

paragraph (1) that is not a cooperative agreement or an agreement to provide financial assistance in the form of a grant, the Administrator may contribute on an in-kind basis the portion of the costs of the project that the Administrator determines represents the amount of benefit the National Oceanic and Atmospheric Administration derives from the project."

(b) RECEIPT AND EXPENDITURE OF FUNDS; USE OF RESOURCES.—Section 3 of the Marine Debris Act (33 U.S.C. 1952) is amended by adding at the end the following:

"(e) RECEIPT AND EXPENDITURE OF FUNDS.—In order to accomplish the purpose set forth in section 2, the Administrator, acting through the Program, may, only to the extent provided in advance in appropriations Acts, receive and expend funds made available by—

"(1) any department, agency, or instrumentality of the United States;

"(2) any State, local, or tribal government (or any political subdivision thereof);

"(3) any foreign government or international organization;

"(4) any public or private organization; or

"(5) any individual.

"(f) USE OF RESOURCES.—In order to accomplish the purpose set forth in section 2, the Administrator, acting through the Program, may use, with consent, with reimbursement, and subject to the availability of appropriations, the land, services, equipment, personnel, and facilities of—

"(1) any department, agency, or instrumentality of the United States;

"(2) any State, local, or tribal government (or any political subdivision thereof);

"(3) any foreign government or international organization;

"(4) any public or private organization; or

"(5) any individual."

The bill (S. 4321), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### SUPPLY CHAIN DISRUPTIONS RELIEF ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S. 4105 and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The senior assistant legislative clerk read as follows:

A bill (S. 4105) to treat certain liquidations of new motor vehicle inventory as qualified liquidations of LIFO inventory for purposes of the Internal Revenue Code of 1986.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. 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. 4105) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4105

*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 "Supply Chain Disruptions Relief Act".

#### SEC. 2. TREATMENT OF CERTAIN LIQUIDATIONS OF NEW MOTOR VEHICLE INVENTORY AS QUALIFIED LIQUIDATIONS OF LIFO INVENTORY.

(a) IN GENERAL.—In the case of any dealer of new motor vehicles which inventories new motor vehicles under the LIFO method for any specified taxable year, the requirements of paragraphs (1)(B) and (2) of section 473(c) of the Internal Revenue Code of 1986 shall be treated as satisfied with respect to such inventory for such taxable year.

(b) ADDITIONAL RELIEF.—

(1) IN GENERAL.—The Secretary shall, not later than the date which is 90 days after the date of the enactment of this Act, prescribe regulations or other guidance under which dealers of new motor vehicles with a qualified liquidation (determined after application of subsection (a)) of new motor vehicles for any specified taxable year may elect—

(A) to not recognize any income in the specified taxable year which is solely attributable to such qualified liquidation, and

(B) to treat the replacement period with respect to such liquidation as being the period beginning with the first taxable year after such specified taxable year and ending with the earlier of—

(i) the first taxable year after such liquidation with respect to which such dealer does not inventory new motor vehicles under the LIFO method, or

(ii) the last taxable year ending before January 1, 2026.

(2) FAILURE TO FULLY REPLACE LIQUIDATED VEHICLES DURING REPLACEMENT PERIOD.—If, as of the close of the replacement period, the taxpayer has failed to replace all liquidated vehicles with respect to a qualified liquidation to which paragraph (1) applies, the taxpayer shall increase gross income for the last taxable year of the replacement period by the sum of—

(A) the aggregate amount of income that would have been required to be recognized in the liquidation year had the taxpayer elected to apply the provisions of section 473 of the Internal Revenue Code of 1986 and not made the election in paragraph (1), plus

(B) interest thereon at the underpayment rate established under section 6621 of such Code.

(3) ELECTIONS.—

(A) IN GENERAL.—Except to the extent provided in subparagraph (B), an election under paragraph (1) with respect to any specified taxable year shall be made by the due date (including extensions) for filing the taxpayer's return of tax for such taxable year and in such manner as the Secretary may prescribe. Once made, any such election shall be irrevocable.

(B) CERTAIN ELECTIONS TREATED AS CHANGE IN METHOD OF ACCOUNTING.—In the case of an election with respect to a specified taxable year for which the return of tax has already been filed before the date of the enactment of this Act, any election under paragraph (1) for such specified taxable year may be made on the return of tax for the first taxable year ending after the date of the enactment of this Act and shall be treated for purposes of section 481 of the Internal Revenue Code of 1986 as a change in method of accounting initiated by the taxpayer and made with the consent of the Secretary.

