or fix shall be deemed to be certified by the Commission, subject to any subsequent review of such determination by the Commission; and

''(E) 180 days after the disclosure of a vulnerability under subparagraph (C)(ii)(I), notify the Director of the Cybersecurity and Infrastructure Security Agency of the vulnerability for inclusion in the database of Common Vulnerabilities and Exposures.

''(4) VOLUNTARY PARTICIPATION; SAFE HARBOR.—

''(A) VOLUNTARY PARTICIPATION.—Participation in the program shall be voluntary for election systems vendors and researchers.

''(B) SAFE HARBOR.—When conducting research under this program, such research and subsequent publication shall be considered to be:

''(i) Authorized in accordance with section 1030 of title 18, United States Code (commonly known as the 'Computer Fraud and Abuse Act'), (and similar state laws), and the election system vendor will not initiate or support legal action against the researcher for accidental, good faith violations of the program.

''(ii) Exempt from the anti-circumvention rule of section 1201 of title 17, United States Code (commonly known as the 'Digital Millennium Copyright Act'), and the election system vendor will not bring a claim against a researcher for circumvention of technology controls.

''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit or otherwise affect any exception to the general prohibition against the circumvention of technological measures under subparagraph (A) of section 1201(a)(1) of title 17, United States Code, including with respect to any use that is excepted from that general prohibition by the Librarian of Congress under subparagraphs (B) through (D) of such section 1201(a)(1).

''(5) EXEMPT FROM DISCLOSURE.—Cybersecurity vulnerabilities discovered under the program shall be exempt from section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act).

''(6) DEFINITIONS.—In this subsection:

''(A) CYBERSECURITY VULNERABILITY.—The term 'cybersecurity vulnerability' means, with respect to an election system, any security vulnerability that affects the election system.

''(B) ELECTION INFRASTRUCTURE.—The term 'election infrastructure' means—

''(i) storage facilities, polling places, and centralized vote tabulation locations used to support the administration of elections for public office; and

''(ii) related information and communications technology, including—

''(I) voter registration databases;

''(II) election management systems;

''(III) voting machines;

''(IV) electronic mail and other communications systems (including electronic mail and other systems of vendors who have entered into contracts with election agencies to support the administration of elections, manage the election process, and report and display election results); and

''(V) other systems used to manage the election process and to report and display election results on behalf of an election agency.

''(C) ELECTION SYSTEM.—The term 'election system' means any information system that is part of an election infrastructure, including any related information and communications technology described in subparagraph (B)(ii).

''(D) ELECTION SYSTEM VENDOR.—The term 'election system vendor' means any person providing, supporting, or maintaining an election system on behalf of a State or local election official.

''(E) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

''(F) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(G) SECURITY VULNERABILITY.—The term 'security vulnerability' has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).''.

(2) CLERICAL AMENDMENT.—The table of contents of such Act is amended by adding at the end of the items relating to subtitle D of title II the following:

''PART 7—INDEPENDENT SECURITY TESTING AND COORDINATED CYBERSECURITY VULNERABILITY DISCLOSURE PROGRAM FOR ELECTION SYSTEMS

''Sec. 297. Independent security testing and coordinated cybersecurity vulnerability disclosure program for election systems.''.

TITLE XI—OTHER MATTERS

SEC. 1101. MODIFICATION OF REPORTING REQUIREMENT FOR ALL-DOMAIN ANOMALY RESOLUTION OFFICE.

Section 1683(k)(1) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(k)(1)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263), is amended—

(1) in the heading, by striking ''DIRECTOR OF NATIONAL INTELLIGENCE AND SECRETARY OF DEFENSE'' and inserting ''ALL-DOMAIN ANOMALY RESOLUTION OFFICE''; and

(2) in subparagraph (A), by striking ''Director of National Intelligence and the Secretary of Defense shall jointly'' and inserting ''Director of the Office shall''.

SEC. 1102. FUNDING LIMITATIONS RELATING TO UNIDENTIFIED ANOMALOUS PHENOMENA.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) DIRECTOR.—The term ''Director'' means the Director of the All-domain Anomaly Resolution Office.

(4) UNIDENTIFIED ANOMALOUS PHENOMENA.—The term ''unidentified anomalous phenomena'' has the meaning given such term in section 1683(n) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(n)), as amended by section 6802(a) of the Intelligence Authorization Act for Fiscal Year 2023 (Public Law 117–263).

