

SA 1236. Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

SA 1237. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

SA 1238. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

SA 1239. Ms. ROSEN submitted an amendment intended to be proposed by her to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

SA 1240. Mr. BOOKER (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

SA 1241. Mr. CRAMER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, *supra*; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 1227.** Mr. LUJÁN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

#### **DIVISION D—NAVAJO-GALLUP WATER SUPPLY PROJECT AMENDMENTS ACT OF 2023**

##### **SEC. 101. SHORT TITLE.**

This division may be cited as the “Navajo-Gallup Water Supply Project Amendments Act of 2023”.

##### **SEC. 102. DEFINITIONS.**

Section 10302 of the Northwestern New Mexico Rural Water Projects Act (43 U.S.C. 407 note; Public Law 111–11) is amended—

(1) by striking paragraph (29);

(2) by redesignating paragraphs (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), and (30) as paragraphs (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (27), (28), (30), (31), and (32), respectively;

(3) by inserting after paragraph (11) the following:

“(12) **DEFERRED CONSTRUCTION FUND.**—The term ‘Deferred Construction Fund’ means the Navajo Nation’s Navajo-Gallup Water Supply Project Deferred Construction Fund established by section 10602(i)(1)(A).”;

(4) in paragraph (14) (as so redesignated)—

(A) in the paragraph heading, by striking “DRAFT” and inserting “FINAL ENVIRONMENTAL”;

(B) by striking “Draft Impact” and inserting “Final Environmental”;

(C) by striking “draft environmental” and inserting “final environmental”; and

(D) by striking “March 2007” and inserting “July 6, 2009”;

(5) in paragraph (19) (as so redesignated), by striking “Draft” and inserting “Final Environmental”;

(6) by inserting after paragraph (25) (as so redesignated) the following:

“(26) **PROJECT SERVICE AREA.**—The term ‘Project Service Area’ means the area that encompasses the 43 Nation chapters, the southwest portion of the Jicarilla Apache Reservation, and the City that is identified to be served by the Project, as illustrated in figure IV–5 (Drawing No. 1695–406–49) of the Final Environmental Impact Statement.”;

(7) by inserting after paragraph (28) (as so redesignated) the following:

“(29) **SETTLEMENT TRUST FUNDS.**—The term ‘Settlement Trust Funds’ means—

“(A) the Navajo Nation Water Resources Development Trust Fund established by subsection (a)(1) of section 10702;

“(B) the Navajo Nation Operations, Maintenance, and Replacement Trust Fund established under subsection (b)(1) of that section; and

“(C) the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund established under subsection (c)(2) of that section.”; and

(8) by adding at the end the following:

“(33) **WORKING COST ESTIMATE.**—The term ‘Working Cost Estimate’ means the Bureau of Reclamation document entitled ‘NGWSP October 2022 WCE’ and dated February 26, 2023, that details the costs totaling \$2,138,387,000, at the October 2022 price level, of the Project, as configured on that date.”.

#### **SEC. 103. NAVAJO-GALLUP WATER SUPPLY PROJECT.**

(a) **AUTHORIZATION OF NAVAJO-GALLUP WATER SUPPLY PROJECT.**—Section 10602 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1379) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking “IN GENERAL” and inserting “AUTHORIZATION”;

(B) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(C) in paragraph (1) (as so designated), by striking “Draft Impact Statement” and inserting “Final Environmental Impact Statement, as further refined in, and including the facilities identified in, the Working Cost Estimate and any subsequent supplemental documents prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)”; and

(D) by adding at the end the following:

“(2) **ADDITIONAL SERVICE AREAS.**—

“(A) **FINDINGS.**—Congress finds that—

“(i) expanding the Project Service Area would create opportunities to increase service for additional Nation Tribal members and would not increase the cost of the Project beyond authorization levels described in section 10609(a); and

“(ii) the unit operations and maintenance costs of the Project would be reduced by adding more customers to the Project.

“(B) **AUTHORIZATIONS FOR ADDITIONAL PROJECT SERVICE AREAS.**—

“(i) **NEW MEXICO.**—In addition to delivering water supply from the Project to the Nation communities in the San Juan River Basin, the Nation may expand the Project Service Area in order to deliver water supply from the Project to communities of the Nation within the Rio San Jose Basin, New Mexico.

“(ii) **ARIZONA.**—In addition to delivering water supply from the Project to the Nation communities of Fort Defiance and Window Rock, Arizona, and subject to section 10603(c)(1), the Nation may expand the Project Service Area in order to deliver water supply from the Project to the Nation community of Lupton, Arizona, within the Little Colorado River Basin, Arizona.”;

(2) in subsection (b)—

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

(i) by inserting “acquire,” before “construct”; and

(ii) by striking “Draft Impact Statement” and inserting “Final Environmental Impact Statement, as further refined in, and including the facilities identified in, the Working Cost Estimate and any subsequent supplemental documents prepared in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)”;

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

“(1) The water conveyance and storage facilities associated with the San Juan Generating Station (the coal-fired, 4-unit electric power plant and ancillary features located by the San Juan Mine near Waterflow, New Mexico), including the diversion dam, the intake structure, the river pumping plant, the pipeline from the river to the reservoir, the dam and associated reservoir, and any associated land, or interest in land, or ancillary features.”;

(C) in paragraph (2)(A)—

(i) by striking “River near Kirtland, New Mexico,” and inserting “Generating Station Reservoir”; and

(ii) by inserting “generally” before “follows United States Highway 491”;

(D) in paragraph (3)(A), by inserting “generally” before “follows United States Highway 550”; and

(E) in paragraph (5), by inserting “(including any reservoir facility)” after “treatment facility”;

(3) in subsection (c)—

(A) in the subsection heading, by inserting “AND FACILITIES” after “LAND”;

(B) in paragraph (1), by striking “any land or interest in land that is” and inserting “any land or facilities, or interest in land or facilities, that are”; and

(C) by adding at the end the following:

