SA 1131. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1094. Mr. VANCE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR DEPARTMENT OF VETERANS AFFAIRS TO MODIFY OR REMOVE ANY DISPLAY OF THE DEPARTMENT OF VETERANS AFFAIRS MISSION STATEMENT.

None of the amounts appropriated by this division or otherwise made available for fiscal year 2024 for the Department of Veterans Affairs may be obligated or expended to modify or remove any display of the Department of Veterans Affairs that bears the mission statement ''To fulfill President Lincoln's promise 'to care for him who shall have borne the battle, for his widow, and his orphan' by serving and honoring the men and women who are America's veterans.''.

SA 1095. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DUTY-FREE ENTRY OF INFANT FORMULA; TERMINATION OF TARIFF-RATE QUOTA ON INFANT FORMULA.

(a) IN GENERAL.—Chapter 19 of the Harmonized Tariff Schedule of the United States is amended as follows:

(1) By striking Additional U.S. Note 2.

(2) By inserting after Additional U.S. Note 3 the following:

''4. For purposes of subheading 1901.90.57, the term 'infant formula base powder' means a dry mixture of protein, fat, and carbohydrates that requires only the addition of vitamins and minerals in order to meet the definition of the term 'infant formula' in section 201(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(z)) and that is—

''(a) imported by a party that—

''(1) has been determined by the Food and Drug Administration to be authorized to lawfully market infant formula in the United States; or

''(2) has received a letter of enforcement discretion for the Food and Drug Administration relating to the marketing of its infant formula in the United States; and

''(b) intended to be used in manufacturing infant formula in the United States.''.

(3) By striking subheadings 1901.10.11 and 1901.10.16 and the superior text to such subheadings and inserting the following, with the article description having the same degree of indentation as the article description for subheading 1901.10.62:

''	1901.10.12	Infant formula containing oligosaccharides	Free		$1.217/ kg+ 17.5%	''

(4) By striking subheadings 1901.10.26 and 1901.10.29 and inserting the following, with the article description for subheading 1901.10.23 having the same degree of indentation as the article description for subheading 1901.10.21:

''	1901.10.23	Infant formula	Free		$1.217/kg + 17.5%	
	1901.10.24	Other	$1.035/kg + 14.9%		$1.217/kg + 17.5%	
		Other:				
	1901.10.25	Infant formula	Free		35%	
	1901.10.28	Other	14.9%		35%	''

(5) By striking subheadings 1901.10.33 and 1901.10.36 and the superior text to such subheadings and inserting the following, with the article description having the same degree of indentation as the article description for subheading 1901.10.62:

''	1901.10.34	Infant formula containing oligosaccharides	Free		$1.217/ kg+ 17.5%	''

(6) By redesignating subheadings 1901.90.60 and 1901.90.61 as subheadings 1901.90.55 and 1901.90.56, respectively.

(7) By striking subheading 1901.90.62 and inserting the following, with the article description having the same degree of indentation as the article description for subheading 1901.10.56, as redesignated by paragraph (6):

''	1901.90.57	Infant formula base powder, as defined in additional U.S. note 4 to this chapter	Free		$1.127/kg + 16%	
	1901.90.58	Other	$1.035/kg +13.6%	Free (BH, CL, JO, KR, MA, OM, PE, SG) 20.7¢/kg + 2.7% (P, PA) See 9822.04.25 (AU) See 9823.08.01-9823.08.38 (S+) See 9915.04.30, 9915.04.50, 9915.04.74 (P+) See 9918.04.60-9918.04.80 (CO)	$1.127/kg + 16%	''

(b) CONFORMING AMENDMENTS.—Additional U.S. Note 10 to chapter 4 of the Harmonized Tariff Schedule of the United States is amended by striking ''1901.90.61'' and inserting ''1901.90.56''.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to articles entered, or withdrawn for warehouse for consumption, on or after the date that is 120 days after the date of the enactment of this Act.

SA 1096. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 208 of the amendment, insert between lines 6 and 7 the following:

TITLE VIII—POVERTY MEASUREMENT IMPROVEMENT

SEC. 801. IMPROVING THE MEASUREMENT OF POVERTY IN THE UNITED STATES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL BENEFIT.—The term ''Federal benefit'' means a benefit, refundable tax credit, or other form of assistance provided under any of the following programs:

(A) Earned Income Tax Credit (refundable portion).

(B) Child Tax Credit (refundable portion).

(C) Supplemental Security Income.

(D) Temporary Assistance for Needy Families.

(E) Title IV–E Foster Care.

(F) Title IV–E Adoption Assistance.

(G) Medicaid.

(H) SCHIP.

(I) Indian Health Services.

(J) PPACA refundable premium assistance and cost sharing tax credit.

(K) Assets for Independence program.

(L) Supplemental Nutrition Assistance Food Program.

(M) School Breakfast.

(N) School Lunch.

(O) Women, Infants, and Children (WIC) Food Program.

(P) Child and Adult Care Food Program.

(Q) The Food Distribution Program on Indian Reservations (FDPIR).

(R) Nutrition Program for the Elderly.

(S) Seniors Farmers' Market Nutrition Program.

(T) Commodity Supplemental Food Program.

(U) Section 8 Housing.

(V) Public Housing.

(W) Housing for Persons with Disabilities.

(X) Home Investment Partnership Program.

(Y) Rural Housing Service.

(Z) Rural Housing Insurance Fund.

(AA) Low-Income Home Energy Assistance Program.

(BB) Universal Service Fund Low Income Support Mechanism (subsidized phone services).

(CC) Pell Grants.

(DD) Supplemental Educational Opportunity Grants.

(EE) American Opportunity Tax Credit (refundable portion).

(FF) Healthy Start.

(GG) Job Corps.

(HH) Head Start (including Early Head Start).

(II) Weatherization Assistance.

(JJ) Chafee Foster Care Independence Program.

(KK) Child Care Subsidies from the Child Care and Development Fund.

(LL) Child Care from the Temporary Assistance for Needy Families Block Grant.

(MM) Emergency Assistance to Needy Families with Children.

(NN) Senior Community Service Employment Program.

(OO) Migrant and Seasonal Farm Workers Training Program.

(PP) Indian and Native American Employment and Training Program.

(QQ) Independent Living Education and Training Vouchers.

(2) RESOURCE UNIT.—The term ''resource unit'' means all co-resident individuals who are related by birth, marriage, or adoption, plus any co-resident unrelated children, foster children, and unmarried partners and their relatives.

(3) MARKET INCOME.—The term ''market income'' means individual income from the following:

(A) Earnings.

(B) Interest.

(C) Dividends.

(D) Rents, royalties, and estates and trusts.

(E) The monetary value of employer-sponsored health insurance benefits.

(F) Other forms of income, as determined by the Director.

(4) ENTITLEMENT AND OTHER INCOME.—The term ''entitlement and other income'' means income from the following:

(A) Unemployment (insurance) compensation.

(B) Workers' compensation.

(C) Social Security.

(D) Veterans' payments and benefits.

(E) Survivor benefits.

(F) Disability benefits (not including benefits under the Supplemental Security Income program).

(G) Pension or retirement income.

(H) Alimony.

(I) Child support.

(J) Financial assistance from outside of the household.

(K) Medicare.

(5) ENTITLEMENT AND EARNED UNIT INCOME.—The term ''entitlement and earned unit income'' means the sum of all market income and entitlement and other income.

(6) INCOME TAX DATA.—The term ''income tax data'' means return information, as such term is defined under section 6103(b)(2) of the Internal Revenue Code of 1986.

(7) ADMINISTERING AGENCY.—The term ''administering agency'' means a State or Federal agency responsible for administering a Federal benefit.

(8) TOTAL RESOURCE UNIT INCOME.—The term ''total resource unit income'' means, with respect to a resource unit, an amount equal to—

(A) the sum of—

(i) all market income attributable to members of the unit;

(ii) all entitlement and other income attributable to members of the unit; and

(iii) an amount, or cash equivalent, of all Federal benefits received by members of the unit; minus

(B) all State and Federal income and payroll taxes attributable to members of the unit.

(9) EARNED RESOURCE UNIT INCOME.—The term ''earned resource unit income'' means, with respect to a resource unit, all market income attributable to members of the unit.

(10) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means any information that identifies an individual or could reasonably be used to identify an individual that is—

(A) collected pursuant to a survey conducted by the Bureau of the Census; or

(B) disclosed to the Bureau of the Census by an administering agency for the purpose of carrying out subsection (b).

(11) DIRECTOR.—The term ''Director'' means the Director of the Bureau of the Census.

(b) VERIFICATION OF DATA COLLECTED IN THE ANNUAL SOCIAL AND ECONOMIC SUPPLEMENT TO THE CURRENT POPULATION SURVEY.—

(1) IN GENERAL.—Beginning in fiscal year 2024, in order to more accurately determine the extent of poverty in the United States and the anti-poverty effectiveness of Federal benefit programs, the Director shall collect, in addition to the data collected under the Annual Social and Economic Supplement to the Current Population Survey, data from the appropriate administering agencies related to the following:

(A) Participation in any Federal benefit program and the monetary or cash equivalent value of such benefit for an individual, where possible, and otherwise for resource units or households.

(B) The total amount of market income for individuals.

(C) The total amount of entitlement and other income for individuals.

(D) Payment of income taxes and payroll taxes for individuals.

(E) Total resource unit income.

(F) Total earned resource unit income.

(G) Any other information about benefits or income received by individuals that the Director determines necessary to carry out this section and that is not included in the data relating to participation in Federal benefit programs or market income for individuals.

(2) ADMINISTERING AGENCY DATA.—Not later than 6 months after receiving a request from the Director, the head of each administering agency shall make available to the Director such data (including income tax data) as the Director shall require for the purpose of carrying out this subsection and for the purposes outlined in section 6 of title 13, United States Code.