(b) SENSE OF CONGRESS.—It is the sense of Congress that, due to the increasing potential for technology surprise from foreign adversaries and to ensure sufficient integration across the United States industrial base and avoid technology and security stovepipes—

(1) the United States industrial base must retain its global lead in critical advanced technologies; and

(2) the Federal Government must expand awareness about any historical exotic technology antecedents previously provided by the Federal Government for research and development purposes.

(c) LIMITATIONS.—No amount authorized to be appropriated by this Act may be obligated or expended, directly or indirectly, in part or in whole, for, on, in relation to, or in support of activities involving unidentified anomalous phenomena protected under any form of special access or restricted access limitations that have not been formally, officially, explicitly, and specifically described, explained, and justified to the appropriate committees of Congress, congressional leadership, and the Director, including for any activities relating to the following:

(1) Recruiting, employing, training, equipping, and operations of, and providing security for, government or contractor personnel with a primary, secondary, or contingency mission of capturing, recovering, and securing unidentified anomalous phenomena craft or pieces and components of such craft.

(2) Analyzing such craft or pieces or components thereof, including for the purpose of determining properties, material composition, method of manufacture, origin, characteristics, usage and application, performance, operational modalities, or reverse engineering of such craft or component technology.

(3) Managing and providing security for protecting activities and information relating to unidentified anomalous phenomena from disclosure or compromise.

(4) Actions relating to reverse engineering or replicating unidentified anomalous phenomena technology or performance based on analysis of materials or sensor and observational information associated with unidentified anomalous phenomena.

(5) The development of propulsion technology, or aerospace craft that uses propulsion technology, systems, or subsystems, that is based on or derived from or inspired by inspection, analysis, or reverse engineering of recovered unidentified anomalous phenomena craft or materials.

(6) Any aerospace craft that uses propulsion technology other than chemical propellants, solar power, or electric ion thrust.

(d) NOTIFICATION AND REPORTING.—Any person currently or formerly under contract with the Federal Government that has in their possession material or information provided by or derived from the Federal Government relating to unidentified anomalous phenomena that formerly or currently is protected by any form of special access or restricted access shall—

(1) not later than 60 days after the date of the enactment of this Act, notify the Director of such possession; and

(2) not later than 180 days after the date of the enactment of this Act, make available to the Director for assessment, analysis, and inspection—

(A) all such material and information; and

(B) a comprehensive list of all non-earth origin or exotic unidentified anomalous phenomena material.

(e) LIABILITY.—No criminal or civil action may lie or be maintained in any Federal or State court against any person for receiving material or information described in subsection (d) if that person complies with the notification and reporting provisions described in such subsection.

(f) LIMITATION REGARDING INDEPENDENT RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—Consistent with Department of Defense Instruction Number 3204.01 (dated August 20, 2014, incorporating change 2, dated July 9, 2020; relating to Department policy for oversight of independent research and development), independent research and development funding relating to material or information described in subsection (c) shall not be allowable as indirect expenses for purposes of contracts covered by such instruction, unless such material and information is made available to the Director in accordance with subsection (d).

(2) EFFECTIVE DATE AND APPLICABILITY.—Paragraph (1) shall take effect on the date that is 60 days after the date of the enactment of this Act and shall apply with respect to funding from amounts appropriated before, on, or after such date.

(g) NOTICE TO CONGRESS.—Not later than 30 days after the date on which the Director has received a notification under paragraph (1) of subsection (d) or information or material under paragraph (2) of such subsection, the Director shall provide written notification of such receipt to the appropriate committees of Congress, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Accountability of the House of Representatives, and congressional leadership.

SA 1088. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 1528, to streamline the sharing of information among Federal disaster assistance agencies, to expedite the delivery of life-saving assistance to disaster survivors, to speed the recovery of communities from disasters, to protect the security and privacy of information provided by disaster survivors, and for other purposes; as follows:

On page 20, strike line 2 and insert ''ance program.

''(4) PROGRAM AUTHORIZATION.—Nothing in this section shall be construed to authorize a program that is not authorized by law as of the date of enactment of this section.''.

SA 1089. Mr. SCHUMER (for Mr. BOOZMAN (for himself, Mr. MANCHIN, Mr. CARPER, Mrs. CAPITO, Mr. KING, and Mr. MARSHALL)) proposed an amendment to the bill S. 788, to amend the Permanent Electronic Duck Stamp Act of 2013 to allow States to issue fully electronic stamps under that Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Duck Stamp Modernization Act of 2023''.

SEC. 2. AUTHORIZING FULLY ELECTRONIC STAMPS.

