

The senior assistant legislative clerk read as follows:

A bill (S. 269) to provide for the conveyance of certain property to the Tanana Tribal Council located in Tanana, Alaska, and to the Bristol Bay Area Health Corporation located in Dillingham, Alaska, and for other purposes.

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

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

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

The bill (S. 269) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 269

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

SECTION 1. CONVEYANCE OF PROPERTY TO THE TANANA TRIBAL COUNCIL.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this Act as the “Secretary”) shall convey to the Tanana Tribal Council located in Tanana, Alaska (referred to in this section as the “Council”), all right, title, and interest of the United States in and to the property described in subsection (b) for use in connection with health and social services programs.

(2) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under this subsection shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in subsection (b) executed by the Secretary and the Council.

(3) CONDITIONS.—The conveyance of the property under this section—

(A) shall be made by warranty deed; and

(B) shall not—

(i) require any consideration from the Council for the property;

(ii) impose any obligation, term, or condition on the Council; or

(iii) allow for any reversionary interest of the United States in the property.

(b) PROPERTY DESCRIBED.—The property, including all land, improvements, and appurtenances, described in this subsection is the property included in U.S. Survey No. 5958, Lot 12, in the village of Tanana, Alaska, within surveyed Township 4N, Range 22W, Fairbanks Meridian, Alaska, containing 11.25 acres.

(c) ENVIRONMENTAL LIABILITY.—

(1) LIABILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Council shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in subsection (b) on or before the date on which the property is conveyed to the Council.

(B) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in subparagraph (A) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(2) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(3) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this section, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

SEC. 2. CONVEYANCE OF PROPERTY TO THE BRISTOL BAY AREA HEALTH CORPORATION.

(a) CONVEYANCE OF PROPERTY.—

(1) IN GENERAL.—As soon as practicable, but not later than 180 days, after the date of enactment of this Act, the Secretary shall convey to the Bristol Bay Area Health Corporation located in Dillingham, Alaska (referred to in this section as the “Corporation”), all right, title, and interest of the United States in and to the property described in subsection (b) for use in connection with health and social services programs.

(2) EFFECT ON ANY QUITCLAIM DEED.—The conveyance by the Secretary of title by warranty deed under this subsection shall, on the effective date of the conveyance, supersede and render of no future effect any quitclaim deed to the property described in subsection (b) executed by the Secretary and the Corporation.

(3) CONDITIONS.—The conveyance of the property under this section—

(A) shall be made by warranty deed; and

(B) shall not—

(i) require any consideration from the Corporation for the property;

(ii) impose any obligation, term, or condition on the Corporation; or

(iii) allow for any reversionary interest of the United States in the property.

(b) PROPERTY DESCRIBED.—The property, including all land, improvements, and appurtenances, described in this subsection is the property included in Dental Annex Subdivision, creating tract 1, a subdivision of Lot 2 of U.S. Survey No. 2013, located in Section 36, Township 13 South, Range 56 West, Seward Meridian, Bristol Bay Recording District, Dillingham, Alaska, according to Plat No. 2015-8, recorded on May 28, 2015, in the Bristol Bay Recording District, Dillingham, Alaska, containing 1.474 acres more or less.

(c) ENVIRONMENTAL LIABILITY.—

(1) LIABILITY.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Corporation shall not be liable for any soil, surface water, groundwater, or other contamination resulting from the disposal, release, or presence of any environmental contamination on any portion of the property described in subsection (b) on or before the date on which the property is conveyed to the Corporation.

(B) ENVIRONMENTAL CONTAMINATION.—An environmental contamination described in subparagraph (A) includes any oil or petroleum products, hazardous substances, hazardous materials, hazardous waste, pollutants, toxic substances, solid waste, or any other environmental contamination or hazard as defined in any Federal or State of Alaska law.

(2) EASEMENT.—The Secretary shall be accorded any easement or access to the property conveyed under this section as may be reasonably necessary to satisfy any retained obligation or liability of the Secretary.

(3) NOTICE OF HAZARDOUS SUBSTANCE ACTIVITY AND WARRANTY.—In carrying out this section, the Secretary shall comply with subparagraphs (A) and (B) of section 120(h)(3) of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

NATIVE AMERICAN BUSINESS INCUBATORS PROGRAM ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 229, S. 607.