(3) PUBLICATION OF DATA.—

(A) RATES AND OTHER DATA.—

(i) REPORT.—The Director shall submit to Congress, not later than January 1, 2025, a report detailing the implementation of this section, including—

(I) the availability of related data;

(II) the quality of the data; and

(III) the methodology proposed for assigning dollar values to the receipt of noncash Federal benefits.

(ii) TABLES AND GRAPHS.—The Director shall produce tables and graphs showing for each year the poverty rates and related data calculated using data collected under paragraph (1), including—

(I) the total resource unit income for survey respondents;

(II) the total earned resource unit income for survey respondents;

(III) the total of all amounts described in subparagraphs (A) through (G) of paragraph (1) that are received by survey respondents;

(IV) a breakdown of the amount of income taxes and payroll taxes attributable to survey respondents; and

(V) for 2027 and subsequent years, poverty rates calculated using updated poverty thresholds as described in clause (iii).

(iii) UPDATED POVERTY THRESHOLDS.—For 2027 and subsequent years, the Director shall, in addition to the official poverty line (as defined by the Office of Management and Budget) and the supplemental poverty measure, provide an alternative poverty measure that uses the personal consumption expenditure price index (as published by the Bureau of Economic Analysis) and accounts for the

data collected under paragraph (1). The Director shall provide a comparison of the official poverty line (as defined by the Office of Management and Budget), the supplemental poverty measure rate as defined by the Bureau of the Census, and the alternative poverty rate created using the alternative poverty measure under this section.

(iv) RULE OF CONSTRUCTION.—The Office of Management and Budget shall not use the additional data collected by the Director pursuant to paragraph (1) for purposes of defining the official poverty line.

(B) CONFIDENTIALITY.—Consistent with the provisions of sections 8, 9, and 23(c) of title 13, United States Code, the Director shall ensure the confidentiality of information furnished to the Director under this subsection.

(c) PROTECTION AND DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

(1) IN GENERAL.—The security, disclosure, and confidentiality provisions set forth in sections 9 and 23 of title 13, United States Code, shall apply to personally identifiable information obtained by the Bureau of the Census pursuant to this section.

(2) RESTRICTED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.—Access to personally identifiable information collected to supplement the restricted-use Current Population Survey Annual Social and Economic Supplements in accordance with subsection (b)(1) shall be available only to those who have access to the Current Population Survey data with the permission of the Bureau of the Census and in accordance with any other applicable provision of law.

(3) PENALTIES.—Any individual who knowingly accesses or discloses personally identifiable information in violation of this section shall be guilty of a felony and upon conviction thereof shall be fined in an amount of not more than $300,000 under title 18, United States Code, or imprisoned for not more than five years, or both.

(d) STATE REPORTING OF FEDERAL DATA.—Beginning with the first full calendar year that begins after the date of enactment of this Act, with respect to any Federal benefit that is administered at the State level by a State administering agency, such State administering agency shall submit each year to the Federal administering agency responsible for administering the benefit at the Federal level a report that identifies each resource unit that received such benefits during such year by the personally identifiable information of the head of the resource unit and the amount, or cash equivalent, of such benefit received by such resource unit.

SEC. 802. COMMISSION ON VALUATION OF GOVERNMENT BENEFITS.

(a) ESTABLISHMENT.—There is established within the United States Census Bureau a commission, to be known as the ''Commission on Valuation of Federal Benefits'' (referred to in this section as the ''Commission'').

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the majority leader of the Senate;

(B) 2 members shall be appointed by the minority leader of the Senate;

(C) 2 members shall be appointed by the Speaker of the House of Representatives; and

(D) 2 members shall be appointed by the minority leader of the House of Representatives.

(2) CO-CHAIRS.—Of the members of the Commission—

(A) 1 co-chair shall be designated by the majority leader of the Senate; and

(B) 1 co-chair shall be designated by the Speaker of the House of Representatives.

(3) QUALIFICATIONS.—Each member appointed to the Commission shall have experience in—

(A) quantitative policy research; and

(B) welfare or poverty studies.

(c) INITIAL MEETING.—Not later than 60 days after the date on which the last member is appointed under subsection (b), the Commission shall hold an initial meeting.

(d) QUORUM.—Six members of the Commission shall constitute a quorum.

(e) NO PROXY VOTING.—Proxy voting by members of the Commission shall be prohibited.

(f) STAFF.—The Director of the Census Bureau shall appoint an executive director of the Commission.

(g) TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses in accordance with sections 5702 and 5703 of title 5, United States Code.

(h) DUTIES OF COMMISSION.—

(1) RECOMMENDATIONS.—

(A) IN GENERAL.—The Commission shall produce recommendations for the valuation of Federal benefits listed under section 801(a)(1) for the purpose of United States Census Bureau estimates of the Federal Poverty Level, including non-cash benefits.

(2) REPORT.—

(A) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall submit to Congress a report of the recommendations required under paragraph (1), including a detailed statement of methodology and reasoning behind recommendations.

(B) PUBLIC AVAILABILITY.—The report required by subparagraph (A) shall be made available on an internet website of the United States Government that is available to the public.

(i) POWERS OF COMMISSION.—On request by the executive director of the Commission, the head of a Federal agency shall furnish information to the Commission.

(j) TERMINATION OF COMMISSION.—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (h)(2).

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $1,000,000 to carry out this section.

SEC. 803. GAO REPORTS ON EFFECT OF SUPPLEMENTARY DATA ON CALCULATION OF POVERTY RATES AND RELATED MEASURES.

Not later than January 1, 2028, and every 2 years thereafter, the Comptroller General of the United States shall submit to Congress a report that compares the poverty rates and related measures calculated under the Annual Social and Economic Supplement to the Current Population Survey with the poverty rates and related measures calculated using the data collected under section 801(b)(1).

SEC. 804. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to affect the eligibility of an individual or household for a Federal benefit.

SEC. 805. RULE OF CONSTRUCTION.

Nothing in this title shall be construed to affect the eligibility of an individual or household for a Federal benefit.

TITLE IX—MODIFICATIONS TO SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

SEC. 901. WORK REQUIREMENTS.

(a) DECLARATION OF POLICY.—Section 2 of the Food and Nutrition Act of 2008 (7 U.S.C. 2011) is amended by adding at the end the following: ''Congress further finds that it should also be the purpose of the supplemental nutrition assistance program to increase employment, to encourage healthy marriage, and to promote prosperous self-sufficiency, which means the ability of households to maintain an income above the poverty level without services and benefits from the Federal Government.''.

(b) DEFINITION OF FOOD.—Section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)) is amended by striking ''means (1)'' and inserting ''means the following foods, food products, meals, and other items, only if the food, food product, meal, or other item is essential, as determined by the Secretary: (1)''.

(c) GENERAL WORK REQUIREMENTS.—Section 6(d)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(1)(A)) is amended, in the matter preceding clause (i), by striking ''60'' and inserting ''65''.

(d) HOUR-BASED WORK REQUIREMENT.—Section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)) is amended—

(1) in paragraph (1)(C), by striking ''other than a supervised job search program or job search training program'' and inserting ''including an in-person supervised job search program'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''50'' and inserting ''64'';

(B) by striking subparagraph (C); and

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively;

(3) in paragraph (4)(A)—

(A) in the matter preceding clause (i), by striking ''area'' and inserting ''county or county equivalent'';

(B) in clause (i), by striking ''or'' and inserting ''and''; and

(C) by striking clause (ii) and inserting the following:

''(ii) is not located within a labor market area, as determined by data published by the Bureau of Labor Statistics, that has an unemployment rate of over 10 percent.'';

(4) in paragraph (6)(D), by striking ''15 percent'' and inserting ''5 percent'';

(5) by redesignating paragraph (7) as paragraph (8);

(6) by inserting after paragraph (6) the following:

''(7) WORK OR WORK PREPARATION HOURS REQUIREMENT FOR MARRIED COUPLES WITH CHILDREN.—The total combined number of hours of work or work preparation activities under subparagraphs (A), (B), and (C) of paragraph (2) for both spouses in a married couple household with 1 or more children over the age of 6 shall not be greater than the total number of hours required under those subparagraphs for a single head of household.''; and

(7) by inserting after paragraph (8) (as so redesignated) the following:

''(9) MINIMUM WAGE RULE.—The limitation under subsection (d)(4)(F)(i) shall not apply to any work requirement, program, or activity required under this subsection.''.

SEC. 902. EMPLOYMENT AND TRAINING PROGRAM OUTCOMES REPORTING.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report, using data from the most recent 5 fiscal years available, detailing the outcomes of beneficiaries of the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as ''SNAP'') who participate in employment and training programs (as defined in section 6(d)(4)(B) of that Act (7 U.S.C. 2015(d)(4)(B))) for each of those 5 years that includes the following information:

(1) The number and percentage of SNAP beneficiaries in each State who participated in an employment and training program compared to the number and percentage of SNAP beneficiaries in each State who did

not participate in an employment and training program.

(2) The number and percentage of SNAP beneficiaries in each State who obtained a job while participating in an employment and training program compared to the number and percentage of SNAP beneficiaries in each State who obtained a job but did not participate in an employment and training program.

(3) The number and percentage of SNAP beneficiaries in each State who retained a job for 6 months, 1 year, and 5 years after completing an employment and training program and obtaining a job compared to the number and percentage of SNAP beneficiaries in each State who retained a job for 6 months, 1 year, and 5 years but did not complete an employment and training program prior to obtaining that job.

(4) The increase or decrease in wages, if applicable, for SNAP beneficiaries in each State who retained a job for 6 months, 1 year, and 5 years after completing an employment and training program and obtaining a job compared to the increase or decrease in wages, if applicable, for SNAP beneficiaries in each State who retained a job for 6 months, 1 year, and 5 years but did not complete an employment and training program prior to obtaining that job.

(5) The number and percentage of SNAP beneficiaries who—

(A) previously participated in an employment and training program;

(B) after that participation, obtained a job or stopped receiving SNAP benefits; and

(C) after regaining eligibility for SNAP benefits, reentered an employment or training program.