(c) DEFINITIONS.—For purposes of this section—

(1) SPECIFIED TAXABLE YEAR.—The term "specified taxable year" means any liquidation year ending after March 12, 2020, and before January 1, 2022.

(2) NEW MOTOR VEHICLE.—The term "new motor vehicle" means a motor vehicle—

(A) which is described in section 163(j)(9)(C)(i) of the Internal Revenue Code of 1986, and

(B) the original use of which has not commenced.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(4) OTHER TERMS.—Except as otherwise provided in this section, terms used in this section which are also used in section 473 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section 473.

#### ROOT AND STEM PROJECT AUTHORIZATION ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 548, S. 3046.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 3046) to codify the authority of the Secretary of Agriculture and the Secretary of the Interior to conduct certain landscape-scale forest restoration projects, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert the part printed in *italic* as follows:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Root and Stem Project Authorization Act of 2022".*

#### SEC. 2. ROOT AND STEM PROJECTS.

(a) DEFINITIONS.—*In this section:*

(1) COLLABORATIVE PROCESS.—*The term "collaborative process" means a process that—*

(A) *includes multiple interested persons representing diverse interests; and*

(B) *(i) is transparent and nonexclusive; or*

(ii) *meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125).*

(2) FEDERAL LAND.—*The term "Federal land" means—*

(A) *land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))); and*

(B) *public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).*

(3) SECRETARY CONCERNED.—*The term "Secretary concerned" means, as applicable—*

(A) *the Secretary of Agriculture, acting through the Chief of the Forest Service; or*

(B) *the Secretary of the Interior, acting through the Director of the Bureau of Land Management.*

(b) LIST OF CONTRACTORS.—*The Secretary concerned shall—*

(1) *maintain a list of non-Federal, third-party contractors that the Secretary concerned can hire in each State to complete the analysis described in subsection (c)(1); and*

(2) *not later than 180 days after the date of enactment of this Act, and every 3 years thereafter, submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a copy of the list described in paragraph (1).*

(c) AGREEMENTS.—*If a person submits to the Secretary concerned a proposal for a project on*

Federal land that was developed through a collaborative process and that meets local and rural community needs, the Secretary concerned may enter into an agreement with the person, under which—

(1) the person initially provides to the Secretary concerned all, or a portion of, the funding necessary to complete any analysis that the Secretary concerned determines to be necessary under Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), for the consideration of the proposed project;

(2) the Secretary concerned uses the funding provided under paragraph (1) to pay a contractor included on the list maintained under subsection (b)(1) to conduct the analysis described in paragraph (1);

(3) on completion of the analysis described in paragraph (1), if the Secretary concerned makes a decision to proceed with the project, the Secretary concerned—

(A) solicits bids to carry out the project; and

(B) enters into a contract or agreement under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c) to carry out the project; and

(4) using any receipts described in subsection (d)(1), the Secretary concerned, to the maximum extent practicable, repays to the person the funding initially provided under paragraph (1).

(d) ADDITIONAL RELATED AUTHORITIES.—

(1) USE OF RECEIPTS.—Any receipts that are generated by a project described in subsection (c) that are normally deposited in the General Fund of the Treasury shall be available for expenditure by the Secretary concerned, without further appropriation or fiscal year limitation, for the use described in subsection (c)(4).

(2) CONTRACTORS.—The Secretary concerned may noncompetitively hire a contractor included on the list maintained under subsection (b)(1) to conduct the analysis described in subsection (c)(1).

(e) SAVINGS CLAUSES.—

(1) AUTHORITY OF THE SECRETARY CONCERNED.—The Secretary concerned shall—

(A) determine the sufficiency of any documents prepared by a contractor under subsection (c)(2); and

(B) retain responsibility for any authorizing decision relating to a proposed project described in subsection (c).

(2) REVIEW AND APPROVAL OF INDEPENDENT THIRD PARTIES.—The Secretary concerned shall verify that there is no conflict of interest between—

(A) a person that submits a proposal under subsection (c); and

(B) a contractor that the Secretary concerned hires under paragraph (2) of that subsection to carry out an analysis with respect to that proposal.

(3) ADMINISTRATIVE COSTS.—The Secretary concerned—

(A) shall only use the funding provided to the Secretary concerned under subsection (c)(1) to pay a contractor pursuant to subsection (c)(2); and

(B) shall not use any portion of the funding provided to the Secretary concerned under subsection (c)(1) to cover any other expense or cost incurred by the Secretary concerned, including administrative costs.

