

version of the Cybersecurity Framework developed by the National Institute of Standards and Technology, or any successor thereto;

“(B) minimize the number of employees that may be able to obtain access to such visual depiction;

“(C) employ end-to-end encryption for data storage and transfer functions, or an equivalent technological standard;

“(D) undergo an independent annual cybersecurity audit to determine whether such visual depiction is secured as required under subparagraph (A); and

“(E) promptly address all issues identified by an audit described in subparagraph (D).

“(e) LIMITED LIABILITY FOR REPORTING APPARENT CHILD PORNOGRAPHY BY AN INDIVIDUAL DEPICTED IN THE CHILD PORNOGRAPHY AS A MINOR, OR A REPRESENTATIVE OF SUCH INDIVIDUAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a civil claim or criminal charge may not be brought in any Federal or State court against an individual depicted in child pornography as a minor, or a representative of such individual, arising from a report to the NCMEC CyberTipline by the individual, or the representative of such individual, of information that relates to the child pornography in which the individual is depicted as a minor, including a copy of the child pornography.

“(2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Paragraph (1) shall not apply to a claim or charge if the individual, or the representative of such individual—

“(A) engaged in—

- “(i) intentional misconduct;
- “(ii) negligent conduct; or
- “(iii) any activity which constitutes a violation of section 2251; or

“(B) acted, or failed to act—

- “(i) with actual malice; or
- “(ii) with reckless disregard to a substantial risk of causing injury without legal justification.

“(3) MINIMIZING ACCESS.—With respect to any child pornography reported to the NCMEC CyberTipline by an individual depicted in the child pornography as a minor, or a representative of such individual, NCMEC shall minimize access to the child pornography and ensure the appropriate deletion of the child pornography, as set forth in section 2258D.

“(4) DEFINITION.—For purposes of this subsection, the term ‘representative’, with respect to an individual depicted in child pornography—

“(A) means—

- “(i) the parent or legal guardian of the individual, if the individual is under 18 years of age;
- “(ii) the legal guardian or other person appointed by a court to represent the individual;
- “(iii) a legal representative retained by the individual;
- “(iv) a representative of the estate of the individual; or
- “(v) a person who is a mandated reporter under section 226(a)(1) of the Victims of Child Abuse Act of 1990 (34 U.S.C. 20341(a)(1)); and

“(B) does not include a person who engaged in any activity which constitutes a violation of section 2251.”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to a civil claim or criminal charge that is filed on or after the date of enactment of this Act.

(c) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 110 of title 18, United States Code, is amended by striking the item relating to section 2258B and inserting the following:

“2258B. Limited liability for the reporting, storage, and handling of certain visual depictions of apparent child pornography to the National Center for Missing & Exploited Children.”.

SEC. 3. PRESERVATION OF REPORTS TO CYBERTIPLINE RELATED TO ONLINE SEXUAL EXPLOITATION OF CHILDREN.

Section 2258A(h) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “90 days” and inserting “1 year”; and

(2) by adding at the end the following:

“(5) EXTENSION OF PRESERVATION.—A provider of a report to the CyberTipline under subsection (a)(1) may voluntarily preserve the contents provided in the report (including any comingled content described in paragraph (2)) for longer than 1 year after the submission to the CyberTipline for the purpose of reducing the proliferation of online child sexual exploitation or preventing the online sexual exploitation of children.

“(6) METHOD OF PRESERVATION.—Not later than 1 year after the date of enactment of this paragraph, a provider of a report to the CyberTipline under subsection (a)(1) shall preserve materials under this subsection in a manner that is consistent with the most recent version of the Cybersecurity Framework developed by the National Institute of Standards and Technology, or any successor thereto.”.

SEC. 4. STRENGTHENING OF DUTY TO REPORT APPARENT VIOLATIONS TO CYBERTIPLINE RELATED TO ONLINE EXPLOITATION OF CHILDREN.

(a) AMENDMENTS.—Section 2258A of title 18, United States Code, is amended—

(1) in subsection (a)(2)(A), by inserting “, of section 1591 (if the violation involves a minor), or of 2422(b)” after “child pornography”; and

(2) in subsection (e)—

- (A) in paragraph (1), by striking “\$150,000” and inserting “\$850,000 in the case of a provider with not less than 100,000,000 monthly active users or \$600,000 in the case of a provider with less than 100,000,000 monthly active users”; and
- (B) in paragraph (2), by striking “\$300,000” and inserting “\$1,000,000 in the case of a provider with not less than 100,000,000 monthly active users or \$850,000 in the case of a provider with less than 100,000,000 monthly active users”.

(b) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the National Center for Missing & Exploited Children may issue guidelines, as appropriate, to providers required or permitted to take actions described in section 2258A(a)(1)(B) of title 18, United States Code, on the relevant identifiers for content that may indicate sex trafficking of children, as described in section 1591 of that title, or enticement, as described in section 2422(b) of that title.

