

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-MERCEDES.—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

(ii) require a permit from the Secretary concerned;

(B) administrative procedures for obtaining a permit under subparagraph (A);

(C) subject to subsection (c), the fees required to obtain that permit;

(D) the permissible use of motorized and nonmotorized vehicles and equipment by a community user or the governing body of a qualified land grant-merced for noncommercial historical-traditional use on land under the jurisdiction of the Secretary concerned;

(E) the permissible use of mechanized vehicles or equipment by a community user or governing body of a qualified land grant-merced for historical-traditional use on land under the jurisdiction of the Secretary concerned; and

(F) the permissible use of non-native material by a community user or the governing body of a qualified land grant-merced for any of the uses covered in paragraphs (2) and (3) on land under the jurisdiction of the Secretary concerned.

(2) **ROUTINE MAINTENANCE AND MINOR IMPROVEMENTS.**—Written guidance issued under subsection (a) shall address routine maintenance and minor improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) cleaning, repair, or replacement-in-kind of infrastructure;

(B) maintenance and upkeep of a trail, road, cattle guard, culvert, or fence;

(C) maintenance and upkeep of a monument or shrine;

(D) maintenance and upkeep of a community cemetery;

(E) maintenance and upkeep of a livestock well, water lines, water storage container, or water tank; and

(F) any other routine maintenance or minor improvement associated with historical-traditional uses identified by any of the entities described in subsection (a) in the process of developing the guidance.

(3) **MAJOR IMPROVEMENTS.**—Written guidance issued under subsection (a) may describe the process for managing major improvements of infrastructure owned or used by a qualified land grant-merced on land under the jurisdiction of the Secretary concerned, including—

(A) construction or expansion of a community water or wastewater system;

(B) construction or major repair of a livestock well, water lines, water storage container, or water tank;

(C) construction or major repair of a monument or shrine;

(D) installation of a cattle guard;

(E) construction of a trail, road, or fence;

(F) construction or expansion of a cemetery; and

(G) any other major improvement associated with historical-traditional uses, as determined by the Secretaries concerned.

(4) **NOTICE AND COMMENT.**—Written guidance issued under subsection (a) shall set forth the policies and procedures for notice and comment on planning decisions, routine engagement, and major Federal actions that could impact historical-traditional uses of a qualified land grant merced, and methods of providing notice under subsection (a), including—

(A) online public notice;

(B) printed public notice;

(C) mail, including certified mail, and email notifications to governing bodies through a listserv; and

(D) mail, including certified mail, and email notifications to the Land Grant Council.

(c) **FEES FOR QUALIFIED LAND GRANT-MERCEDES.**—Where the Secretary concerned is authorized to consider the fiscal capacity of

the applicant in determining whether to reduce or waive a fee for a permit for historical-traditional uses, the Secretary shall consider—

(1) the socioeconomic conditions of community users; and

(2) the annual operating budgets of governing bodies of qualified land grant-mercedes.

SEC. 4. CONSIDERATION OF HISTORICAL-TRADITIONAL USE IN LAND MANAGEMENT PLANNING.

In developing, maintaining, and revising land management plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and section 6 of the National Forest Management Act (16 U.S.C. 1604), as applicable, the Secretary concerned shall, in accordance with applicable law, consider and, as appropriate, provide for and evaluate impacts to historical-traditional uses by qualified land grants-mercedes.

SEC. 5. SAVINGS.

Nothing in this Act shall be construed—

(1) to impact the State's authority to regulate water rights, in conformance with all State and Federal laws and regulations;

(2) to impact the State's authority to regulate the management of game and fish, in conformance with all State and Federal laws and regulations;

(3) to impact any valid existing rights or valid permitted uses, including grazing permits;

(4) to create any implicit or explicit right to grazing on Federal lands; or

(5) to alter or diminish any rights reserved for an Indian Tribe or members of an Indian Tribe by treaty or Federal law.

AMENDING THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 271, S. 2524.

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. 2524) to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility for certain programs, 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. 2524) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2524

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

SECTION 1. ELIGIBILITY FOR CERTAIN PROGRAMS.

Section 29(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c)) is amended, in the undesignated matter following paragraph (3), by striking subparagraph (E) and inserting the following:

“(E) an interest in a Settlement Trust or an amount distributed from or benefit provided by a Settlement Trust to a Native or descendant of a Native who is an aged, blind, or disabled individual (as defined in section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a))).”.

FISSION FOR THE FUTURE ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3428 and the Senate proceed to its immediate consideration.

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

The senior assistant legislative clerk read, as follows:

A bill (S. 3428) to require the Secretary of Energy to establish a program to provide Federal financial assistance to support advanced nuclear reactors and associated supply chain infrastructure, and for other purposes.

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

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

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

The amendment (No. 6627), 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. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate on the bill?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3428), as amended, was passed.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the amendment to the title be considered and agreed to and the motions to reconsider be considered made and laid upon the table.

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

The title amendment (No. 6628) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “A bill to require the Secretary of Energy to establish a Nuclear Fuel Security Program, expand the American Assured Fuel Supply Program, and submit a report on a civil nuclear credit program, and for other purposes.”.

RICK BOUCHER AMPHITHEATER

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be discharged from further consideration of S. 3873 and the Senate