(6) The average duration that SNAP beneficiaries in each State participated in an employment and training program.

(7) A breakdown of—

(A) the types of employment and training activities offered by the employment and training program of each State; and

(B) the types of jobs that States are preparing employment and training program participants to obtain.

SEC. 903. STATE MATCHING FUNDS.

Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by adding at the end the following:

''(d) STATE MATCHING FUNDS.—

''(1) IN GENERAL.—Each State that participates in the supplemental nutrition assistance program shall, as a condition of participation, be required to contribute matching funds in an amount equal to, of the funds received from the Secretary by the State for program administration—

''(A) for fiscal year 2024, 10 percent;

''(B) for fiscal year 2025, 15 percent;

''(C) for fiscal year 2026, 20 percent;

''(D) for fiscal year 2027, 25 percent;

''(E) for fiscal year 2028, 30 percent;

''(F) for fiscal year 2029, 35 percent;

''(G) for fiscal year 2030, 40 percent;

''(H) for fiscal year 2031, 45 percent; and

''(I) for fiscal year 2032 and each fiscal year thereafter, 50 percent.

''(2) ADDITIONAL CONTRIBUTIONS PERMITTED.—Nothing in this subsection prevents a State from contributing matching funds in an amount greater than the amount required under paragraph (1) for the applicable fiscal year.''.

SEC. 904. ELIGIBILITY.

Section 5(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(a)) is amended—

(1) in the second sentence, by inserting ''that are limited to families whose income and resources satisfy financial need criteria established in accordance with subsections (c) and (g) by the State for receipt of the benefits'' after ''(42 U.S.C. 601 et seq.)''; and

(2) by inserting after the second sentence the following: ''To be deemed eligible for participation in the supplemental nutrition assistance program under this subsection, a household shall receive a cash or noncash means-tested public benefit for at least 6 consecutive months valued at not less than $50.''.

SEC. 905. COMPLIANCE WITH FRAUD INVESTIGATIONS.

Section 6(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)) is amended by adding at the end the following:

''(5) COMPLIANCE WITH FRAUD INVESTIGATIONS.—To be eligible to participate in the supplemental nutrition assistance program, an individual shall cooperate with any investigation into fraud under that program, including full participation in any—

''(A) meeting requested by fraud investigators; and

''(B) administrative hearing.''.

SEC. 906. AUTHORIZED USERS OF ELECTRONIC BENEFIT TRANSFER CARDS.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by adding at the end the following:

''(15) AUTHORIZED USERS.—

''(A) IN GENERAL.—A State agency shall register—

''(i) at least 1 member of a household issued an EBT card as an authorized user of the card; and

''(ii) an authorized representative of a household as an authorized user of the EBT card issued to the household.

''(B) LIMIT.—Not more than 5 individuals shall be registered as authorized users, including the authorized representative of a household, on an EBT card.

''(C) UNAUTHORIZED USE.—

''(i) IN GENERAL.—An EBT card shall not be used by any individual who is not an authorized user of the EBT card.

''(ii) 2 UNAUTHORIZED USES.—If an EBT card has been used 2 times by an unauthorized user of the EBT card, the head of the household to which the EBT card is issued shall be required to review program rights and responsibilities with personnel of the State agency.

''(iii) 4 UNAUTHORIZED USES.—If an EBT card has been used 4 times by an unauthorized user of the EBT card, the State agency shall suspend benefits for the household to which the EBT card is issued for 1 month.

''(iv) 6 UNAUTHORIZED USES.—If an EBT card has been used 6 times by an unauthorized user of the EBT card, the State agency shall suspend benefits for the household to which the EBT card is issued for 3 months.

''(v) 7 OR MORE UNAUTHORIZED USES.—If an EBT card has been used 7 or more times by an unauthorized user of the EBT card, the State agency shall suspend benefits for the household to which the EBT card is issued for 1 month per unauthorized use.

''(vi) ADMINISTRATION.—Any action taken under clauses (ii) through (v) shall be consistent with sections 6(b) and 11(e)(10), as applicable.''.

SEC. 907. REAUTHORIZATION OF MEDIUM- OR HIGH-RISK RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 9(a)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2018(a)(2)(A)) is amended by striking ''; and'' and inserting '', which, in the case of a retail food store or wholesale food concern for which there is a medium risk or high risk of fraudulent transactions, as determined by the fraud detection system of the Food and Nutrition Service, shall be annually; and''.

SEC. 908. STATE ACTIVITY REPORTS.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by adding at the end the following:

''(y) STATE ACTIVITY REPORTS.—The Secretary shall publish for each fiscal year a report describing the activity of each State in the supplemental nutrition assistance program, which shall contain, for the applicable fiscal year, substantially the same information as is contained in the report published by the Food and Nutrition Service entitled 'Supplemental Nutrition Assistance Program State Activity Report Fiscal Year 2016' and published September 2017.''.

SEC. 909. DISQUALIFICATION BY STATE AGENCY.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended by adding at the end the following:

''(j) DISQUALIFICATION BY STATE AGENCY.—

''(1) IN GENERAL.—Except as provided in paragraph (4), a State agency shall permanently disqualify from participation in the supplemental nutrition assistance program an approved retail food store or wholesale food concern convicted of—

''(A) trafficking in food instruments (including any voucher, draft, check, or access device (including an electronic benefit transfer card or personal identification number) issued in lieu of a food instrument under this Act); or

''(B) selling firearms, ammunition, explosives, or controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) in exchange for food instruments (including any item described in subparagraph (A) issued in lieu of a food instrument under this Act).

''(2) NOTICE OF DISQUALIFICATION.—The State agency shall—

''(A) provide the approved retail food store or wholesale food concern with notification of the disqualification; and

''(B) make the disqualification effective on the date of receipt of the notice of disqualification.

''(3) PROHIBITION OF RECEIPT OF LOST REVENUES.—A retail food store or wholesale food concern shall not be entitled to receive any compensation for revenues lost as a result of disqualification under this subsection.

''(4) EXCEPTIONS IN LIEU OF DISQUALIFICATION.—

''(A) IN GENERAL.—A State agency may permit a retail food store or wholesale food concern that, but for this paragraph, would be disqualified under paragraph (1), to continue to participate in the supplemental nutrition assistance program if the State agency determines, in its sole discretion, that—

''(i) disqualification of the retail food store or wholesale food concern, as applicable, would cause hardship to participants in the supplemental nutrition assistance program; or

''(ii)(I) the retail food store or wholesale food concern had, at the time of the violation under paragraph (1), an effective policy and program in effect to prevent violations described in paragraph (1); and

''(II) the ownership of the retail food store or wholesale food concern was not aware of, did not approve of, and was not involved in the conduct of the violation.

''(B) CIVIL PENALTY.—If a State agency under subparagraph (A) permits a retail food store or wholesale food concern to continue to participate in the supplemental nutrition assistance program in lieu of disqualification, the State agency shall assess a civil penalty in an amount determined by the State agency, except that—

''(i) the amount of the civil penalty shall not exceed $10,000 for each violation; and

''(ii) the amount of civil penalties imposed for violations investigated as part of a single investigation may not exceed $40,000.

''(C) REPORTING.—

''(i) TO THE SECRETARY.—If a State agency under subparagraph (A) permits a retail food

store or wholesale food concern to continue to participate in the supplemental nutrition assistance program in lieu of disqualification, the State agency shall annually submit to the Secretary a report describing the justification of the State agency for that action.

''(ii) TO CONGRESS.—The Secretary shall annually submit to Congress a report compiling the information contained in reports submitted to the Secretary under clause (i).''.

SEC. 910. RETENTION OF RECAPTURED FUNDS BY STATES.

Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended—

(1) in the second sentence, by striking ''The officials'' and inserting the following:

''(3) PROHIBITION.—The officials'';

(2) in the first sentence—

(A) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively; and

(B) by striking ''section 17(n): *Provided,* That the Secretary'' and inserting the following: ''section 17(n).

''(2) ADMINISTRATION ON INDIAN RESERVATIONS AND IN NATIVE VILLAGES.—

''(A) IN GENERAL.—The Secretary'';

(3) in paragraph (2) (as so designated)—

(A) in subparagraph (A), by striking ''35 percent'' and inserting ''50 percent''; and

(B) by adding at the end the following:

''(B) USE OF RETAINED AMOUNTS FOR FRAUD INVESTIGATIONS.—The value of funds or allotments recovered or collected pursuant to sections 6(b) and 13(c) that are retained by a State under subparagraph (A) in excess of 35 percent shall be used by the State for investigations of fraud in the supplemental nutrition assistance program.''; and

(4) by striking the subsection designation and all that follows through ''Subject to'' in the matter preceding paragraph (2) (as so designated) and inserting the following:

''(a) ADMINISTRATIVE COST-SHARING.—

''(1) IN GENERAL.—Subject to''.

SA 1097. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

TITLE VIII—OPPORTUNITIES FOR FAIRNESS IN FARMING

SEC. 801. SHORT TITLE.

This title may be cited as the ''Opportunities for Fairness in Farming Act of 2023''.

SEC. 802. FINDINGS.

Congress finds that—

(1) the generic programs to promote and provide research and information for an agricultural commodity (commonly known as ''checkoff programs'') are intended to increase demand for all of that agricultural commodity and benefit all assessed producers of that agricultural commodity;

(2) although the laws establishing checkoff programs broadly prohibit the use of funds in any manner for the purpose of influencing legislation or government action, checkoff programs have repeatedly been shown to use funds to influence policy directly or by partnering with organizations that lobby;

(3) the unlawful use of checkoff programs funds benefits some agricultural producers while harming many others;

(4) to more effectively prevent Boards from using funds for unlawful purposes, strict separation of engagement between the Boards and policy entities is necessary;

(5) conflicts of interest in the checkoff programs allow special interests to use checkoff program funds for the benefit of some assessed agricultural producers at the expense of many others;

(6) prohibiting conflicts of interest in checkoff programs is necessary to ensure the proper and lawful operation of the checkoff programs;

(7) checkoff programs are designed to promote agricultural commodities, not to damage other types of agricultural commodities through anticompetitive conduct or otherwise;

(8) prohibiting anticompetitive and similar conduct is necessary to ensure proper and lawful operation of checkoff programs;

(9) lack of transparency in checkoff programs enables abuses to occur and conceals abuses from being discovered; and

(10) requiring transparency in the expenditure of checkoff program funds is necessary to prevent and uncover abuses in checkoff programs.