“(4) **LAND TO BE TAKEN INTO TRUST.**—

“(A) **IN GENERAL.**—On satisfaction of the conditions described in paragraph (7) of the Agreement and after the requirements of sections 10701(e) and 10703 are met, the Secretary shall take legal title to the following land and, subject to subparagraph (D), hold that land in trust for the benefit of the Nation:

“(i) Fee land of the Nation, including—

“(I) the parcels of land on which the Tohlokai Pumping Plant, Reach 12A and Reach 12B, are located, including, in McKinley County, New Mexico—

“(aa) sec. 5, T. 16 N., R. 18 W., New Mexico Prime Meridian; and

“(bb) sec. 33, T. 17 N., R. 17 W., New Mexico Prime Meridian (except lot 9 and the NW¼ of lot 4);

“(II) the parcel of land on which Reach 12.1 is located, including—

“(aa) NW¼ and SW¼ sec. 5, T. 16 N., R. 18 W.;

“(bb) N½ sec. 11, T. 16 N., R. 19 W.; and

“(cc) sec. 12, T. 16 N., R. 20 W.; and

“(III) the parcel of land on which Reach 12.2 is located, including NW¼ sec. 2, T. 16 N., R. 21 W.

“(ii) Public domain land managed by the Bureau of Land Management, including—

“(I) the parcel of land on which the Cutter Lateral Water Treatment Plant is located, including S½ sec. 9, T. 25 N., R. 9 W., New Mexico Prime Meridian; and

“(II) the parcel of land on which the Navajo Agricultural Products Industry turnout is located, including NW¼ and NE¼ sec. 34, T. 26 N., R. 9 W., New Mexico Prime Meridian.

“(iii) The land underlying the San Juan Generating Station (the coal-fired, 4-unit electric power plant and ancillary features located by the San Juan Mine near Waterflow, New Mexico) acquired by the United States, as described in subsection (b)(1).

“(B) **PART OF NAVAJO NATION.**—The land taken into trust under subparagraph (A)

shall be part of the Navajo 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.

“(C) RESTRICTIONS.—

“(i) FEE LAND OF THE NATION.—The fee land of the Nation taken into trust under subparagraph (A)(i) shall be subject to valid existing rights, contracts, and management agreements, including easements 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) PUBLIC DOMAIN LAND.—

“(I) IN GENERAL.—The public domain land managed by the Bureau of Land Management taken into trust under subparagraph (A)(ii) shall be subject to 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) BIA ASSUMPTION OF BENEFITS AND OBLIGATIONS.—The Bureau of Indian Affairs shall—

“(aa) assume all benefits and obligations of the previous land management agency under the existing rights, contracts, leases, permits, or rights-of-way described in subclause (I); and

“(bb) disburse to the Nation any amounts that accrue to the United States from those rights, contracts, leases, permits, or rights-of-ways after the date on which the land described in clause (ii) of subparagraph (A) is taken into trust for the benefit of the Nation 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 Nation.

“(iii) LAND UNDERLYING THE SAN JUAN GENERATING STATION.—

“(I) IN GENERAL.—The land underlying the San Juan Generating Station (the coal-fired, 4-unit electric power plant and ancillary features located by the San Juan Mine near Waterflow, New Mexico) taken into trust under subparagraph (A)(iii) shall be subject to a perpetual easement on and over all of the land underlying the San Juan Generating Station reserved to the United States for use by the Bureau of Reclamation and its contractors and assigns—

“(aa) for ingress and egress;

“(bb) to continue construction of the Project; and

“(cc) for operation and maintenance of Project facilities located on that land.

“(II) RESERVED PERPETUAL EASEMENT.—The reserved perpetual easement described in subclause (I) shall remain vested in the United States unless title to the Project facilities and appropriate interests in land are conveyed pursuant to subsection (f).

“(D) SAVINGS CLAUSE.—Nothing in this paragraph affects any—

“(i) water right of the Nation in existence on the day before the date of enactment of the Navajo-Gallup Water Supply Project Amendments Act of 2023; and

“(ii) right or claim of the Nation to any land or interest in land in existence on the day before the date of enactment of the Navajo-Gallup Water Supply Project Amendments Act of 2023.”;

(4) in subsection (d)(1)(D), by striking “Draft” and inserting “Final Environmental”;

(5) in subsection (e)—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(2) RENEWABLE ENERGY AND HYDRO-ELECTRIC POWER.—

“(A) RENEWABLE ENERGY.—For any portion of the Project that does not have access to Colorado River Storage Project power, the Secretary may use not more than \$6,250,000 of the amounts made available under section 10609(a)(1) to develop renewable energy.

“(B) HYDROELECTRIC POWER.—Notwithstanding whether a Project facility has access to Colorado River Storage Project power, the Secretary may use not more than \$1,250,000 of the \$6,250,000 authorized to be used to develop renewable energy under subparagraph (A) to develop hydroelectric power for any Project facility that can use hydraulic head to produce electricity.”;

(6) in subsection (h)(1), in the matter preceding subparagraph (A), by inserting “, store,” after “treat”; and

(7) by adding at the end the following:

“(i) DEFERRED CONSTRUCTION OF PROJECT FACILITIES.—

“(1) DEFERRED CONSTRUCTION OF PROJECT FACILITIES.—On mutual agreement between the Nation and the Secretary, and the Jicarilla Apache Nation if the deferred Project facilities benefit the Jicarilla Apache Nation, construction of selected Project facilities may be deferred to save operation and maintenance expenses associated with that construction.

“(2) DEFERRED CONSTRUCTION FUND.—

“(A) ESTABLISHMENT.—There is established in the Treasury a fund, to be known as the ‘Navajo Nation’s Navajo-Gallup Water Supply Project Deferred Construction Fund’, to consist of—

“(i) amounts that correspond to portions of the Project that have been deferred under paragraph (1); and

“(ii) any interest or other gains on amounts referred to in clause (i).

“(B) USE OF THE DEFERRED CONSTRUCTION FUND.—The Nation may use amounts in the Deferred Construction Fund—

“(i) to construct Project facilities that have been deferred under paragraph (1); or

“(ii) to construct alternate facilities agreed on under subparagraph (C).