The bill (S. 474), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

KEWEENAW BAY INDIAN COMMUNITY LAND CLAIM SETTLEMENT ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 195.

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

The legislative clerk read as follows:

A bill (S. 195) to provide compensation to the Keweenaw Bay Indian Community for the taking without just compensation of land by the United States inside the exterior boundaries of the L'Anse Indian Reservation that were guaranteed to the Community under a treaty signed in 1854, and for other purposes.

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

Mr. SCHUMER. I further ask consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 195) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 195

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Keweenaw Bay Indian Community Land Claim Settlement Act of 2023”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Keweenaw Bay Indian Community is a federally recognized Indian Tribe residing on the L'Anse Indian Reservation in Baraga County in the Upper Peninsula of the State of Michigan;

(2) the Community is a successor in interest to the Treaty with the Chippewa Indians of the Mississippi and Lake Superior, made and concluded at La Pointe of Lake Superior October 4, 1842 (7 Stat. 591) (referred to in this section as the “1842 Treaty”), which, among other things, guaranteed the usufructuary rights of the Community over a large area of land that was ceded to the United States, until such time that those usufructuary rights were properly and legally extinguished;

(3) the Community is also a successor in interest to the Treaty with the Chippewa Indians of Lake Superior and the Mississippi, made and concluded at La Pointe September 30, 1854 (10 Stat. 1109) (referred to in this section as the “1854 Treaty”);

(4) article 2, paragraph 1 of the 1854 Treaty created the L'Anse Indian Reservation as a permanent reservation;

(5) pursuant to article 13 of the 1854 Treaty, the 1854 Treaty became “obligatory on the contracting parties” when ratified by the President and the Senate on January 10, 1855;

(6) in 1850, Congress enacted the Act of September 28, 1850 (commonly known and referred to in this section as the “Swamp Land Act”) (9 Stat. 519, chapter 84), which authorized the State of Arkansas and other States, including the State of Michigan, to “construct the necessary levees and drains to reclaim” certain unsold “swamp and overflowed lands, made unfit thereby for cultivation” and stating that those lands “shall remain unsold at the passage of this act . . .”;

(7) following enactment of the Swamp Land Act, the State claimed thousands of acres of swamp land in the State pursuant to that Act;

(8) between 1893 and 1937, the General Land Office patented 2,743 acres of land to the State that were located within the exterior boundaries of the Reservation (referred to in this section as “Reservation Swamp Lands”);

(9) the right of the Community to use and occupy the unsold land within the Reservation had not been extinguished when the

United States patented the Reservation Swamp Lands to the State;

(10) in 1852, Congress enacted the Act of August 26, 1852 (10 Stat. 35, chapter 92) (referred to in this section as the “Canal Land Act”), to facilitate the building of the Sault Ste. Marie Canal at the Falls of the St. Mary’s River, to connect Lake Superior to Lake Huron;

(11) pursuant to the Canal Land Act, the United States granted the State the right to select 750,000 acres of unsold public land within the State to defray the cost of construction of the Sault Ste. Marie Canal;

(12) the State identified and selected, among other land, a minimum of 1,333.25 and up to 2,720 acres within the exterior boundaries of the Reservation (referred to in this section as the “Reservation Canal Lands”);

(13) the Department of the Interior approved the land selections of the State, including the Reservation Canal Lands, after ratification of the 1854 Treaty;

(14) the Secretary noted that the approval described in paragraph (13) was “subject to any valid interfering rights”;

(15) the 1854 Treaty set apart from the public domain all unsold land within the Reservation to the Community as of September 30, 1854, which preceded the date on which the State established legally effective title to the Reservation Canal Lands;

(16) the Community made claims to the Department of the Interior with respect to the Reservation Swamp Lands and the Reservation Canal Lands, providing legal analysis and ethnohistorical support for those claims;

(17) in December 2021, the Department of the Interior stated that “We have carefully reviewed pertinent documents, including the Tribe’s expert reports, and have determined that the Tribe’s claims to the Swamp Lands and Canal Lands have merit”;

(18) the United States, through the actions of the General Land Office, deprived the Community of the exclusive use and occupancy of the Reservation Swamp Lands and the Reservation Canal Lands within the Reservation, without just compensation as required under the Takings Clause of the Fifth Amendment to the Constitution of the United States;

(19) the loss of the Reservation Swamp Lands and the Reservation Canal Lands without just compensation has—

(A) impacted the exercise by the Community of cultural, religious, and subsistence rights on the land;

(B) caused a harmful disconnect between the Community and its land;

(C) impacted the ability of the Community to fully exercise its economy within the Reservation; and

(D) had a negative economic impact on the development of the economy of the Community;

(20) certain non-Indian individuals, entities, and local governments occupy land within the boundaries of the Reservation—

(A) acquired ownership interests in the Reservation Swamp Lands and the Reservation Canal Lands in good faith; and

(B) have an interest in possessing clear title to that land;