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

The senior assistant legislative clerk read as follows:

A bill (S. 607) to establish a business incubators program within the Department of the Interior to promote economic development in Indian reservation communities.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 2223) in the nature of a substitute was agreed to.

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

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

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

The PRESIDING OFFICER. Is there any further debate?

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

The bill (S. 607), as amended, was passed.

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

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

INDIAN COMMUNITY ECONOMIC ENHANCEMENT ACT OF 2017

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 248, S. 1116.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1116) to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with amendments, as follows:

(The part of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in *italic*.)

S. 1116

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 “Indian Community Economic Enhancement Act of 2017”.

SEC. 2. FINDINGS.

Congress finds that—

(1)(A) to bring industry and economic development to Indian communities, Indian tribes must overcome a number of barriers, including—

- (i) geographical location;
- (ii) lack of infrastructure or capacity;
- (iii) lack of sufficient collateral and capital; and
- (iv) regulatory bureaucracy relating to—
 - (I) development; and
 - (II) access to services provided by the Federal Government; and

(B) the barriers described in subparagraph (A) often add to the cost of doing business in Indian communities;

(2) Indian tribes—

- (A) enact laws and exercise sovereign governmental powers;
- (B) determine policy for the benefit of tribal members; and
- (C) produce goods and services for consumers;

(3) the Federal Government has—

- (A) an important government-to-government relationship with Indian tribes; and
- (B) a role in facilitating healthy and sustainable tribal economies;

(4) the input of Indian tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian tribes and Indian entrepreneurs in building tribal economies;

(5)(A) many components of tribal infrastructure need significant repair or replacement; and

(B) access to private capital for projects in Indian communities—

- (i) may not be available; or
- (ii) may come at a higher cost than such access for other projects;

(6)(A) Federal capital improvement programs, such as those that facilitate tax-exempt bond financing and loan guarantees, are tools that help improve or replace crumbling infrastructure;

(B) lack of parity in treatment of an Indian tribe as a governmental entity under Federal tax and certain other regulatory laws impedes, in part, the ability of Indian tribes to raise capital through issuance of tax exempt debt, invest as an accredited investor, and benefit from other investment incentives accorded to State and local governmental entities; and

(C) as a result of the disparity in treatment of Indian tribes described in subparagraph (B), investors may avoid financing, or demand a premium to finance, projects in Indian communities, making the projects more costly or inaccessible;

(7) there are a number of Federal loan guarantee programs available to facilitate financing of business, energy, economic, housing, and community development projects in Indian communities, and those programs may support public-private partnerships for infrastructure development, but improvements and support are needed for those programs specific to Indian communities to facilitate more effectively private financing for infrastructure and other urgent development needs; and

(8)(A) most real property held by Indian tribes is trust or restricted land that essentially cannot be held as collateral; and

(B) while creative solutions, such as leasehold mortgages, have been developed in response to the problem identified in subpara-

graph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to tribal projects.

SEC. 3. NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000.

(a) FINDINGS; PURPOSES.—Section 2 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301) is amended by adding at the end the following:

“(c) APPLICABILITY TO INDIAN-OWNED BUSINESSES.—The findings and purposes in subsections (a) and (b) shall apply to any Indian-owned business governed—

“(1) by tribal laws regulating trade or commerce on Indian lands; or

“(2) pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261).”

(b) DEFINITIONS.—Section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302) is amended—

(1) by redesignating paragraphs (1) through (6) and paragraphs (7) through (9), as paragraphs (2) through (7) and paragraphs (9) through (11), respectively;

(2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

“(1) DIRECTOR.—The term ‘Director’ means the Director of Native American Business Development appointed pursuant to section 4(a)(2).”; and

(3) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:

“(8) OFFICE.—The term ‘Office’ means the Office of Native American Business Development established by section 4(a)(1).”

(c) OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.—Section 4 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

- (i) by striking “Department of Commerce” and inserting “Office of the Secretary”; and
- (ii) by striking “(referred to in this Act as the ‘Office’)”; and

(B) in paragraph (2), in the first sentence, by striking “(referred to in this Act as the ‘Director’)”; and

(2) by adding at the end the following:

“(c) DUTIES OF DIRECTOR.—

“(1) IN GENERAL.—The Director shall serve as—

“(A) the program and policy advisor to the Secretary with respect to the trust and governmental relationship between the United States and Indian tribes; and

“(B) the point of contact for Indian tribes, tribal organizations, and Indians regarding—

“(i) policies and programs of the Department of Commerce; and

“(ii) other matters relating to economic development and doing business in Indian lands.