“(C) ALTERNATE FACILITIES CONSISTENT WITH THE PURPOSE OF THE PROJECT.—On agreement between the Nation and the Secretary, and the Jicarilla Apache Nation if the deferred Project facilities benefit the Jicarilla Apache Nation, and in compliance with all applicable environmental and cultural resource protection laws, facilities other than those previously agreed to be deferred under paragraph (1) may be constructed if those alternate facilities are consistent with the purposes of the Project described in section 10601.

“(3) AMOUNTS TO BE DEPOSITED.—Funds allocated from the amounts made available under section 10609(a)(1) to build facilities referred to in paragraph (1) shall be deposited into the Deferred Construction Fund.

“(4) ADJUSTMENTS.—On deposit of amounts into the Deferred Construction Fund under paragraph (3), the adjustments to authorized appropriations under section 10609(a)(2) shall no longer apply to those amounts.

“(5) DEADLINE TO CONSTRUCT PROJECT FACILITIES.—On deposit of all amounts into the Deferred Construction Fund for construction of Project facilities agreed on under paragraph (1), the Secretary shall be deemed to have met the obligation under section 10701(e)(1)(A)(ix).

“(6) FUTURE CONSTRUCTION OF PROJECT FACILITIES.—On agreement between the Nation and the Secretary, and the Jicarilla Apache Nation if the deferred Project facilities benefit the Jicarilla Apache Nation, the Nation shall use amounts deposited into the Deferred Construction Fund to construct—

“(A) Project facilities deferred under paragraph (1); or

“(B) alternate Project facilities described in paragraph (2)(C).”.

(b) DELIVERY AND USE OF NAVAJO-GALLUP WATER SUPPLY PROJECT WATER.—Section 10603 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1382) is amended—

(1) in subsection (a)(3)(B)—

(A) in clause (i), by inserting “or, if generated on City-owned facilities, by the City” after “the Nation”; and

(B) in clause (ii), by inserting “, except that the City shall retain all revenue from the sale of hydroelectric power that is generated on City-owned facilities” after “hydroelectric power”; and

(2) in subsection (g)(2), by striking “, except as provided in section 10604(f)”.

(c) PROJECT CONTRACTS.—Section 10604 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1388) is amended—

(1) in subsection (a)(4), by striking “Subjunct to subsection (f), the” and inserting “The”;

(2) in subsection (b)(3)—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(B) in subparagraph (B)—

(i) in the subparagraph heading, by striking “MINIMUM PERCENTAGE” and inserting “MAXIMUM PERCENTAGE”;

(ii) by striking “at least 25 percent” and inserting “not more than 25 percent”; and

(iii) by striking “, but shall in no event exceed 35 percent”; and

(C) by adding at the end the following:

“(C) MAXIMUM REPAYMENT OBLIGATION.—The repayment obligation of the City referred to in subparagraphs (A) and (B) shall not exceed \$76,000,000.”;

(3) in subsection (c)(1)(B), by inserting “subsection (f) and” before “section 10603(g)”;

(4) in subsection (d)(1), by striking “Draft” and inserting “Final Environmental”;

(5) in subsection (e), by striking “Draft” and inserting “Final Environmental”;

(6) by striking subsection (f); and

(7) by redesignating subsection (g) as subsection (f).

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 10609 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1395; 129 Stat. 528) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$870,000,000 for the period of fiscal years 2009 through 2024” and inserting “\$2,175,000,000 for the period of fiscal years 2009 through 2029”;

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

“(2) ADJUSTMENTS.—

“(A) IN GENERAL.—The amount under paragraph (1) shall be adjusted by such amounts as may be required—

“(i) by reason of changes since October 2022 in construction cost changes in applicable regulatory standards, as indicated by engineering cost indices applicable to the types of construction involved; and

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

“(B) DEFERRED CONSTRUCTION FUND.—Amounts deposited in the Deferred Construction Fund shall not be adjusted pursuant to this paragraph.”; and

(C) in paragraph (4)(B), by striking “10 years” and inserting “15 years”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “\$30,000,000, as adjusted under paragraph (3), for the period of fiscal years 2009 through 2019” and inserting “\$37,500,000, as adjusted under paragraph (4), for the period of fiscal years 2009 through 2032”;

(B) in paragraph (2), by striking “2024” and inserting “2032”; and

(C) in paragraph (3), by striking “The amount under paragraph (1)” and inserting “The amount under paragraphs (1) and (2)”.

(e) **TAXATION OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF PROJECT FACILITIES.**—Part III of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1379) is amended by adding at the end the following:

**“SEC. 10610. TAXATION OF CONSTRUCTION, OPERATION, AND MAINTENANCE OF PROJECT FACILITIES.**

“(a) **NATION LAND.**—Any activity constituting the construction, operation, or maintenance of Project facilities—

“(1) shall, if the activity takes place on land that is held in trust by the United States for the benefit of the Nation, be subject to taxation by the Nation; and

“(2) shall not be subject to any fee, tax, assessment, levy, or other charge imposed by any State or political subdivision of a State.

“(b) **OTHER LAND.**—Any activity constituting the construction, operation, or maintenance of Project facilities—

“(1) shall, if the activity takes place on land other than the land described in subsection (a)(1), be subject to taxation by the State in which the land is located, or by a political subdivision of that State to the extent authorized by the laws of that State; and

“(2) shall not be subject to any fee, tax, assessment, levy, or other charge imposed by the Nation.”.

**SEC. 104. NAVAJO NATION WATER RIGHTS.**

(a) **AGREEMENT.**—Section 10701(e) of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1400; 129 Stat. 528) is amended—

(1) in paragraph (1)(A)—

(A) by striking clause (vii) and inserting the following:

“(vii) **NAVAJO NATION WATER RESOURCES DEVELOPMENT TRUST FUND.**—Not later than December 31, 2019, the United States shall make all deposits into the Navajo Nation Water Resources Development Trust Fund established by section 10702(a)(1).”;

(B) in clause (ix), by striking “2024” and inserting “2029”; and

(C) by adding at the end the following:

“(x) **DEFERRED CONSTRUCTION FUND.**—

“(I) **IN GENERAL.**—Not later than December 31, 2029, the United States shall make all deposits into the Deferred Construction Fund in accordance with section 10602(i)(3).