(a) IN GENERAL.—Section 5 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718r) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking ''ACTUAL STAMP'' and inserting ''ELECTRONIC STAMP'';

(B) in the matter preceding paragraph (1), by striking ''an actual stamp'' and inserting ''the electronic stamp''; and

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

''(1) on the date of purchase of the electronic stamp; and'';

(2) in subsection (c), by striking ''actual stamps'' and inserting ''actual stamps under subsection (e)'';

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting after subsection (d) the following:

''(e) DELIVERY OF ACTUAL STAMPS.—The Secretary shall issue an actual stamp after March 10 of each year to each individual that purchased an electronic stamp for the preceding waterfowl season.''.

(b) CONTENTS OF ELECTRONIC STAMP.—Section 2 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718o) is amended—

(1) in paragraph (1), by striking ''Federal'' and all that follows through ''that is printed'' and inserting ''Migratory Bird Hunting and Conservation Stamp required under the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.) that is printed''; and

(2) in paragraph (3)—

(A) in subparagraph (D), by striking ''and'' at the end;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) may contain an image of the actual stamp.''.

(c) STAMP VALID THROUGH CLOSE OF HUNTING SEASON.—Section 6 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718s) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''shall, during the effective period of the electronic stamp—'' and inserting ''shall—''; and

(2) in subsection (c), by striking ''for a period agreed to by the State and the Secretary, which shall not exceed 45 days'' and inserting ''through the first June 30 that occurs after the date of issuance of the electronic stamp by the State''.

(d) ELECTRONIC STAMPS AS PERMIT.—Section 1(a)(1) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)(1)) is amended—

(1) by inserting ''as an electronic stamp (as defined in section 2 of the Permanent Electronic Duck Stamp Act of 2013 (16 U.S.C. 718o)) or'' after ''Conservation Stamp,''; and

(2) by striking ''face of the stamp'' and inserting ''face of the actual stamp (as defined in that section)''.

SA 1090. Mr. SCHUMER (for Mr. CRUZ (for himself, Mr. LUJÁN, Mr. CORNYN, and Mr. HEINRICH)) proposed an amendment to the bill S. 992, to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate the Texas and New Mexico portions of the future Interstate-designated segments of the Port-to-Plains Corridor as Interstate Route 27, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''I–27 Numbering Act of 2023''.

SEC. 2. NUMBERING OF DESIGNATED FUTURE INTERSTATE.

(a) IN GENERAL.—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598; 133 Stat. 3018) is amended by inserting after the tenth sentence the following: ''The routes referred to in clause (i) (other than subclauses (V)(aa) and (V)(bb) and subclause (IX)(aa) of that clause) and clause (iv) of subsection (c)(38)(A) are designated as Interstate Route I–27. The route referred to in subsection (c)(38)(A)(i)(V)(aa) is designated as Interstate Route I–27E. The route referred to in subsection (c)(38)(A)(i)(V)(bb) is designated as Interstate Route I–27W. The route referred to in subsection (c)(38)(A)(i)(IX)(aa) is designated as Interstate Route I–27N.''.

(b) CONFORMING AMENDMENTS.—Section 1105(c)(38)(A)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2032; 114 Stat. 2763A–201; 116 Stat. 1741) is amended—

(1) in subclause (V)—

(A) by striking ''Lamesa, the Corridor'' and inserting the following: ''Lamesa—

''(aa) the Corridor''; and

(B) in item (aa) (as so redesignated), by striking ''87 and, the Corridor'' and inserting the following: ''87; and

''(bb) the Corridor''; and

(2) in subclause (IX)—

(A) by striking ''(IX) United States Route 287'' and inserting the following:

''(IX)(aa) United States Route 287''; and

(B) in item (aa) (as so redesignated), by striking ''Oklahoma, and also United States Route 87'' and inserting the following: ''Oklahoma; and

''(bb) United States Route 87''.

SA 1091. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 1858, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a deadline for applying for disaster unemployment assistance; as follows:

At the end, add the following:

SEC. 3. APPLICABILITY.

The amendment made by section 2 shall apply only with respect to amounts appropriated on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have three requests for committees to meet during today's session of the Senate. They have the approval the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet in executive session during the session of the Senate on Thursday, July 27, 2023, at 10 a.m.

SUBCOMMITTEE ON CHEMICAL SAFETY, WASTE MANAGEMENT, ENVIRONMENTAL JUSTICE, AND REGULATORY OVERSIGHT

The Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight of the Committee on Environment and Public Works is authorized to meet during the session of the Senate on Thursday, July 27, 2023, at 9:45 a.m., to conduct a hearing.