(21) this Act allows the United States—

(A) to secure a fair and equitable settlement of past inequities suffered by the Community as a result of the actions of the United States that caused the taking of the Reservation Swamp Lands and the Reservation Canal Lands without just compensation; and

(B) to ensure protection of the ownership of the Reservation Swamp Lands and the Reservation Canal Lands by non-Indian occupants of the Reservation, through the settlement of the claims of the Community to

that land, and through that action, the relief of any clouds on title;

(22) a settlement will allow the Community to receive just compensation and the local landowners to obtain clear title to land, without long and protracted litigation that would be both costly and detrimental to all involved; and

(23) this Act achieves both justice for the Community and security for current landowners through a restorative and non-confrontational process.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to acknowledge the uncompensated taking by the Federal Government of the Reservation Swamp Lands and the Reservation Canal Lands;

(2) to provide compensation to the Community for the uncompensated taking of the Reservation Swamp Lands and the Reservation Canal Lands by the Federal Government;

(3) to extinguish all claims by the Community to the Reservation Swamp Lands and the Reservation Canal Lands and to confirm the ownership by the current landowners of the Reservation Swamp Lands and the Reservation Canal Lands, who obtained that land in good faith;

(4) to extinguish all potential claims by the Community against the United States, the State, and current landowners concerning title to, use of, or occupancy of the Reservation Swamp Lands and the Reservation Canal Lands; and

(5) to authorize the Secretary—

(A) to compensate the Community; and

(B) to take any other action necessary to carry out this Act.

SEC. 4. DEFINITIONS.

In this Act:

(1) **COMMUNITY**.—The term “Community” means the Keweenaw Bay Indian Community.

(2) **COUNTY**.—The term “County” means Baraga County, Michigan.

(3) **RESERVATION**.—The term “Reservation” means the L’Anse Indian Reservation, located in—

(A) T. 51 N., R. 33 W.;

(B) T. 51 N., R. 32 W.;

(C) T. 50 N., R. 33 W., E½;

(D) T. 50 N., R. 32 W., W½; and

(E) that portion of T. 51 N., R. 31 W. lying west of Huron Bay.

(4) **RESERVATION CANAL LANDS**.—The term “Reservation Canal Lands” means the 1,333.25 to 2,720 acres of Community land located within the exterior boundaries of the Reservation that the Federal Government conveyed to the State pursuant to the Act of August 26, 1852 (10 Stat. 35, chapter 92).

(5) **RESERVATION SWAMP LANDS**.—The term “Reservation Swamp Lands” means the 2,743 acres of land located within the exterior boundaries of the Reservation that the Federal Government conveyed to the State between 1893 and 1937 pursuant to the Act of September 28, 1850 (commonly known as the “Swamp Land Act”) (sections 2479 through 2481 of the Revised Statutes (43 U.S.C. 982 through 984)).

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

(7) **STATE**.—The term “State” means the State of Michigan.

SEC. 5. PAYMENTS.

(a) **TRANSFER OF FUNDS**.—As soon as practicable after the date on which the amount authorized to be appropriated under subsection (c) is made available to the Secretary, the Secretary shall transfer \$33,900,000 to the Community.

(b) **USE OF FUNDS**.—

(1) **IN GENERAL**.—Subject to paragraph (2), the Community may use the amount re-

ceived under subsection (a) for any lawful purpose, including—

(A) governmental services;

(B) economic development;

(C) natural resources protection; and

(D) land acquisition.

(2) **RESTRICTION ON USE OF FUNDS**.—The community may not use the amount received under subsection (a) to acquire land for gaming purposes.

(c) **AUTHORIZATION OF APPROPRIATIONS**.—There is authorized to be appropriated to the Secretary to carry out subsection (a) \$33,900,000 for fiscal year 2024, to remain available until expended.

SEC. 6. EXTINGUISHMENT OF CLAIMS.

(a) **IN GENERAL**.—Effective on the date on which the Community receives the payment under section 5(a), all claims of the Community to the Reservation Swamp Lands and the Reservation Canal Lands owned by persons or entities other than the Community are extinguished.

(b) **CLEAR TITLE**.—Effective on the date on which the Community receives the payment under section 5(a), the title of all current owners to the Reservation Swamp Lands and the Reservation Canal Lands is cleared of all preexisting rights held by the Community and any of the members of the Community.

SEC. 7. EFFECT.

Nothing in this Act authorizes—

(1) the Secretary to take land into trust for the benefit of the Community for gaming purposes; or

(2) the Community to use land acquired using amounts received under this Act for gaming purposes.

NATIONAL GUARD AND RESERVISTS DEBT RELIEF EXTENSION ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3315, which was received from the House and is at the desk.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3315) to exempt for an additional 4-year period, from the application of the means-test presumption of abuse under chapter 7, qualifying members of reserve components of the Armed Forces and members of the National Guard who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 90 days.

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

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

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

The bill (H.R. 3315) was ordered to a third reading, was read the third time, and passed.

BUILDING CHIPS IN AMERICA ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of S. 2228 and the Senate