“(II) **PROJECT DEADLINE.**—On deposit of the amounts into the Deferred Construction Fund under subclause (I), even if certain Project facilities have not yet been constructed, the Secretary shall be deemed to have met the deadline described in clause (ix).”; and

(2) in paragraph (2)(B)—

(A) in clause (i), by striking “Trust Fund” and inserting “Settlement Trust Funds”; and

(B) in clause (ii), by striking “Trust Fund” and inserting “Settlement Trust Funds”.

(b) **SETTLEMENT TRUST FUNDS.**—Section 10702 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111–11; 123 Stat. 1402) is amended to read as follows:

**“SEC. 10702. SETTLEMENT TRUST FUNDS.**

“(a) **NAVAJO NATION WATER RESOURCES DEVELOPMENT TRUST FUND.**—

“(1) **ESTABLISHMENT.**—There is established in the Treasury a fund, to be known as the

‘Navajo Nation Water Resources Development Trust Fund’, consisting of—

“(A) such amounts as are appropriated to the Navajo Nation Water Resources Development Trust Fund under paragraph (5); and

“(B) any interest earned on investment of amounts in the Navajo Nation Water Resources Development Trust Fund under paragraph (3).

“(2) **USE OF FUNDS.**—The Nation may use amounts in the Navajo Nation Water Resources Development Trust Fund—

“(A) to investigate, construct, operate, maintain, or replace water project facilities, including facilities conveyed to the Nation under this subtitle and facilities owned by the United States for which the Nation is responsible for operation, maintenance, and replacement costs; and

“(B) to investigate, implement, or improve a water conservation measure (including a metering or monitoring activity) necessary for the Nation to make use of a water right of the Nation under the Agreement.

“(3) **INVESTMENT.**—Beginning on October 1, 2019, the Secretary shall invest amounts in the Navajo Nation Water Resources Development Trust Fund in accordance with subsection (e).

“(4) **INVESTMENT EARNINGS.**—Any investment earnings, including interest, credited to amounts held in the Navajo Nation Water Resources Development Trust Fund are authorized to be used in accordance with paragraph (2).

“(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for deposit in the Navajo Nation Water Resources Development Trust Fund—

“(A) \$6,000,000 for each of fiscal years 2010 through 2014; and

“(B) \$4,000,000 for each of fiscal years 2015 through 2019.

“(6) **AVAILABILITY.**—Any amount authorized to be appropriated to the Navajo Nation Water Resources Development Trust Fund under paragraph (5) shall not be available for expenditure or withdrawal—

“(A) before December 31, 2019; and

“(B) until the date on which the court in the stream adjudication has entered—

“(i) the Partial Final Decree; and

“(ii) the Supplemental Partial Final Decree.

“(7) **MANAGEMENT.**—The Secretary shall manage the Navajo Nation Water Resources Development Trust Fund in accordance with subsection (d).

“(8) **CONDITIONS FOR EXPENDITURE AND WITHDRAWAL.**—After the funds become available pursuant to paragraph (6), all expenditures and withdrawals by the Nation of funds in the Navajo Nation Water Resources Development Trust Fund must comply with the requirements of subsection (f).

“(b) **NAVAJO NATION OPERATIONS, MAINTENANCE, AND REPLACEMENT TRUST FUND.**—

“(1) **ESTABLISHMENT.**—The Secretary shall establish a trust fund to be known as the ‘Navajo Nation Operations, Maintenance, and Replacement Trust Fund’ for the purposes set forth in paragraph (2), 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 paragraph (3), together with any interests earned on those amounts under paragraph (4).

“(2) **USE OF FUNDS.**—The Nation may use amounts in the Navajo Nation Operations, Maintenance, and Replacement Trust Fund to pay operations, maintenance, and replacement costs of the Project allocable to the Nation under section 10604.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for

deposit in the Navajo Nation Operations, Maintenance, and Replacement Trust Fund \$250,000,000.

“(4) **INVESTMENT.**—Upon deposit of funding into the Navajo Nation Operations, Maintenance, and Replacement Trust Fund pursuant to paragraph (3), the Secretary shall invest amounts deposited in accordance with subsection (e).

“(5) **INVESTMENT EARNINGS.**—Any investment earnings, including interest, credited to amounts held in the Navajo Nation Operations, Maintenance, and Replacement Trust Fund are authorized to be used in accordance with paragraph (2).

“(6) **AVAILABILITY.**—Any amount authorized to be appropriated to the Navajo Nation Operations, Maintenance, and Replacement Trust Fund under paragraph (3) shall not be available for expenditure or withdrawal until the Nation is responsible for payment of operation, maintenance, and replacement costs as set forth in section 10603(g).

“(7) **FLUCTUATION IN COSTS.**—

“(A) **IN GENERAL.**—The amounts authorized to be appropriated under paragraph (3) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after October 2022 as indicated by the Bureau of Reclamation Operation and Maintenance Cost Index.

“(B) **REPETITION.**—The adjustment process under this subparagraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

“(C) **PERIOD OF INDEXING.**—The period of indexing adjustment under this subparagraph for any increment of funding shall end on the date on which the funds are deposited into the Navajo Nation Operations, Maintenance, and Replacement Trust Fund.

“(8) **MANAGEMENT.**—The Secretary shall manage the Navajo Nation Operations, Maintenance, and Replacement Trust Fund in accordance with subsection (d).

“(9) **CONDITIONS FOR EXPENDITURE AND WITHDRAWAL.**—All expenditures and withdrawals by the Nation of funds in the Navajo Nation Operations, Maintenance, and Replacement Trust Fund must comply with the requirements of subsection (f).