“(2) DEPARTMENTAL COORDINATION.—The Director shall coordinate with all offices and agencies within the Department of Commerce to ensure that each office and agency has an accountable process to ensure—

“(A) meaningful and timely coordination and assistance, as required by this Act; and

“(B) consultation with Indian tribes regarding the policies, programs, assistance, and activities of the offices and agencies.

“(3) OFFICE OPERATIONS.—There are authorized to be appropriated to carry out this section not more than \$2,000,000 for each fiscal year.”

(d) INDIAN COMMUNITY DEVELOPMENT INITIATIVES.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 is amended—

(1) by redesignating section 8 (25 U.S.C. 4307) as section 10; and

(2) by inserting after section 7 (25 U.S.C. 4306) the following:

“SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.

“(a) INTERAGENCY COORDINATION.—Not later than 1 year after the enactment of this section, the Secretary, the Secretary of the Interior, and the Secretary of the Treasury shall coordinate—

“(1) to develop initiatives that—

“(A) encourage, promote, and provide education regarding investments in Indian communities through—

“(i) the loan guarantee program of Bureau of Indian Affairs under section 201 of the Indian Financing Act of 1974 (25 U.S.C. 1481);

“(ii) programs carried out using amounts in the Community Development Financial Institutions Fund established under section 104(a) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4703(a)); and

“(iii) other capital development programs;

“(B) examine and develop alternatives that would qualify as collateral for financing in Indian communities; and

“(C) provide entrepreneur and other training relating to economic development through tribally controlled colleges and universities and other Indian organizations with experience in providing such training;

“(2) to consult with Indian tribes and with the Securities and Exchange Commission to study, and collaborate to establish, regulatory changes necessary to qualify an Indian tribe as an accredited investor for the purposes of sections 230.500 through 230.508 of title 17, Code of Federal Regulations (or successor regulations), consistent with the goals of promoting capital formation and ensuring qualifying Indian tribes have the ability to withstand investment loss, on a basis comparable to other legal entities that qualify as accredited investors who are not natural persons;

“(3) to identify regulatory, legal, or other barriers to increasing investment, business, and economic development, including qualifying or approving collateral structures, measurements of economic strength, and contributions of Indian economies in Indian communities through the Authority established under section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note);

“(4) to ensure consultation with Indian tribes regarding increasing investment in Indian communities and the development of the report required in paragraph (5); and

“(5) not less than once every 3 years, to provide a report to Congress regarding improvements to Indian communities resulting from such initiatives and recommendations for promoting sustained growth of the tribal economies.

“(b) WAIVER.—For assistance provided pursuant to section 108 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707) to benefit Native Community Development Financial Institutions, as defined by the Secretary of the Treasury, section 108(e) of such Act shall not apply.

“(c) INDIAN ECONOMIC DEVELOPMENT FEASIBILITY STUDY.—

“(1) IN GENERAL.—The Government Accountability Office shall conduct a study and, not later than 18 months after the date of enactment of this subsection, submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report on the findings of the study and recommendations.

“(2) CONTENTS.—The study shall include an assessment of each of the following:

“(A) IN GENERAL.—The study shall assess current Federal capitalization and related programs and services that are available to

assist Indian communities with business and economic development, including manufacturing, physical infrastructure (such as telecommunications and broadband), community development, and facilities construction for such purposes. For each of the Federal programs and services identified, the study shall assess the current use and demand by Indian tribes, individuals, businesses, and communities of the programs, the capital needs of Indian tribes, businesses, and communities related to economic development, and the extent that similar programs have been used to assist non-Indian communities compared to the extent used for Indian communities.

“(B) FINANCING ASSISTANCE.—The study shall assess and quantify the extent of assistance provided to non-Indian borrowers and to Indian (both tribal and individual) borrowers through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

- “(i) Department of the Interior;
- “(ii) Department of Agriculture;
- “(iii) Department of Housing and Urban Development;
- “(iv) Department of Energy;
- “(v) Small Business Administration; and
- “(vi) Community Development Financial Institutions Fund of the Department of the Treasury.