SEC. 803. DEFINITIONS.

In this title:

(1) BOARD.—The term ''Board'' means a board, committee, or similar entity established to carry out a checkoff program or an order issued by the Secretary under a checkoff program.

(2) CHECKOFF PROGRAM.—The term ''checkoff program'' means a program to promote and provide research and information for a particular agricultural commodity without reference to specific producers or brands, including a program carried out under any of the following:

(A) The Cotton Research and Promotion Act (7 U.S.C. 2101 et seq.).

(B) The Potato Research and Promotion Act (7 U.S.C. 2611 et seq.).

(C) The Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.).

(D) The Beef Research and Information Act (7 U.S.C. 2901 et seq.).

(E) The Wheat and Wheat Foods Research and Nutrition Education Act (7 U.S.C. 3401 et seq.).

(F) The Floral Research and Consumer Information Act (7 U.S.C. 4301 et seq.).

(G) Subtitle B of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501 et seq.).

(H) The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.).

(I) The Pork Promotion, Research, and Consumer Information Act of 1985 (7 U.S.C. 4801 et seq.).

(J) The Watermelon Research and Promotion Act (7 U.S.C. 4901 et seq.).

(K) The Pecan Promotion and Research Act of 1990 (7 U.S.C. 6001 et seq.).

(L) The Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6101 et seq.).

(M) The Lime Research, Promotion, and Consumer Information Act of 1990 (7 U.S.C. 6201 et seq.).

(N) The Soybean Promotion, Research, and Consumer Information Act (7 U.S.C. 6301 et seq.).

(O) The Fluid Milk Promotion Act of 1990 (7 U.S.C. 6401 et seq.).

(P) The Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 (7 U.S.C. 6801 et seq.).

(Q) The Sheep Promotion, Research, and Information Act of 1994 (7 U.S.C. 7101 et seq.).

(R) Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401).

(S) The Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411 et seq.).

(T) The Canola and Rapeseed Research, Promotion, and Consumer Information Act (7 U.S.C. 7441 et seq.).

(U) The National Kiwifruit Research, Promotion, and Consumer Information Act (7 U.S.C. 7461 et seq.).

(V) The Popcorn Promotion, Research, and Consumer Information Act (7 U.S.C. 7481 et seq.).

(W) The Hass Avocado Promotion, Research, and Information Act of 2000 (7 U.S.C. 7801 et seq.).

(3) CONFLICT OF INTEREST.—The term ''conflict of interest'' means a direct or indirect financial interest in a person or entity that performs a service for, or enters into a contract or agreement with, a Board for anything of economic value.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 804. REQUIREMENTS OF CHECKOFF PROGRAMS.

(a) PROHIBITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (4), a Board shall not enter into any contract or agreement to carry out checkoff program activities with a party that engages in activities for the purpose of influencing any government policy or action that relates to agriculture.

(2) CONFLICT OF INTEREST.—A Board shall not engage in, and shall prohibit the employees and agents of the Board, acting in their official capacity, from engaging in, any act that may involve a conflict of interest.

(3) OTHER PROHIBITIONS.—A Board shall not engage in, and shall prohibit the employees and agents of the Board, acting in their official capacity, from engaging in—

(A) any anticompetitive activity;

(B) any unfair or deceptive act or practice; or

(C) any act that may be disparaging to, or in any way negatively portray, another agricultural commodity or product.

(4) EXCEPTION FOR CERTAIN CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.—Paragraph (1) shall not apply to a contract or agreement entered into between a Board and an institution of higher education for the purpose of research, extension, and education.

(b) AUTHORITY TO ENTER INTO CONTRACTS.—Notwithstanding any other provision of law, on approval of the Secretary, a Board may enter directly into contracts and agreements to carry out generic promotion, research, or other activities authorized by law.

(c) PRODUCTION OF RECORDS.—

(1) IN GENERAL.—Each contract or agreement of a checkoff program shall provide that the entity that enters into the contract or agreement shall produce to the Board accurate records that account for all funds received under the contract or agreement, including any goods or services provided or costs incurred in connection with the contract or agreement.

(2) MAINTENANCE OF RECORDS.—A Board shall maintain any records received under paragraph (1).

(d) PUBLICATION OF BUDGETS AND DISBURSEMENTS.—

(1) IN GENERAL.—The Board shall publish and make available for public inspection all budgets and disbursements of funds entrusted to the Board that are approved by the Secretary, immediately on approval by the Secretary.

(2) REQUIRED DISCLOSURES.—In carrying out paragraph (1), the Board shall disclose—

(A) the amount of the disbursement;

(B) the purpose of the disbursement, including the activities to be funded by the disbursement;

(C) the identity of the recipient of the disbursement; and

(D) the identity of any other parties that may receive the disbursed funds, including any contracts or subcontractors of the recipient of the disbursement.

(e) AUDITS.—

(1) PERIODIC AUDITS BY INSPECTOR GENERAL OF USDA.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 5 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit to determine the compliance of each checkoff program with this section during the period of time covered by the audit.

(B) REVIEW OF RECORDS.—An audit conducted under subparagraph (A) shall include a review of any records produced to the Board under subsection (c)(1).

(C) SUBMISSION OF REPORTS.—On completion of each audit under subparagraph (A), the Inspector General of the Department of Agriculture shall—

(i) prepare a report describing the audit; and

(ii) submit the report described in clause (i) to—

(I) the appropriate committees of Congress, including the Subcommittee on Antitrust, Competition Policy and Consumer Rights of the Committee on the Judiciary of the Senate; and

(II) the Comptroller General of the United States.

(2) AUDIT BY COMPTROLLER GENERAL.—

(A) IN GENERAL.—Not earlier than 3 years, and not later than 5 years, after the date of enactment of this Act, the Comptroller General of the United States shall—

(i) conduct an audit to assess—

(I) the status of actions taken for each checkoff program to ensure compliance with this section; and

(II) the extent to which actions described in subclause (I) have improved the integrity of a checkoff program; and

(ii) prepare a report describing the audit conducted under clause (i), including any recommendations for—

(I) strengthening the effect of actions described in clause (i)(I); and

(II) improving Federal legislation relating to checkoff programs.

(B) CONSIDERATION OF INSPECTOR GENERAL REPORTS.—The Comptroller General of the United States shall consider reports described in paragraph (1)(C) in preparing any recommendations in the report under subparagraph (A)(ii).

SEC. 805. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title, and the application of the provision to any other person or circumstance, shall not be affected.

SA 1098. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. None of the funds made available by this Act may be used—

(1) to carry out Socially Disadvantaged Applicant funding under Farm Service Agency farm loan programs; or

(2) for Department of Agriculture loan programs that use race as a criteria for eligibility.

SA 1099. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. CIVIL PENALTY FOR FAILURE TO DISCLOSURE AGRICULTURAL FOREIGN INVESTMENT.

Section 3(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3502(b)) is amended by striking ''shall not exceed 25 percent'' and inserting ''shall be equal to not less than 25 percent''.

SA 1100. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. EXCLUSION OF PROPERTY AND FACILITIES LOCATED ON PRIME FARMLAND FROM CERTAIN CREDITS RELATING TO RENEWABLE ENERGY PRODUCTION AND INVESTMENT.

(a) EXCLUSION OF PROPERTY PLACED IN SERVICE ON PRIME FARMLAND FROM RESIDENTIAL CLEAN ENERGY CREDIT.—

(1) IN GENERAL.—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(9) EXCLUSION OF PRIME FARMLAND.—

''(A) IN GENERAL.—Expenditures which are properly allocable to property placed in service on prime farmland shall not be taken into account for purposes of this section.

''(B) PRIME FARMLAND DEFINED.—For purposes of this paragraph, the term 'prime farmland' means land determined by the Secretary of Agriculture to be prime farmland within the meaning of part 657.5 of title 7, Code of Federal Regulations.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this section.

(b) EXCLUSION OF FACILITIES LOCATED ON PRIME FARMLAND FROM RENEWABLE ELECTRICITY PRODUCTION CREDIT.—

(1) IN GENERAL.—Section 45(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(14) PRIME FARMLAND EXCLUDED.—The term 'qualified facility' shall not include any facility located on prime farmland (as defined in section 25D(e)(9)).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to facilities placed in service after the date of the enactment of this section.

(c) EXCLUSION OF PROPERTY PLACED IN SERVICE ON PRIME FARMLAND FROM ENERGY CREDIT.—

(1) IN GENERAL.—Section 48(a)(3) of the Internal Revenue Code of 1986 is amended by inserting ''or any property located on prime farmland (as defined in section 25D(e)(9))'' after ''any prior taxable year''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after the date of the enactment of this section.

(d) EXCLUSION OF PROPERTY PLACED IN SERVICE ON PRIME FARMLAND FROM CLEAN ELECTRICITY INVESTMENT CREDIT.—

(1) IN GENERAL.—Section 48E(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) EXCLUSION OF PRIME FARMLAND.—Expenditures which are properly allocable to property placed in service on prime farmland (as defined in section 25D(e)(9)) shall not be taken into account for purposes of this section.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to qualified investments with respect to any qualified facility or energy storage technology the construction of which begins after the date of the enactment of this section.

(e) EXCLUSION OF FACILITIES LOCATED ON PRIME FARMLAND FROM CLEAN ELECTRICITY PRODUCTION CREDIT.—

(1) IN GENERAL.—Section 45Y(b)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(E) PRIME FARMLAND EXCLUDED.—The term 'qualified facility' shall not include any facility located on prime farmland (as defined in section 25D(e)(9)).''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to facilities placed in service after the date of the enactment of this section.