“(c) **JICARILLA APACHE NATION OPERATIONS, MAINTENANCE, AND REPLACEMENT TRUST FUND.**—

“(1) **PREREQUISITE TO ESTABLISHMENT.**—Prior to establishment of the trust fund under paragraph (2), the Secretary shall conduct an Ability to Pay study to determine what operation, maintenance, and replacement costs of that section of the Project serving the Jicarilla Apache Nation are in excess of the ability of the Jicarilla Apache Nation to pay.

“(2) **ESTABLISHMENT.**—Upon completion of the Ability to Pay study as set forth in paragraph (1), the Secretary shall establish a trust fund to be known as the ‘Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund’ for the purposes set forth in paragraph (3), 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 paragraph (4), together with any interests earned on those amounts under paragraph (5).

“(3) **USE OF FUNDS.**—The Jicarilla Apache Nation may use amounts in the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund to pay operations, maintenance, and replacement costs of the Project allocable to the Jicarilla Nation under section 10604.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for

deposit in the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund the amounts the Secretary has determined are in excess of the ability of the Jicarilla Apache Nation to pay in the Ability to Pay study required under paragraph (1) up to a maximum of \$10,000,000.

“(5) INVESTMENT.—Upon deposit of funding into the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund pursuant to paragraph (4), the Secretary shall invest amounts in the fund in accordance with subsection (e).

“(6) INVESTMENT EARNINGS.—Any investment earnings, including interest, credited to amounts held in the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund are authorized to be used in accordance with paragraph (3).

“(7) AVAILABILITY.—Any amount authorized to be appropriated to the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund under paragraph (4) shall not be available for expenditure or withdrawal until the Jicarilla Apache Nation is responsible for payment of operation, maintenance, and replacement costs as set forth in section 10603(g).

“(8) FLUCTUATION IN COSTS.—

“(A) IN GENERAL.—The amounts authorized to be appropriated under paragraph (4) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs occurring after October 2022 as indicated by the Bureau of Reclamation Operation and Maintenance Cost Index.

“(B) REPETITION.—The adjustment process under this subparagraph shall be repeated for each subsequent amount appropriated until the amount authorized, as adjusted, has been appropriated.

“(C) PERIOD OF INDEXING.—The period of indexing adjustment under this subparagraph for any increment of funding shall end on the date on which the funds are deposited into the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund.

“(9) MANAGEMENT.—The Secretary shall manage the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund in accordance with subsection (d).

“(10) CONDITIONS FOR EXPENDITURE AND WITHDRAWAL.—All expenditures and withdrawals by the Jicarilla Apache Nation of funds in the Jicarilla Apache Nation Operations, Maintenance, and Replacement Trust Fund must comply with the requirements of subsection (f).

“(d) MANAGEMENT.—The Secretary shall manage the Settlement Trust Funds, invest amounts in the Settlement Trust Funds pursuant to subsection (e), and make amounts available from the Settlement Trust Funds for distribution to the Nation and the Jicarilla Apache Nation in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

“(e) INVESTMENT OF THE TRUST FUNDS.—The Secretary shall invest amounts in the Settlement Trust Funds in accordance with—

“(1) the Act of April 1, 1880 (25 U.S.C. 161);

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

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

“(f) CONDITIONS FOR EXPENDITURES AND WITHDRAWALS.—

“(1) TRIBAL MANAGEMENT PLAN.—

“(A) IN GENERAL.—On approval by the Secretary of a Tribal management plan in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Nation and the Jicarilla Apache Nation may withdraw all or

a portion of the amounts in the Settlement Trust Funds.

“(B) REQUIREMENTS.—In addition to any requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), a Tribal management plan shall require that the Nation and Jicarilla Apache Nation only use amounts in the Settlement Trust Funds for the purposes described in subsection (a)(2), (b)(2), or (c)(3), as applicable.

“(2) ENFORCEMENT.—The Secretary may take judicial or administrative action to enforce the provisions of any Tribal management plan to ensure that any amounts withdrawn from the Settlement Trust Funds are used in accordance with this subtitle.

“(3) NO LIABILITY.—The Secretary or the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Settlement Trust Funds by the Nation or the Jicarilla Apache Nation.

“(4) EXPENDITURE PLAN.—

“(A) IN GENERAL.—The Nation and Jicarilla Apache Nation shall submit to the Secretary for approval an expenditure plan for any portion of the amounts in the Settlement Trust Funds made available under this section that the Nation or the Jicarilla Apache Nation does not withdraw under this subsection.

“(B) DESCRIPTION.—An expenditure plan submitted under subparagraph (A) shall describe the manner in which, and the purposes for which, funds of the Nation or the Jicarilla Apache Nation remaining in the Settlement Trust Funds will be used.

“(C) APPROVAL.—On receipt of an expenditure plan under subparagraph (A), the Secretary shall approve the plan if the Secretary determines that the plan is reasonable and consistent with this subtitle.

“(5) ANNUAL REPORT.—The Nation and Jicarilla Apache Nation shall submit to the Secretary an annual report that describes any expenditures from the Settlement Trust Funds during the year covered by the report.

“(6) LIMITATION.—No portion of the amounts in the Settlement Trust Funds shall be distributed to any Nation or Jicarilla Apache Nation member on a per capita basis.”.

(c) WAIVERS AND RELEASES.—Section 10703 of the Northwestern New Mexico Rural Water Projects Act (Public Law 111-11; 123 Stat. 1403) is amended—

(1) in subsection (d)(1)(A), by striking “2025” and inserting “2030”; and

(2) in subsection (e)(2), in the matter preceding subparagraph (A), by striking “2025” and inserting “2030”.

**SA 1228.** Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. \_\_\_\_\_. Section 226B(f) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(f)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking “organizations” and inserting “organizations, institutions of higher education, and local educational agencies”; and

(B) in subparagraph (E), by striking “institutions on research, program improvements, or agricultural education opportunities” and

inserting “institutions or community-based nonprofit organizations on research, program improvements, agricultural education opportunities, or technical skills and job training programs”; and

(C) by adding at the end the following:

“(G) Assessing the effectiveness with respect to farmworkers of Department outreach programs.