(4) LIMITATIONS ON REIMBURSEMENTS.—If insufficient receipts are generated by a project described in subsection (c) to reimburse the person that provided funding under paragraph (1) of that subsection, the Secretary concerned shall not provide additional funding to the person.

(f) PROMOTION.—Not later than 60 days after the date of enactment of this Act, the Secretary concerned shall provide guidance to each local field office of the Secretary concerned for—

(1) making stakeholders aware of the authority under this Act; and

(2) encouraging use of that authority to meet land management goals.

(g) TREATMENT OF COLLABORATIVE MEMBERS.—For purposes of a civil action relating to a project described in subsection (c), any person that participated in the collaborative process to develop the proposal for the project shall be—

(1) entitled to intervene, as of right, in any subsequent civil action; and

(2) considered to be a full participant in any settlement negotiation relating to the project.

(h) SUNSET.—The requirements described in subsection (b) and the authority to enter into an agreement under subsection (c) shall expire on January 1, 2033.

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 3046), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### LAND GRANT-MERCEDES TRADITIONAL USE RECOGNITION AND CONSULTATION ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 619, S. 2708.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2708) to provide for greater consultation between the Federal Government and the governing bodies and community users of land grant-mercedes in New Mexico, to provide for a process for recognition of the historic-traditional uses of land grant-mercedes, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources.

Mr. SCHUMER. I ask unanimous 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.

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

The bill (S. 2708) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2708

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 “Land Grant-Mercedes Traditional Use Recognition and Consultation Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COMMUNITY USER.—The term “community user” means an heir (as defined under the laws of the State) of a qualified land grant-merced.

(2) GOVERNING BODY.—The term “governing body” means the board of trustees author-

ized under State law with the control, care, and management of a qualified land grant-merced.

(3) HISTORICAL-TRADITIONAL USE.—The term “historical-traditional use” means, for a qualified land grant-merced, for noncommercial benefit—

(A) the use of water;

(B) religious or cultural use and protection;

(C) gathering herbs;

(D) gathering wood products;

(E) gathering flora or botanical products;

(F) grazing, to the extent that grazing has traditionally been carried out on the land, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;

(G) hunting or fishing;

(H) soil or rock gathering; and

(I) any other traditional activity for noncommercial benefit that—

(i) has a sustainable beneficial community use, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced;

(ii) supports the long-term cultural and socioeconomic integrity of the community, as determined by the Secretary concerned in consultation with the governing body of the affected land grant-merced; and

(iii) is agreed to in writing by the Secretary concerned and the governing body of the qualified land grant-merced.

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

(5) QUALIFIED LAND GRANT-MERCED.—The term “qualified land grant-merced” means a community land grant issued under the laws or customs of the Government of Spain or Mexico that—

(A) is recognized under New Mexico Statutes Chapter 49 (or a successor statute); and

(B) has a historic or cultural record of use of lands under the jurisdiction of a Secretary concerned or their original or patented exterior boundaries are located adjacent to land under the jurisdiction of a Secretary concerned.

(6) SECRETARY CONCERNED.—The term “Secretary concerned” means the relevant Secretary of the Department of Agriculture or the Department of the Interior, with respect to land under the jurisdiction of that Secretary.

(7) STATE.—The term “State” means the State of New Mexico.

#### SEC. 3. GUIDANCE ON PERMIT REQUIREMENTS FOR QUALIFIED LAND GRANT-MERCEDES.

(a) IN GENERAL.—In accordance with all relevant laws, including subchapter II of chapter 5 of title 5, United States Code (commonly known as the “Administrative Procedure Act”) and all applicable environmental laws, and not later than 2 years after the date of the enactment of this Act, the Secretary concerned, acting through the appropriate officials of the Department of Agriculture and Department of the Interior in the State, in consultation with the New Mexico Land Grant Council, the governing bodies of qualified land grant-mercedes, and Indian Tribes, shall issue the written guidance described in subsection (b).

(b) CONTENTS OF GUIDANCE.—

(1) IN GENERAL.—Written guidance issued under subsection (a) shall include—

(A) a description of the historical-traditional uses that—

(i) a community user or a governing body of a qualified land grant-merced may conduct for noncommercial use on land under the jurisdiction of the Secretary concerned; and