SA 1101. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LET ME TRAVEL AMERICA.

(a) SHORT TITLE.—This section may be cited as the ''Let Me Travel America Act''.

(b) LIMITATION ON AUTHORITY OF SURGEON GENERAL.—Section 361 of the Public Health Service Act (42 U.S.C. 264) is amended by adding at the end the following:

''(f) Nothing in this section shall be construed to provide the Surgeon General, the Secretary of Health and Human Services, or any Federal agency with the authority to mandate vaccination against Coronavirus Disease 2019 (COVID–19) as a prerequisite for interstate travel, transportation, or movement.''.

(c) INTERSTATE COMMON CARRIERS.—

(1) IN GENERAL.—Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

''§ 80505. COVID–19 vaccination status

''(a) IN GENERAL.—An entity described in subsection (b) may not deny service to any

individual solely based on the vaccination status of the individual with respect to the Coronavirus Disease 2019 (COVID–19).

''(b) ENTITY DESCRIBED.—An entity referred to in subsection (a) is a common carrier or any other entity, including a rail carrier (as defined in section 10102, including Amtrak), a motor carrier (as defined in section 13102), a water carrier (as defined in that section), and an air carrier (as defined in section 40102), that—

''(1) provides interstate transportation of passengers; and

''(2) is subject to the jurisdiction of the Department of Transportation or the Surface Transportation Board under this title.

''(c) SAVINGS PROVISION.—Nothing in this section applies to the regulation of intrastate travel, transportation, or movement, including the intrastate transportation of passengers.''.

(2) CLERICAL AMENDMENT.—The analysis for chapter 805 of title 49, United States Code, is amended by inserting after the item relating to section 80504 the following:

''80505. COVID–19 vaccination status.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or an amendment made by this section, shall be construed to permit or otherwise authorize Congress or an executive agency to enact or otherwise impose a COVID–19 vaccine mandate.

SA 1102. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR DEPARTMENT OF VETERANS AFFAIRS TO DISPLAY CERTAIN FLAGS.

None of the funds appropriated by this division or otherwise made available for fiscal year 2024 for the Department of Veterans Affairs may be obligated or expended to display at a facility of the Department any flag other than a flag representing the United States, a State, a territory of the United States, an element of the Armed Forces, prisoners of war, or those who are missing in action.

SA 1103. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON USE OF FUNDS FOR GENDER TRANSITION SURGERIES AND THE PROVISION OF GENDER AFFIRMING CARE.

None of the funds appropriated or otherwise made available by this division may be used for gender transition surgeries or the provision of gender affirming care.

SA 1104. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON USE OF FUNDS FOR ABORTIONS.

None of the funds appropriated or otherwise made available by this division may be used for abortions, including the provision of abortion services, the use of facilities for an abortion, or the granting of any per diem or travel allowances for the procurement of an abortion.

SA 1105. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. Of the funds made available by this division or otherwise made available for fiscal year 2024 for the Department of Defense for the support of Ukraine, not more than two percent may be obligated or expended until the date on which all member countries of North Atlantic Treaty Organization that do not spend two percent or more of their gross domestic product on defense meet or exceed such threshold.

SA 1106. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LIMITATION ON AVAILABILITY OF FUNDS FOR MILITARY CONSTRUCTION PROJECTS IN JAPAN.

None of the funds appropriated or otherwise made available by this Act may be made available for military construction projects in Japan, other than those related to housing or the provision of medical services for members of the United States Armed Forces, until the Secretary of Defense conducts a thorough review of the United States-Japan Status of Forces Agreement and determines that—

(1) Japan is in compliance with all provisions of such agreement; and

(2) there are adequate safeguards in place for members of the United States Armed Forces to ensure access to legal counsel, competent interpretation, and communication with a representative of the United States Government from the moment of arrest or detention and during all states of the legal process.

SA 1107. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR DEPARTMENT OF VETERANS AFFAIRS TO IMPLEMENT A MASK MANDATE.

None of the funds appropriated by this division or otherwise made available for fiscal year 2024 for the Department of Veterans Affairs may be obligated or expended to implement a mask mandate at any facility of the Department.

SA 1108. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. PROHIBITION ON USE OF FUNDS TO IMPLEMENT A VACCINE MANDATE AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

None of the funds appropriated or otherwise made available by this division may be used to implement a vaccine mandate at any facility of the Department of Veterans Affairs.

SA 1109. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

''(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property—

''(1) shall be credited to—

''(A) the appropriation, fund, or account used in incurring the obligation; or

''(B) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made; and

''(2) may only be used by the Department of Defense for the repair, maintenance, or other similar functions related directly to assets used by National Guard units while operating under State active duty status.''.

SA 1110. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON AVAILABILITY OF FUNDS FOR PURPOSES RELATING TO DIVERSITY, EQUITY, OR INCLUSION.

None of the funds appropriated by this division or otherwise made available for fiscal year 2024 for the Department of Veterans Affairs may be obligated or expended for any initiative of the Department relating to diversity, equity, or inclusion.

SA 1111. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 291, after line 22, add the following:

SEC. 155. EXPEDITING COMPLETION OF THE UINTA BASIN RAILWAY.

(a) DEFINED TERM.—In this section, the term ''Uinta Basin Railway'' means the Uinta Basin Railway project, as generally described and approved in the Surface Transportation Board Decision Docket No. FD 36284 (December 15, 2021).

(b) CONGRESSIONAL FINDINGS AND DECLARATION.—Congress finds and declares that—

(1) the timely completion of construction and commencement of the operation of the Uinta Basin Railway is required in the national interest;

(2) the Uinta Basin Railway will serve as a common carrier railway infrastructure asset located within the borders of the state of Utah;

(3) the Uinta Basin Railway will provide needed infrastructure to solve the long-standing freight transportation challenges in the region by connecting northeastern Utah to the existing national railway network;

(4) this common carrier railway will move goods in a safe and cost-effective way to support the economic stability, sustainable communities, and enriched quality of life in the region by providing rail service that is equally open to all freight shippers of a broad range of goods, including oil, gas, minerals, manufactured goods, and agricultural products;

(5) this critical piece of infrastructure is an important economic development project that will create jobs and provide a higher quality of life to the local communities, including the Ute Indian Tribe of the Uintah and Ouray Reservation.

(c) APPROVAL AND RATIFICATION AND MAINTENANCE OF EXISTING AUTHORIZATIONS.—Notwithstanding any other provision of law—

(1) Congress ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Uinta Basin Railway; and

(2) Congress directs the Surface Transportation Board, the Secretary of the Army, the Secretary of Agriculture, the Secretary of the Interior, and the heads of other Federal agencies, as applicable, to maintain such authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Uinta Basin Railway.

(d) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of the enactment of this Act, the Surface Transportation Board, for the purpose of facilitating the completion of the Uinta Basin Railway, shall issue all permits or verifications that are necessary—

(1) to complete the construction of the Uinta Basin Railway across the lands and waters of the State of Utah; and

(2) to allow for the continuing operation and maintenance of the Uinta Basin Railway.

(e) JUDICIAL REVIEW.—

(1) LIMITATION.—Notwithstanding any other provision of law, no court shall have jurisdiction to review any action taken by the Surface Transportation Board, the Secretary of the Army, the Secretary of Agriculture, the Secretary of the Interior, or a State administrative agency acting pursuant to Federal law that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval necessary for the construction and initial operation at full capacity of the Uinta Basin Railway, including the issuance of any authorization, permit, extension, verification, biological opinion, incidental take statement, or other approval described in subsection (c) or (d) for the Uinta Basin Railway whether issued before, on, or subsequent to the date of the enactment of this section, including any lawsuit pending in any court as of the date of enactment of this section.

(2) EXCLUSIVE JURISDICTION.—The Supreme Court of the United States shall have exclusive jurisdiction over any claim alleging—

(A) the invalidity of this section; or

(B) an action taken by a Federal or State official is beyond the scope of authority conferred by this section.

(f) EFFECT.—This section supersedes any other provision of law (including any other section of this Act, any Federal law enacted before the date of the enactment of this Act, and any regulation, judicial decision, or agency guidance) that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval for the Uinta Basin Railway.

SA 1112. Mr. TESTER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Section 8526(7) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7906(7)) is amended by inserting '', except that this paragraph shall not apply to the use of funds under this Act for activities carried out under programs authorized by this Act that are otherwise permissible under such programs and that provide students with educational enrichment activities and instruction, such as archery, hunter safety education, outdoor education, or culinary arts'' before the period at the end.

SA 1113. Ms. HIRONO (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. For an additional amount for ''Agricultural Programs—National Institute of Food and Agriculture—Research and Education Activities'', for competitive grants to assist in the facility construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, as authorized by the Research Facilities Act (7 U.S.C. 390 et seq.), there is hereby appropriated, and the amount otherwise provided by this Act for ''Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary'' is hereby reduced by, $2,000,000.

SA 1114. Ms. HIRONO submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. THRIFTY FOOD PLAN COST ADJUSTMENTS FOR HAWAII DURING DISASTER DECLARATION.

For the period during which the Presidential declaration of a major disaster for the State of Hawaii is in effect, no cost adjustments shall be made to the thrifty food plan (as defined in section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u))) pursuant to paragraph (2) of that section.

SA 1115. Ms. STABENOW (for herself, Mr. BROWN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FETTERMAN, Mrs. GILLIBRAND, and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for

the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, line 15, strike ''2250a.'' and insert ''2250a: *Provided further*, That of the total amount available under this heading, $8,500,000 shall be for necessary expenses to carry out the Urban Agriculture and Innovative Production Program under section 222 of subtitle A of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923), as amended by section 12302 of Public Law 115–334.''.

SA 1116. Mr. KELLY (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE V—COUNTING VETERANS' CANCER ACT OF 2023

SEC. 501. SHORT TITLE.