“(H) Developing and implementing a plan to coordinate outreach activities and services provided by the Department with respect to farmworkers.

“(I) Collaborating with and providing input on programmatic and policy decisions relating to farmworkers to the agencies and offices of the Department, including—

“(i) the Farm Service Agency;

“(ii) the Natural Resources Conservation Service;

“(iii) the rural development mission area;

“(iv) the National Institute of Food and Agriculture;

“(v) the Food and Nutrition Service;

“(vi) the Agricultural Marketing Service;

“(vii) the Forest Service;

“(viii) the National Agricultural Statistics Service; and

“(ix) any other agency or office that the Coordinator determines to be appropriate.

“(J) Communicating to employers of farmworkers, and publicizing on the website of the Department, information about Federal programs for which the employees of those employers may be eligible.

“(K) Identifying research priorities to inform the research activities of the Department relating to farmworkers.

“(L) Measuring and analyzing outcomes of the programs and activities of the Department on farmworkers.

“(M) Recommending new initiatives and programs to the Secretary.

“(N) Carrying out any other related duties that the Secretary determines to be appropriate.”.

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

“(3) STAFF.—The Secretary, acting through the Coordinator, shall employ such staff as the Secretary determines necessary to carry out the duties described in paragraph (2).”; and

(4) in paragraph (4) (as so redesignated), in subparagraph (B), by striking “2023” and inserting “2029”.

**SA 1229.** Ms. ROSEN (for herself, Mr. MORAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division B, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act—

(1) the amount made available under this Act for the cost of direct loans, loan guarantees and grants, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, shall be \$256,134,000, to remain available until expended; and

(2) the amount made available under this Act for “Agricultural Programs—Agriculture Buildings and Facilities” shall be \$33,081,000.

**SA 1230.** Mr. SCHUMER proposed an amendment to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; as follows:

At the end of division C, add the following:  
**SEC. 422. EFFECTIVE DATE.**

This Act shall take effect on the date that is 9 days after the date of enactment of this Act.

**SA 1231.** Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 257, between lines 2 and 3, insert the following:

#### HEALTHY STREETS PROGRAM

For the healthy streets program under section 11406 of the Infrastructure Investment and Jobs Act (23 U.S.C. 149 note; Public Law 117–58), \$100,000,000, to remain available until expended.

**SA 1232.** Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### DIVISION D—PREVENT GOVERNMENT SHUTDOWNS

##### SEC. 4001. SHORT TITLE.

This division may be cited as the “Prevent Government Shutdowns Act of 2023”.

##### SEC. 4002. AUTOMATIC CONTINUING APPROPRIATIONS.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by adding at the end the following:

#### “§ 1311. Automatic continuing appropriations

“(a)(1)(A) On and after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity, there are appropriated such sums as may be necessary to continue, at the rate for operations specified in subparagraph (C), the program, project, or activity if funds were provided for the program, project, or activity during the preceding fiscal year.

“(B)(i) Appropriations and funds made available and authority granted under subparagraph (A) shall be available for a period of 14 days.

“(ii) If, at the end of the first 14-day period during which appropriations and funds are made available and authority is granted under subparagraph (A), and the end of every

14-day period thereafter, an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity under a provision of law other than subparagraph (A), the appropriations and funds made available and authority granted under subparagraph (A) during the 14-day period shall be extended for an additional 14-day period.

“(C)(i) Except as provided in clause (ii), the rate for operations specified in this subparagraph with respect to a program, project, or activity is the rate for operations for the preceding fiscal year for the program, project, or activity—

“(I) provided in the corresponding appropriation Act for such preceding fiscal year;

“(II) if the corresponding appropriation bill for such preceding fiscal year was not enacted, provided in the law providing continuing appropriations for such preceding fiscal year; or

“(III) if the corresponding appropriation bill and a law providing continuing appropriations for such preceding fiscal year were not enacted, provided under this section for such preceding fiscal year.

“(ii) For entitlements and other mandatory payments whose budget authority was provided for the previous fiscal year in appropriations Acts, under a law other than this section providing continuing appropriations for such previous year, or under this section, and for activities under the Food and Nutrition Act of 2008, appropriations and funds made available during a fiscal year under this section shall be at the rate necessary to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act.

“(2) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available, in accordance with paragraph (1)(B), for the period—

“(A) beginning on the first day of any lapse in appropriations during such fiscal year; and

“(B) ending on the date of enactment of an appropriation Act for such fiscal year with respect to the account for such program, project, or activity (whether or not such Act provides appropriations for such program, project, or activity) or a law making continuing appropriations for the program, project, or activity, as applicable.

“(3) Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a) of such Act (2 U.S.C. 904(a)), for any fiscal year for which appropriations and funds are made available under this section, the final sequestration report for such fiscal year pursuant to section 254(f)(1) of such Act (2 U.S.C. 904(f)(1)) and any order for such fiscal year pursuant to section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall be issued—

“(A) for the Congressional Budget Office, 10 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted; and

“(B) for the Office of Management and Budget, 15 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted.

“(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made

available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

“(c) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever an appropriation Act for such fiscal year with respect to the account for a program, project, or activity or a law making continuing appropriations until the end of such fiscal year for such program, project, or activity is enacted.

“(d) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

“(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period; or

“(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by adding at the end the following:

“1311. Automatic continuing appropriations.”.