“(C) TAX INCENTIVES.—The study shall assess and quantify the extent of the assistance and allocations afforded for non-Indian projects and for Indian projects pursuant to each of the following tax incentive programs:

- “(i) New market tax credit.
- “(ii) Low income housing tax credit.
- “(iii) Investment tax credit.
- “(iv) Renewable energy tax incentives.
- “(v) Accelerated depreciation.

“(D) TRIBAL INVESTMENT INCENTIVE.—The study shall assess various alternative incentives that could be provided to enable and encourage tribal governments to invest in an Indian community development investment fund or bank.”

SEC. 4. BUY INDIAN ACT.

Section 23 of the Act of June 25, 1910 (commonly known as the “Buy Indian Act”) (36 Stat. 861, chapter 431; 25 U.S.C. 47), is amended to read as follows:

“SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE OF PRODUCTS OF INDIAN INDUSTRY; PARTICIPATION IN MENTOR-PROTEGE PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) INDIAN ECONOMIC ENTERPRISE.—The term ‘Indian economic enterprise’ has the meaning given the term in section 1480.201 of title 48, Code of Federal Regulations (or successor regulations).

“(2) MENTOR FIRM; PROTEGE FIRM.—The terms ‘mentor firm’ and ‘protege firm’ have the meanings given those terms in section 831(c) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(3) SECRETARIES.—The term ‘Secretaries’ means—

- “(A) the Secretary of the Interior; and
- “(B) the Secretary of Health and Human Services.

“(b) ENTERPRISE DEVELOPMENT.—

“(1) IN GENERAL.—Unless determined by one of the Secretaries to be impracticable and unreasonable—

- “(A) Indian labor shall be employed; and
- “(B) purchases of Indian industry products (including printing and facilities construction, notwithstanding any other provision of law) may be made in open market by the Secretaries.

“(2) MENTOR-PROTEGE PROGRAM.—

“(A) IN GENERAL.—Participation in the Mentor-Protege Program established under section 831(a) of the National Defense Au-

thorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510) or receipt of assistance under a developmental assistance agreement under that program shall not render any individual or entity involved in the provision of Indian labor or an Indian industry product ineligible to receive assistance under this section.

“(B) TREATMENT.—For purposes of this section, no determination of affiliation or control (whether direct or indirect) may be found between a protege firm and a mentor firm on the basis that the mentor firm has provided, or agreed to provide, to the protege firm, pursuant to a mentor-protege agreement, any form of developmental assistance described in section 831(f) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note; Public Law 101-510).

“(c) IMPLEMENTATION.—In carrying out this section, the Secretaries shall—

“(1) conduct outreach to Indian industrial entities;

“(2) provide training;

“(3) promulgate regulations in accordance with this section and with the regulations under part 1480 of title 48, Code of Federal Regulations (or successor regulations), to harmonize the procurement procedures of the Department of the Interior and the Department of Health and Human Services, to the maximum extent practicable;

“(4) require regional offices of the Bureau of Indian Affairs and the Indian Health Service to aggregate data regarding compliance with this section;

“(5) require procurement management reviews by their respective Departments to include a review of the implementation of this section; and

“(6) consult with Indian tribes, Indian industrial entities, and other stakeholders regarding methods to facilitate compliance with—

“(A) this section; and

“(B) other small business or procurement goals.

“(d) REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and not less frequently than once every 2 years thereafter, each of the Secretaries shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing, during the period covered by the report, the implementation of this section by each of the respective Secretaries.

“(2) CONTENTS.—Each report under this subsection shall include, for each fiscal year during the period covered by the report—

“(A) the names of each agency under the respective jurisdiction of each of the Secretaries to which this section has been applied, and efforts made by additional agencies within the Secretaries’ respective Departments to use the procurement procedures under this Act;

“(B) a summary of the types of purchases made from, and contracts (including any relevant modifications, extensions, or renewals) awarded to, Indian economic enterprises, expressed by agency region;

“(C) a description of the percentage increase or decrease in total dollar value and number of purchases and awards made within each agency region, as compared to the totals of the region for the preceding fiscal year;

“(D) a description of the methods used by applicable contracting officers and employees to conduct market searches to identify qualified Indian economic enterprises;

“(E) a summary of all deviations granted under section 1480.403 of title 48, Code of Federal Regulations (or successor regulations), including a description of—

“(i) the types of alternative procurement methods used, including any Indian owned businesses reported under other procurement goals; and

“(ii) the dollar value of any awards made pursuant to those deviations;

“(F) a summary of all determinations made to provide awards to Indian economic enterprises, including a description of the dollar value of the awards;

“(G) a description or summary of the total number and value of all purchases of, and contracts awarded for, supplies, services, and construction (including the percentage increase or decrease, as compared to the preceding fiscal year) from—

“(i) Indian economic enterprises; and

“(ii) non-Indian economic enterprises; and

“(H) any administrative, procedural, legal, or other barriers to achieving the purposes of this section, together with recommendations for legislative or administrative actions to address those barriers.