This Act may be cited as the ''Counting Veterans' Cancer Act of 2023''.

SEC. 502. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) According to 2017 data from National Program of Cancer Registries of the Centers for Disease Control and Prevention, approximately 26,500 cancer cases among veterans were not reported to State cancer registries funded through such Program.

(2) Established by Congress in 1992 through the Cancer Registries Amendment Act (Public Law 102–515), the National Program of Cancer Registries under section 399B of the Public Health Service Act (42 U.S.C. 280e) collects data on cancer occurrence (including the type, extent, and location of the cancer), the type of initial treatment, and outcomes.

(3) The Centers for Disease Control and Prevention support central cancer registries in 46 States, the District of Columbia, Puerto Rico, certain territories of the United States in the Pacific Islands, and the United States Virgin Islands.

(4) The data obtained by registries described in paragraph (3) combined with data from the Surveillance, Epidemiology, and End Results Program of the National Cancer Institute and mortality data from National Center for Health Statistics of the Centers for Disease Control and Prevention comprise the official United States Cancer Statistics.

(5) The United States Cancer Statistics reflect all newly diagnosed cancer cases and cancer deaths for the entire population of the United States, except for unreported veterans.

(6) Federal law requires the Centers for Disease Control and Prevention and the National Cancer Institute to collect cancer data for all newly diagnosed cancer cases, but that currently cannot be achieved due to frequent lack of reporting by medical facilities of the Department of Veterans Affairs.

(7) Releasing all data from medical facilities of the Department to State cancer registries will provide more complete data for health care providers, public health officials, and researchers to—

(A) measure cancer occurrence and trends at the local and national level;

(B) inform and prioritize cancer educational and screening programs;

(C) evaluate efficacy of prevention efforts and treatment;

(D) determine survival rates;

(E) conduct research on the etiology, diagnosis, and treatment of cancer;

(F) ensure quality and equity in cancer care; and

(G) plan for health services.

(8) Capturing cancer data from medical facilities of the Department in State cancer registries and the United States Cancer Statistics can benefit veterans by—

(A) improving the ability to identify cancer-related disparities in the veteran community;

(B) improving understanding of the cancer-related needs of veterans, which can be incorporated into State Comprehensive Cancer Control planning for screening and treatment programs funded by the Centers for Disease Control and Prevention; and

(C) increasing opportunities for veterans with cancer to be included in more clinical trials and cancer-related research and analysis being done outside of the health care system of the Department.

(b) PURPOSE.—It is the purpose of this Act to improve care for veterans by ensuring all data on veterans diagnosed with cancer are captured by the national cancer registry programs supported by the National Program of Cancer Registries of the Centers for Disease Control and Prevention and the Surveillance, Epidemiology, and End Results Program of the National Cancer Institute.

SEC. 503. REQUIREMENT THAT DEPARTMENT OF VETERANS AFFAIRS SHARE DATA WITH STATE CANCER REGISTRIES.

(a) SHARING OF DATA WITH STATE CANCER REGISTRIES.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7330E. Sharing of data with State cancer registries

''(a) SHARING BY THE DEPARTMENT.—

''(1) IN GENERAL.—The Secretary shall share with the State cancer registry of each State, if such a registry exists, qualifying data for all individuals who are residents of the State and have received health care under the laws administered by the Secretary.

''(2) REQUIREMENTS RELATING TO DATA SHARED.—In sharing data under paragraph (1) with a State cancer registry, the Secretary shall comply with the requirements for non-Department facilities to report data, in a manner that is as complete and timely as possible, without requiring a data use agreement in place between the Department and each State cancer registry—

''(A) to State cancer registries that are supported by the National Program of Cancer Registries of the Centers for Disease Control and Prevention under section 399B of the Public Health Service Act (42 U.S.C. 280e);

''(B) to State cancer registries that are supported by the Surveillance Epidemiology and End Results Program of the National Cancer Institute authorized under the National Cancer Act of 1971 (Public Law 92–218); and

''(C) to State cancer registries as set forth in relevant State laws and regulations that authorize a cancer registry.

''(b) QUALIFYING DATA DEFINED.—In this section, the term 'qualifying data', with respect to a State cancer registry, means all data required to be provided to the registry pursuant to the authorities specified in subparagraphs (A) through (C) of subsection (a)(2).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by inserting after the item relating to section 7330D the following new item:

''7330E. Sharing of data with State cancer registries.''.

(b) SHARING BY STATE CANCER REGISTRIES.—The Director of the Centers for Disease Control and Prevention shall assist State cancer registries described in subparagraphs (A) and (B) of section 7330E(a)(2) of title 38, United States Code, as added by subsection (a)(1), in facilitating, to the extent allowed under State laws regulating the cancer registry program, the sharing with the Secretary of Veterans Affairs of data in the possession of each such registry regarding diagnosis of cancer for each veteran—

(1) enrolled in the system of annual patient enrollment established and operated under section 1705(a) of such title; or

(2) registered to receive care from the Department of Veterans Affairs under section 17.37 of title 38, Code of Federal Regulations, or successor regulations.

SA 1117. Ms. ROSEN submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ___. TELEHEALTH CAPACITY OF VETERANS HEALTH ADMINISTRATION.

Of the amounts made available to the Department of Veterans Affairs for fiscal year 2024 by this Act or any other Act under the ''Veterans Health Administration – Medical Services'', ''Veterans Health Administration – Medical Community Care'', and ''Veterans Health Administration – Medical Support and Compliance'' accounts, $5,180,336,000 shall be made available to sustain and increase telehealth capacity, including in rural and highly rural areas, and associated programmatic efforts.

SA 1118. Ms. SMITH (for herself and Mr. RICKETTS) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. (a) It is the sense of Congress that—

(1) Congress is concerned about staffing challenges faced by the Farm Service Agency and the Natural Resources Conservation Service at the county level; and

(2) Congress supports the Farm Service Agency and the Natural Resources Conservation Service in quickly filling hiring gaps, improving retention, and bringing pay for staff to competitive standards to improve public-facing customer service, particularly in rural areas.

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report describing a plan for improving staffing at the

Farm Service Agency and the Natural Resources Conservation Service at the county level, including recommendations for actions that Congress may take.

SA 1119. Mr. HEINRICH (for himself and Mr. LUJÁN) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

DIVISION D—RIO SAN JOSÉ AND RIO JEMEZ WATER SETTLEMENTS ACT OF 2023

SEC. 101. SHORT TITLE.

This division may be cited as the ''Rio San José and Rio Jemez Water Settlements Act of 2023''.

TITLE I—PUEBLOS OF ACOMA AND LAGUNA WATER RIGHTS SETTLEMENT

SEC. 111. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of all issues and controversies concerning claims to water rights in the general stream adjudication of the Rio San José Stream System captioned ''State of New Mexico, ex rel. State Engineer v. Kerr-McGee, et al.'', No. D–1333–CV–1983–00190 and No. D–1333–CV1983–00220 (consolidated), pending in the Thirteenth Judicial District Court for the State of New Mexico, for—

(A) the Pueblo of Acoma;

(B) the Pueblo of Laguna; and

(C) the United States, acting as trustee for the Pueblos of Acoma and Laguna;

(2) to authorize, ratify, and confirm the agreement entered into by the Pueblos, the State, and various other parties to the Agreement, to the extent that the Agreement is consistent with this title;

(3) to authorize and direct the Secretary—

(A) to execute the Agreement; and

(B) to take any other actions necessary to carry out the Agreement in accordance with this title; and

(4) to authorize funds necessary for the implementation of the Agreement and this title.

SEC. 112. DEFINITIONS.

In this title:

(1) ACEQUIA.—The term ''Acequia'' means each of the Bluewater Toltec Irrigation District, La Acequia Madre del Ojo del Gallo, Moquino Water Users Association II, Murray Acres Irrigation Association, San Mateo Irrigation Association, Seboyeta Community Irrigation Association, Cubero Acequia Association, Cebolletita Acequia Association, and Community Ditch of San José de la Cienega.

(2) ADJUDICATION.—The term ''Adjudication'' means the general adjudication of water rights entitled ''State of New Mexico, ex rel. State Engineer v. Kerr-McGee, et al.'', No. D–1333–CV–1983–00190 and No. D–1333–CV1983–00220 (consolidated) pending, as of the date of enactment of this Act, in the Decree Court.

(3) AGREEMENT.—The term ''Agreement'' means—

(A) the document entitled ''Rio San José Stream System Water Rights Local Settlement Agreement Among the Pueblo of Acoma, the Pueblo of Laguna, the Navajo Nation, the State of New Mexico, the City of Grants, the Village of Milan, the Association of Community Ditches of the Rio San José and Nine Individual Acequias and Community Ditches'' and dated May 13, 2022, and the attachments thereto; and

(B) any amendment to the document referred to in subparagraph (A) (including an amendment to an attachment thereto) that is executed to ensure that the Agreement is consistent with this title.

(4) ALLOTMENT.—The term ''Allotment'' means a parcel of land that is—

(A) located within—

(i) the Rio Puerco Basin;

(ii) the Rio San José Stream System; or

(iii) the Rio Salado Basin; and

(B) held in trust by the United States for the benefit of 1 or more individual Indians.

(5) ALLOTTEE.—The term ''Allottee'' means an individual with a beneficial interest in an Allotment.

(6) DECREE COURT.—The term ''Decree Court'' means the Thirteenth Judicial District Court of the State of New Mexico.

(7) ENFORCEABILITY DATE.—The term ''Enforceability Date'' means the date described in section 117.

(8) PARTIAL FINAL JUDGMENT AND DECREE.—The term ''Partial Final Judgment and Decree'' means a final or interlocutory partial final judgment and decree entered by the Decree Court with respect to the water rights of the Pueblos—

(A) that is substantially in the form described in article 14.7.2 of the Agreement, as amended to ensure consistency with this title; and

(B) from which no further appeal may be taken.