##### SEC. 4003. TIMELY ENACTMENT OF APPROPRIATION ACTS.

(a) DEFINITIONS.—In this section—

(1) the term “covered officer or employee” means—

(A) an officer or employee of the Office of Management and Budget;

(B) a Member of Congress; or

(C) an employee of the personal office of a Member of Congress, a committee of either House of Congress, or a joint committee of Congress;

(2) the term “covered period”—

(A) means any period of automatic continuing appropriations; and

(B) with respect to the legislative branch—

(i) does not include any period of automatic continuing appropriations that occurs during the period—

(I) beginning at the time at which general appropriations Acts providing funding for the entire Federal Government (including an appropriation Act providing continuing funding) have been enacted or passed in identical form by both Houses and transmitted to Secretary of the Senate or Clerk of the House for enrollment and presentment to the President for his signature; and

(II) ending at the time at which 1 or more general appropriations Acts—

(aa) are vetoed by the President; or

(bb) do not become law without the President's signature under article I, section 7 of the Constitution of the United States based on an adjournment of the Congress; and

(ii) includes any period of automatic continuing appropriations that is not a period described in clause (i) and that follows a veto or a failure to become law (as described in item (bb) of clause (i)(II)) of 1 or more general appropriations Acts;

(3) the term “Member of Congress” has the meaning given that term in section 2106 of title 5, United States Code;

(4) the term “National Capital Region” has the meaning given that term in section 8702 of title 40, United States Code; and

(5) the term “period of automatic continuing appropriations” means a period during which automatic continuing appropriations under section 1311 of title 31, United States Code, as added by section 4002 of this division, are in effect with respect to 1 or more programs, projects, or activities.

(b) LIMITS ON TRAVEL EXPENDITURES.—

## (1) LIMITS ON OFFICIAL TRAVEL.—

(A) LIMITATION.—Except as provided in subparagraph (B), no amounts may be obligated or expended for official travel by a covered officer or employee during a covered period.

## (B) EXCEPTIONS.—

(i) RETURN TO DC.—If a covered officer or employee is away from the seat of Government on the date on which a covered period begins, funds may be obligated and expended for official travel for a single return trip to the seat of Government by the covered officer or employee.

(ii) TRAVEL IN NATIONAL CAPITAL REGION.—During a covered period, amounts may be obligated and expended for official travel by a covered officer or employee from one location in the National Capital Region to another location in the National Capital Region.

(iii) NATIONAL SECURITY EVENTS.—During a covered period, if a national security event that triggers a continuity of operations or continuity of Government protocol occurs, amounts may be obligated and expended for official travel by a covered officer or employee for any official travel relating to responding to the national security event or implementing the continuity of operations or continuity of Government protocol.

(2) RESTRICTION ON USE OF CAMPAIGN FUNDS.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended—

(A) in subsection (a)(2), by striking “for ordinary” and inserting “except as provided in subsection (d), for ordinary”; and

(B) by adding at the end the following:

“(d) RESTRICTION ON USE OF CAMPAIGN FUNDS FOR OFFICIAL TRAVEL DURING AUTOMATIC CONTINUING APPROPRIATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), during a covered period (as defined in section 4003 of the Prevent Government Shutdowns Act of 2023), a contribution or donation described in subsection (a) may not be obligated or expended for travel in connection with duties of the individual as a holder of Federal office.

“(2) RETURN TO DC.—If the individual is away from the seat of Government on the date on which a covered period (as so defined) begins, a contribution or donation described in subsection (a) may be obligated and expended for travel by the individual to return to the seat of Government.”.

(c) PROCEDURES IN THE SENATE AND HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—During a covered period, in the Senate and the House of Representatives—

(A) it shall not be in order to move to proceed to any matter except for—

(i) a measure making appropriations for the fiscal year during which the covered period begins;

(ii) any motion required to determine the presence of or produce a quorum; or

(iii) on and after the 30th calendar day after the first day of a covered period—

(I) the nomination of an individual—

(aa) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(bb) to serve as Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; or

(II) a measure extending the period during which a program, project, or activity is authorized to be carried out (without substantive change to the program, project, or activity or any other program, project, or activity) if—

(aa) an appropriation Act with respect to the program, project, or activity for the fiscal year during which the covered period occurs has not been enacted; and

(bb) the program, project, or activity has expired since the beginning of such fiscal year or will expire during the 30-day period beginning on the date of the motion;

(B) it shall not be in order to move to recess or adjourn for a period of more than 23 hours; and

(C) at noon each day, or immediately following any constructive convening of the Senate under rule IV, paragraph 2 of the Standing Rules of the Senate, the Presiding Officer shall direct the clerk to determine whether a quorum is present.

## (2) WAIVER.—

(A) LIMITATION ON PERIOD.—It shall not be in order in the Senate or the House of Representatives to move to waive any provision of paragraph (1) for a period that is longer than 7 days.

(B) SUPERMAJORITY VOTE.—A provision of paragraph (1) may only be waived or suspended upon an affirmative vote of two-thirds of the Members of the applicable House of Congress, duly chosen and sworn.

## (d) MOTION TO PROCEED TO APPROPRIATIONS.—

(1) IN GENERAL.—On and after the 30th calendar day after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to a program, project, or activity has not been enacted, it shall be in order in the Senate, notwithstanding rule XXII or any pending executive measure or matter, to move to proceed to any appropriations bill or joint resolution for the program, project, or activity that has been sponsored and cosponsored by not less than 3 Senators who are members of or caucus with the party in the majority in the Senate and not less than 3 Senators who are members of or caucus with the party in the minority in the Senate.

(2) CONSIDERATION.—For a bill or joint resolution described in paragraph (1)—

(A) the bill or joint resolution may be considered the same day as it is introduced and shall not have to lie over 1 day; and

(B) the motion to proceed to the bill or joint resolution shall be debatable for not to exceed 6 hours, equally divided between the proponents and opponents of the motion, and upon the use or yielding back of time, the Senate shall vote on the motion to proceed.

## SEC. 4004. BUDGETARY EFFECTS.

(a) CLASSIFICATION OF BUDGETARY EFFECTS.—The budgetary effects of this division and the amendments made by this division shall be estimated as if this division and the amendments made by this division are discretionary appropriations Acts for purposes of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) BASELINE.—For purposes of calculating the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907), the provision of budgetary resources under section 1311 of title 31, United States Code, as added by this division, for an account shall be considered to be a continuing appropriation in effect for such account for less than the entire current year.