“(e) GOALS.—Each agency shall establish an annual minimum percentage goal for procurement in compliance with this section.”

SEC. 5. NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN PROJECTS.—Section 803 of the Native American Programs Act of 1974 (42 U.S.C. 2991b) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively; and

(2) by inserting after subsection (a) the following:

“(b) ECONOMIC DEVELOPMENT.—

“(1) IN GENERAL.—The Commissioner may provide assistance under subsection (a) for projects relating to the purposes of this title to a Native community development financial institution, as defined by the Secretary of the Treasury.

“(2) PRIORITY.—With regard to not less than 50 percent of the total amount available for assistance under this section, the Commissioner shall give priority to any application seeking assistance for—

“(A) the development of a tribal code or court system for purposes of economic development, including commercial codes, training for court personnel, regulation pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261), and the development of nonprofit subsidiaries or other tribal business structures;

“(B) the development of a community development financial institution, including training and administrative expenses; or

“(C) the development of a tribal master plan for community and economic development and infrastructure.”

(b) TECHNICAL ASSISTANCE AND TRAINING.—Section 804 of the Native American Programs Act of 1974 (42 U.S.C. 2991c) is amended—

(1) in the matter preceding paragraph (1), by striking “The Commissioner” and inserting the following:

“(a) IN GENERAL.—The Commissioner”; and

(2) by adding at the end the following:

“(b) PRIORITY.—In providing assistance under subsection (a), the Commissioner shall give priority to any application described in section 803(b)(2).”

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) by striking “803(d)” each place it appears and inserting “803(e)”; and

(2) in subsection (a), by striking “1999, 2000, 2001, and 2002” and inserting “2018 through 2022”.

Mr. McCONNELL. I ask unanimous consent that the committee-reported

amendments be withdrawn, the Hoeven substitute amendment at the desk be agreed to, and the bill, as amended, be considered read a third time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee-reported amendments were withdrawn.

The amendment (No. 2224) in the nature of a substitute was agreed to.

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

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

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

The PRESIDING OFFICER. Is there any further debate?

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

The bill (S. 1116), as amended, was passed.

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

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

KLAMATH TRIBE JUDGMENT FUND REPEAL ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 272, S. 1223.

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

The senior assistant legislative clerk read as follows:

A bill (S. 1223) to repeal the Klamath Tribe Judgment Fund Act.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in *italics*.)

S. 1223

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 "Klamath Tribe Judgment Fund Repeal Act".

SEC. 2. REPEAL.

Public Law 89-224 (commonly known as the "Klamath Tribe Judgment Fund Act") (79 Stat. 897) is repealed.

SEC. 3. DISBURSEMENT OF REMAINING FUNDS.

Notwithstanding any provision of Public Law 89-224 (79 Stat. 897) (as in effect on the day before the date of enactment of this Act) relating to the distribution or use of funds, as soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall disburse to the Klamath Tribe the balance of any funds that, on or before the date of enactment of this Act, were appropriated or deposited into the trust accounts for remaining legal fees and administration and per capita trust accounts, as identified by the Secretary of the Interior, under that Act (as in effect on the day before the date of enactment of this Act).

Mr. McCONNELL. Mr. President, I ask unanimous consent that the com-

mittee-reported amendment be agreed to the bill, as amended, be considered read a third time and passed, and the motions to reconsider be considered made and laid upon the table.

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

The committee-reported amendment was agreed to.

The bill (S. 1223), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

JOHNSON-O'MALLEY SUPPLEMENTAL INDIAN EDUCATION PROGRAM MODERNIZATION ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 295, S. 943.

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

The senior assistant legislative clerk read as follows:

A bill (S. 943) to direct the Secretary of the Interior to conduct an accurate comprehensive student count for the purposes of calculating formula allocations for programs under the Johnson-O'Malley Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Johnson-O'Malley Supplemental Indian Education Program Modernization Act".