(9) PUEBLO.—The term ''Pueblo'' means either of—

(A) the Pueblo of Acoma; or

(B) the Pueblo of Laguna.

(10) PUEBLO LAND.—

(A) IN GENERAL.—The term ''Pueblo Land'' means any real property—

(i) in the Rio San José Stream System that is held by the United States in trust for either Pueblo, or owned by either Pueblo, as of the Enforceability Date;

(ii) in the Rio Salado Basin that is held by the United States in trust for the Pueblo of Acoma, or owned by the Pueblo of Acoma, as of the Enforceability Date; or

(iii) in the Rio Puerco Basin that is held by the United States in trust for the Pueblo of Laguna, or owned by the Pueblo of Laguna, as of the Enforceability Date.

(B) INCLUSIONS.—The term ''Pueblo Land'' includes land placed in trust with the United States subsequent to the Enforceability Date for either Pueblo in the Rio San José Stream System, for the Pueblo of Acoma in the Rio Salado Basin, or for the Pueblo of Laguna in the Rio Puerco Basin.

(11) PUEBLO TRUST FUND.—The term ''Pueblo Trust Fund'' means—

(A) the Pueblo of Acoma Settlement Trust Fund established by section 115(a);

(B) the Pueblo of Laguna Settlement Trust Fund established by that section; and

(C) the Acomita Reservoir Works Trust Fund established by that section.

(12) PUEBLO WATER RIGHTS.—The term ''Pueblo Water Rights'' means—

(A) the respective water rights of the Pueblos in the Rio San José Stream System—

(i) as identified in the Agreement and section 114; and

(ii) as confirmed in the Partial Final Judgment and Decree;

(B) the water rights of the Pueblo of Acoma in the Rio Salado Basin; and

(C) the water rights of the Pueblo of Laguna in the Rio Puerco Basin, as identified in the Agreement and section 114.

(13) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Acoma; and

(B) the Pueblo of Laguna.

(14) RIO PUERCO BASIN.—The term ''Rio Puerco Basin'' means the area defined by the United States Geological Survey Hydrologic Unit Codes (HUC) 13020204 (Rio Puerco subbasin) and 13020205 (Arroyo Chico subbasin), including the hydrologically connected groundwater.

(15) RIO SAN JOSÉ STREAM SYSTEM.—The term ''Rio San José Stream System'' means the geographic extent of the area involved in the Adjudication pursuant to the description filed in the Decree Court on November 21, 1986.

(16) RIO SALADO BASIN.—The term ''Rio Salado Basin'' means the area defined by the United States Geological Survey Hydrologic Unit Code (HUC) 13020209 (Rio Salado subbasin), including the hydrologically connected groundwater.

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

(18) SIGNATORY ACEQUIA.—The term ''Signatory Acequia'' means an acequia that is a signatory to the Agreement.

(19) STATE.—The term ''State'' means the State of New Mexico and all officers, agents, departments, and political subdivisions of the State of New Mexico.

SEC. 113. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except as modified by this title and to the extent the Agreement does not conflict with this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—If an amendment to the Agreement or any attachment to the Agreement requiring the signature of the Secretary is executed in accordance with this title to make the Agreement consistent with this title, the amendment is authorized, ratified, and confirmed.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent the Agreement does not conflict with this title, the Secretary shall execute the Agreement, including all attachments to or parts of the Agreement requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title prohibits the Secretary, after execution of the Agreement, from approving any modification to the Agreement, including an attachment to the Agreement, that is consistent with this title, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Agreement and this title, the Secretary shall comply with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) all other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Agreement and this title, the Pueblos shall prepare any necessary environmental documents consistent with—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation required under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities under subsection (c) shall be paid from funds deposited in the Pueblo Trust Funds, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 114. PUEBLO WATER RIGHTS.

(a) TRUST STATUS OF THE PUEBLO WATER RIGHTS.—The Pueblo Water Rights shall be held in trust by the United States on behalf of the Pueblos in accordance with the Agreement and this title.

(b) FORFEITURE AND ABANDONMENT.—

(1) IN GENERAL.—The Pueblo Water Rights shall not be subject to loss through non-use, forfeiture, abandonment, or other operation of law.

(2) STATE-LAW BASED WATER RIGHTS.—Pursuant to the Agreement, State-law based water rights acquired by a Pueblo, or by the United States on behalf of a Pueblo, after the date for inclusion in the Partial Final Judgment and Decree, shall not be subject to forfeiture, abandonment, or permanent alienation from the time they are acquired.

(c) USE.—Any use of the Pueblo Water Rights shall be subject to the terms and conditions of the Agreement and this title.

(d) ALLOTMENT RIGHTS NOT INCLUDED.—The Pueblo Water Rights shall not include any water uses or water rights claims on an Allotment.

(e) AUTHORITY OF THE PUEBLOS.—

(1) IN GENERAL.—The Pueblos shall have the authority to allocate, distribute, and lease the Pueblo Water Rights for use on Pueblo Land in accordance with the Agreement, this title, and applicable Federal law.

(2) USE OFF PUEBLO LAND.—The Pueblos may allocate, distribute, and lease the Pueblo Water Rights for use off Pueblo Land in accordance with the Agreement, this title, and applicable Federal law, subject to the approval of the Secretary.

(3) ALLOTTEE WATER RIGHTS.—The Pueblos shall not object in any general stream adjudication, including the Adjudication, or any other appropriate forum, to the quantification of reasonable domestic, stock, and irrigation water uses on an Allotment, and shall administer any water use in accordance with applicable Federal law, including recognition of—

(A) any water use existing on an Allotment as of the date of enactment of this Act;

(B) reasonable domestic, stock, and irrigation water uses on an Allotment; and

(C) any Allotment water right decreed in a general stream adjudication, including the Adjudication, or other appropriate forum, for an Allotment.

(f) ADMINISTRATION.—

(1) NO ALIENATION.—The Pueblos shall not permanently alienate any portion of the Pueblo Water Rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this title for the allocation, distribution, leasing, or other arrangement entered into pursuant to this title shall be considered to satisfy any requirement for authorization of the action required by Federal law.

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Pueblo Water Rights by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Pueblo Water Rights.

SEC. 115. SETTLEMENT TRUST FUNDS.

(a) ESTABLISHMENT.—The Secretary shall establish 2 trust funds, to be known as the ''Pueblo of Acoma Settlement Trust Fund'' and the ''Pueblo of Laguna Settlement Trust Fund'', and a trust fund for the benefit of both Pueblos to be known as the ''Acomita Reservoir Works Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Pueblo Trust Funds under subsection (c), together with any investment earnings, including interest, earned on those amounts, for the purpose of carrying out this title.

(b) ACCOUNTS.—

(1) PUEBLO OF ACOMA SETTLEMENT TRUST FUND.—The Secretary shall establish in the Pueblo of Acoma Settlement Trust Fund the following accounts:

(A) The Water Rights Settlement Account.

(B) The Water Infrastructure Operations and Maintenance Account.

(C) The Feasibility Studies Settlement Account.

(2) PUEBLO OF LAGUNA SETTLEMENT TRUST FUND.—The Secretary shall establish in the Pueblo of Laguna Settlement Trust Fund the following accounts:

(A) The Water Rights Settlement Account.

(B) The Water Infrastructure Operations and Maintenance Account.

(C) The Feasibility Studies Settlement Account.

(c) DEPOSITS.—The Secretary shall deposit in each Pueblo Trust Fund the amounts made available pursuant to section 116(a).

(d) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of funds into the Pueblo Trust Funds under subsection (c), the Secretary shall manage, invest, and distribute all amounts in the Pueblo Trust Funds in a manner that is consistent with the investment authority of the Secretary under—

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

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

(C) this subsection.

(2) INVESTMENT EARNINGS.—In addition to the deposits made to each Pueblo Trust Fund under subsection (c), any investment earnings, including interest, earned on those amounts held in each Pueblo Trust Fund are authorized to be used in accordance with subsections (f) and (h).

(e) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, each Pueblo Trust Fund, including any investment earnings (including interest) earned on those amounts, shall be made available to the Pueblo or Pueblos by the Secretary beginning on the Enforceability Date, subject to the requirements of this section, except for those funds to be made available to the Pueblos pursuant to paragraph (2).

(2) USE OF FUNDS.—Notwithstanding paragraph (1)—

(A) amounts deposited in the Feasibility Studies Settlement Account of each Pueblo Trust Fund, including any investment earnings, including interest, earned on those amounts shall be available to the Pueblo on the date on which the amounts are deposited for uses described in subsection (h)(3), and in accordance with the Agreement;

(B) amounts deposited in the Acomita Reservoir Works Trust Fund, including any investment earnings, including interest, earned on those amounts shall be available to the Pueblos on the date on which the amounts are deposited for uses described in subsection (h)(4), and in accordance with the Agreement; and

(C) up to $15,000,000 from the Water Rights Settlement Account for each Pueblo shall be available on the date on which the amounts are deposited for installing, on Pueblo Lands, groundwater wells to meet immediate domestic, commercial, municipal and industrial water needs, and associated environmental, cultural, and historical compliance.

(f) WITHDRAWALS.—

(1) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—Each Pueblo may withdraw any portion of the amounts in its respective Settlement Trust Fund on approval by the Secretary of a Tribal management plan submitted by each Pueblo in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the appropriate Pueblo shall spend all amounts withdrawn from each Pueblo Trust Fund, and any investment earnings (including interest) earned on those amounts through the investments under the Tribal management plan, in accordance with this title.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan under this paragraph to ensure that amounts withdrawn by each Pueblo from the Pueblo Trust Funds under subparagraph (A) are used in accordance with this title.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—Each Pueblo may submit to the Secretary a request to withdraw funds from the Pueblo Trust Fund of the Pueblo pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw amounts under an expenditure plan under subparagraph (A), the appropriate Pueblo shall submit to the Secretary an expenditure plan for any portion of the Pueblo Trust Fund that the Pueblo elects to withdraw pursuant to that subparagraph, subject to the condition that the amounts shall be used for the purposes described in this title.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Pueblo Trust Fund will be used by the Pueblo, in accordance with this subsection and subsection (h).