(c) ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.—For purposes of enforcing the discretionary spending limits under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)), the budgetary resources made available under section 1311 of title 31, United States Code, as added by this division, shall be considered part-year appropriations for purposes of section 251(a)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(4)).

## SEC. 4005. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on September 30, 2023.

**SA 1233.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

## SEC. \_\_\_\_\_. REPORT ON DEPARTMENT OF VETERANS AFFAIRS INTEGRATED ENTERPRISE WORKFLOW SOLUTION SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report containing the following:

(1) A description of efforts of the Secretary to secure personal identifiable information (PII) and private protected health information (PHI) within the Department of Veterans Affairs Integrated Enterprise Workflow Solution (VIEWS) system.

(2) A description of actions taken by the Secretary to secure other sensitive records of veterans within the system described in paragraph (1).

**SA 1234.** Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

## SEC. \_\_\_\_\_. REPORT ON GUIDANCE AND OVERSIGHT OF IMPLEMENTATION OF ELIGIBILITY FOR COMMUNITY CARE FROM DEPARTMENT OF VETERANS AFFAIRS DUE TO WAIT TIMES FOR CARE FROM A FACILITY OF THE DEPARTMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report containing the following:

(1) A description of oversight efforts undertaken or quality assurance processes implemented to ensure accurate calculations are used at facilities of the Department of Veterans Affairs for the purposes of eligibility for community care due to wait times for care from a facility of the Department.

(2) A description of any inaccurate calculations identified and corrective actions that have been made with respect to such eligibility.

(3) A description of guidance or training undertaken to ensure that facilities of the Department correctly determine eligibility for community care from the Department due to wait times for care from a facility of the Department consistent with the designated access standards developed by the Secretary under section 1703B of title 38, United States Code.



(b) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(1) the Committee on Appropriations and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Appropriations and the Committee on Veterans’ Affairs of the House of Representatives.

**SA 1235.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 241, between lines 13 and 14, insert the following:

#### AVIATION WORKFORCE DEVELOPMENT PROGRAMS

For an additional amount for “Aviation Workforce Development Programs”, to enable the Secretary of Transportation to make grants for projects as authorized by section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note) \$20,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be derived from the general fund: *Provided further*, That of the sums appropriated under this heading—

(1) \$10,000,000 shall be made available for projects described in subsection (a)(1) of such section 625; and

(2) \$10,000,000 shall be made available for projects described in subsection (a)(2) of such section 625.

**SA 1236.** Mr. WARNOCK submitted an amendment intended to be proposed by him to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, after line 20, add the following:

#### ALTERNATIVE FUEL AND LOW-EMISSION AVIATION TECHNOLOGY PROGRAM

For an additional amount for the “Alternative Fuel and Low-Emission Aviation Technology Program”, to enable the Secretary of Transportation to make grants for projects as authorized by section 40007 of Public Law 117-169 (49 U.S.C. 44504 note) \$703,000,000, to remain available until expended: *Provided*, That amounts made available under this heading shall be derived from the general fund: *Provided further*, That of the sums appropriated under this heading—

(1) \$489,258,000 shall be made available for projects described in subsection (a)(1) of such section 40007;

(2) \$209,682,000 shall be made available for projects described in subsection (a)(2) of such section 40007; and

(3) \$4,060,000 shall be made available to carry out subsection (a)(3) of such section 40007.

**SA 1237.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division C, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to impose updated minimum energy efficiency standards for new housing financed by the Department as part of carrying out the notice entitled “Adoption of Energy Efficiency Standards for New Construction of HUD- and USDA-Financed Housing” (88 Fed. Reg. 31773 (May 18, 2023)).

**SA 1238.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of division C, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of law, none of the funds made available by this Act may be used to administer a blood quantum test, DNA test, or any other medical or chemical test intended to determine an individual’s race or racial composition for the purposes of determining eligibility or level of program assistance for any program, sub-activity, or project funded by this Act.

**SA 1239.** Ms. ROSEN submitted an amendment intended to be proposed by her to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II of Division C, insert the following:

SEC. \_\_\_\_\_. Using amounts made available under this title for technical assistance that are not otherwise obligated, the Secretary may provide technical assistance to States and units of local government to support the efforts of States and local governments to—

(1) increase housing production and affordability; and

(2) provide forums for communities to share best practices, knowledge, and evidence-based expertise on ways to—

(A) cut red tape;

(B) reduce regulatory barriers to development;

(C) lower development costs; and

(D) deploy new technologies and innovations.

**SA 1240.** Mr. BOOKER (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading “FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER RAIL” under the heading “FEDERAL RAILROAD ADMINISTRATION” under the heading “DEPARTMENT OF TRANSPORTATION” in title I of division C, strike “\$100,000,000” and insert “\$1,500,000,000”.

**SA 1241.** Mr. CRAMER (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 1092 proposed by Mrs. MURRAY (for herself and Ms. COLLINS) to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

In title I of division C, insert after section 127 the following:

SEC. 128. None of the funds made available by this Act may be used to finalize, implement, administer, or enforce the proposed rulemaking entitled “National Performance Management Measures; Assessing Performance of the National Highway System, Greenhouse Gas Emissions Measure” (87 Fed. Reg. 42401 (July 15, 2022)) or a successor regulation.

### NOTICE OF INTENT TO SUSPEND THE RULES

Mr. LEE. Madam President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XVI and Rule XXII, including germaneness requirements and dilatory provisions, to offer the following amendments, either as floor amendments, or as motions to recommit with instructions: Vance No. 1125, Lee No. 1121, Cruz No. 1158, Rubio No. 1159, Marshall No. 1161, Braun No. 1182, Paul No. 1226, Paul No. 1217.

### PRIVILEGES OF THE FLOOR

Mrs. BLACKBURN. Madam President, I ask unanimous consent that the following interns from my office be granted floor privileges for the rest of this Congress: Haylee Acton, Sedrie Orantes, and Madeleine Katz.

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

### NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 347, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 347) designating the week beginning on September 11, 2023, as “National Hispanic-Serving Institutions Week”.

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

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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