SEC. 2. INDIAN EDUCATION PROGRAM STUDENT COUNT UPDATE.

The Act of April 16, 1934 (25 U.S.C. 5342 et seq.) (commonly referred to as the Johnson-O'Malley Act) is amended by adding at the end the following:

"SEC. 7. COMPUTATION OF STUDENT COUNT.

"(a) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

"(1) CONTRACTING PARTY.—The term 'contracting party' means an entity that has a contract through a program authorized under this Act.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity that is eligible to apply for a contract for a supplemental or operational support program under this Act, as outlined in section 1.

"(3) EXISTING CONTRACTING PARTY.—The term 'existing contracting party' means a contracting party that has a contract under this Act that is in effect on the date of enactment of the JOM Modernization Act.

"(4) JOM MODERNIZATION ACT.—The term 'JOM Modernization Act' means the Johnson-O'Malley Supplemental Indian Education Program Modernization Act.

"(5) NEW CONTRACTING PARTY.—The term 'new contracting party' means an entity that enters into a contract under this Act after the date of enactment of the JOM Modernization Act.

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

"(b) DETERMINATION OF THE NUMBER OF ELIGIBLE INDIAN STUDENTS.—

"(1) INITIAL DETERMINATIONS.—

"(A) IN GENERAL.—The Secretary shall make an initial determination of the number of eligible Indian students served or potentially served

by each eligible entity in accordance with subparagraph (B).

"(B) PROCESS FOR MAKING THE INITIAL DETERMINATION.—

"(i) PRELIMINARY REPORT.—Not later than 180 days after the date of enactment of the JOM Modernization Act, the Secretary shall publish a preliminary report describing the number of eligible Indian students served or potentially served by each eligible entity, using the most applicable and accurate data (as determined by the Secretary in consultation with eligible entities) from the fiscal year preceding the fiscal year for which the initial determination is to be made from—

"(I) the Bureau of the Census;

"(II) the National Center for Education Statistics; or

"(III) the Office of Indian Education of the Department of Education.

"(ii) DATA RECONCILIATION.—To improve the accuracy of the preliminary report described in clause (i) prior to publishing, the Secretary shall reconcile the data described in the preliminary report with—

"(I) each existing contracting party's data regarding the number of eligible Indian students served by the existing contracting party for the fiscal year preceding the fiscal year for which the initial determination is made; and

"(II) identifiable tribal enrollment information.

"(iii) COMMENT PERIOD.—After publishing the preliminary report under clause (i) in accordance with clause (ii), the Secretary shall establish a 60-day comment period to gain feedback about the preliminary report from eligible entities, which the Secretary shall take into consideration in preparing the final report described in clause (iv).

"(iv) FINAL REPORT.—Not later than 120 days after concluding the consultation described in clause (iii), the Secretary shall publish a final report on the initial determination of the number of eligible Indian students served or potentially served by each eligible entity, including justification for not including any feedback gained during such consultation, if applicable.

"(2) SUBSEQUENT ACADEMIC YEARS.—For each academic year following the fiscal year for which an initial determination is made under paragraph (1) to determine the number of eligible Indian students served or potentially served by a contracting party, the Secretary shall determine the number of eligible Indian students served by the contracting party based on the reported eligible Indian student count numbers identified through the reporting process described in subsection (c).

"(c) CONTRACTING PARTY STUDENT COUNT REPORTING COMPLIANCE.—

"(1) IN GENERAL.—For each academic year following the fiscal year for which an initial determination is made under subsection (b) to determine the number of eligible Indian students served or potentially served by a contracting party, the contracting party shall submit to the Secretary a report describing the number of eligible Indian students who were served using amounts allocated to such party under this Act during the previous fiscal year.

"(2) FAILURE TO COMPLY.—A contracting party that fails to submit a report under paragraph (1) shall receive no amounts under this Act for the fiscal year following the academic year for which the report should have been submitted.

"(3) NOTICE.—The Secretary shall provide contracting parties with timely information relating to—

"(A) initial and final reporting deadlines; and

"(B) the consequences of failure to comply outlined in paragraph (2).

"(4) TECHNICAL ASSISTANCE.—The Secretary, acting through the Director of the Bureau of Indian Education, shall provide technical assistance and training on compliance with the reporting requirements of this subsection to contracting parties.