(D) APPROVAL.—The Secretary shall approve an expenditure plan submitted under subparagraph (A) if the Secretary determines that the plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this title.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this title.

(3) WITHDRAWALS FROM ACOMITA RESERVOIR WORKS TRUST FUND.—

(A) IN GENERAL.—A Pueblo may submit to the Secretary a request to withdraw funds from the Acomita Reservoir Works Trust Fund pursuant to an approved joint expenditure plan.

(B) REQUIREMENTS.—

(i) IN GENERAL.—To be eligible to withdraw amounts under a joint expenditure plan under subparagraph (A), the Pueblos shall submit to the Secretary a joint expenditure

plan for any portion of the Acomita Reservoir Works Trust Fund that the Pueblos elect to withdraw pursuant to this subparagraph, subject to the condition that the amounts shall be used for the purposes described in subsection (h)(4).

(ii) WRITTEN RESOLUTION.—Each request to withdraw amounts under a joint expenditure plan submitted under clause (i) shall be accompanied by a written resolution from the Tribal councils of both Pueblos approving the requested use and disbursement of funds.

(C) INCLUSIONS.—A joint expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Acomita Reservoir Works Trust Fund will be used by the Pueblo or Pueblos to whom the funds will be disbursed, in accordance with subsection (h)(4).

(D) APPROVAL.—The Secretary shall approve a joint expenditure plan submitted under subparagraph (A) if the Secretary determines that the plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this title.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce a joint expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this title.

(g) EFFECT OF SECTION.—Nothing in this section gives the Pueblos the right to judicial review of a determination of the Secretary relating to whether to approve a Tribal management plan under paragraph (1) of subsection (f) or an expenditure plan under paragraph (2) or (3) of that subsection, except under subchapter II of chapter 5, of title 5, United States Code, and chapter 7 of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(h) USES.—

(1) WATER RIGHTS SETTLEMENT ACCOUNT.—The Water Rights Settlement Account for each Pueblo may only be used for the following purposes:

(A) Acquiring water rights or water supply.

(B) Planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment, or delivery infrastructure, including for domestic and municipal use, on-farm improvements, or wastewater infrastructure.

(C) Pueblo Water Rights management and administration.

(D) Watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs relating to implementation of the Agreement.

(E) Environmental compliance in the development and construction of infrastructure under this title.

(2) WATER INFRASTRUCTURE OPERATIONS AND MAINTENANCE TRUST ACCOUNT.—The Water Infrastructure Operations and Maintenance Account for each Pueblo may only be used to pay costs for operation and maintenance of water infrastructure to serve Pueblo domestic, commercial, municipal, and industrial water uses from any water source.

(3) FEASIBILITY STUDIES SETTLEMENT ACCOUNT.—The Feasibility Studies Settlement Account for each Pueblo may only be used to pay costs for feasibility studies of water supply infrastructure to serve Pueblo domestic, commercial, municipal, and industrial water uses from any water source.

(4) ACOMITA RESERVOIR WORKS TRUST FUND.—The Acomita Reservoir Works Trust Fund may only be used for planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, maintaining, or repairing Acomita reservoir, its dam, inlet works, outlet works, and the North Acomita Ditch from the Acomita Reservoir outlet on the Pueblo of Acoma through its terminus on the Pueblo of Laguna.

(i) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from the Pueblo Trust Funds by a Pueblo under paragraph (1), (2), or (3) of subsection (f).

(j) EXPENDITURE REPORTS.—Each Pueblo shall annually submit to the Secretary an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan under paragraph (1), (2), or (3) of subsection (f), as applicable.

(k) NO PER CAPITA DISTRIBUTIONS.—No portion of the Pueblo Trust Funds shall be distributed on a per capita basis to any member of a Pueblo.

(l) TITLE TO INFRASTRUCTURE.—Title to, control over, and operation of any project constructed using funds from the Pueblo Trust Funds shall remain in the appropriate Pueblo or Pueblos.

(m) OPERATION, MAINTENANCE, AND REPLACEMENT.—All operation, maintenance, and replacement costs of any project constructed using funds from the Pueblo Trust Funds shall be the responsibility of the appropriate Pueblo or Pueblos.

SEC. 116. FUNDING.

(a) MANDATORY APPROPRIATIONS.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary the following amounts for the following accounts:

(1) PUEBLO OF ACOMA SETTLEMENT TRUST FUND.—

(A) THE WATER RIGHTS SETTLEMENT ACCOUNT.—$296,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(B) THE WATER INFRASTRUCTURE OPERATIONS AND MAINTENANCE ACCOUNT.—$14,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(C) THE FEASIBILITY STUDIES SETTLEMENT ACCOUNT.—$1,750,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(2) PUEBLO OF LAGUNA SETTLEMENT TRUST FUND.—

(A) THE WATER RIGHTS SETTLEMENT ACCOUNT.—$464,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(B) THE WATER INFRASTRUCTURE OPERATIONS AND MAINTENANCE ACCOUNT.—$26,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(C) THE FEASIBILITY STUDIES SETTLEMENT ACCOUNT.—$3,250,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(3) ACOMITA RESERVOIR WORKS TRUST FUND.—$45,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(b) FLUCTUATIONS IN COSTS.—

(1) IN GENERAL.—The amounts appropriated under subsection (a) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs, as indicated by the Bureau of Reclamation Construction Cost Index–Composite Trend.

(2) CONSTRUCTION COSTS ADJUSTMENT.—The amounts appropriated under subsection (a) shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices, as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(3) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the applicable amount, as adjusted, has been appropriated.

(4) PERIOD OF INDEXING.—The period of indexing and adjustment under this subsection for any increment of funding shall start on October 1, 2021, and shall end on the date on which funds are deposited in the applicable Pueblo Trust Fund.

(c) STATE COST SHARE.—Pursuant to the Agreement, the State shall contribute—

(1) $23,500,000, as adjusted for inflation pursuant to the Agreement, for the Joint Grants-Milan Project for Water Re-Use, Water Conservation and Augmentation of the Rio San José, the Village of Milan Projects Fund, and the City of Grants Projects Fund;

(2) $12,000,000, as adjusted for the inflation pursuant to the Agreement, for Signatory Acequias Projects and Offset Projects Fund for the Association of Community Ditches of the Rio San José; and

(3) $500,000, as adjusted for inflation pursuant to the Agreement, to mitigate impairment to non-Pueblo domestic and livestock groundwater rights as a result of new Pueblo water use.

SEC. 117. ENFORCEABILITY DATE.

The Enforceability Date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) to the extent that the Agreement conflicts with this title, the Agreement has been amended to conform with this title;

(2) the Agreement, as amended, has been executed by all parties to the Agreement, including the United States;

(3) all of the amounts appropriated under section 116 have been appropriated and deposited in the designated accounts of the Pueblo Trust Fund;

(4) the State has—

(A) provided the funding under section 116(c)(3) into appropriate funding accounts;

(B) provided the funding under paragraphs (1) and (2) of section 116(c) into appropriate funding accounts or entered into funding agreements with the intended beneficiaries for funding under those paragraphs of that section; and

(C) enacted legislation to amend State law to provide that a Pueblo Water Right may be leased for a term not to exceed 99 years, including renewals;

(5) the Decree Court has approved the Agreement and has entered a Partial Final Judgment and Decree; and

(6) the waivers and releases under section 118 have been executed by the Pueblos and the Secretary.

SEC. 118. WAIVERS AND RELEASES OF CLAIMS.

(a) WAIVERS AND RELEASES OF CLAIMS BY PUEBLOS AND THE UNITED STATES AS TRUSTEE FOR PUEBLOS.—Subject to the reservation of rights and retention of claims under subsection (d), as consideration for recognition of the Pueblo Water Rights and other benefits described in the Agreement and this title, the Pueblos and the United States, acting as trustee for the Pueblos, shall execute a waiver and release of all claims for—

(1) water rights within the Rio San José Stream System that the Pueblos, or the United States acting as trustee for the Pueblos, asserted or could have asserted in any proceeding, including the Adjudication, on or before the Enforceability Date, except to the extent that such rights are recognized in the Agreement and this title; and

(2) damages, losses, or injuries to water rights or claims of interference with, diversion of, or taking of water rights (including claims for injury to land resulting from such damages, losses, injuries, interference with, diversion, or taking of water rights) in waters in the Rio San José Stream System against any party to the Agreement, including the members and parciantes of Signatory Acequias, that accrued at any time up to and including the Enforceability Date.

(b) WAIVERS AND RELEASES OF CLAIMS BY PUEBLOS AGAINST UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), the Pueblos shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States) first arising before the Enforceability Date relating to—

(1) water rights within the Rio San José Stream System that the United States, acting as trustee for the Pueblos, asserted or could have asserted in any proceeding, including the Adjudication, except to the extent that such rights are recognized as part of the Pueblo Water Rights under this title;

(2) foregone benefits from non-Pueblo use of water, on and off Pueblo Land (including water from all sources and for all uses), within the Rio San José Stream System;

(3) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion of, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the Rio San José Stream System;

(4) a failure to provide operation, maintenance, or deferred maintenance for any irrigation system or irrigation project within the Rio San José Stream System;

(5) a failure to establish or provide a municipal, rural, or industrial water delivery system on Pueblo Land within the Rio San José Stream System;

(6) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of irrigation projects on Pueblo Land (including damages, losses, or injuries to fish habitat, wildlife, and wildlife habitat) within the Rio San José Stream System;

(7) a failure to provide a dam safety improvement to a dam on Pueblo Land within the Rio San José Stream System;

(8) the litigation of claims relating to any water right of the Pueblos within the Rio San José Stream System; and

(9) the negotiation, execution, or adoption of the Agreement (including attachments) and this title.

(c) EFFECTIVE DATE.—The waivers and releases described in subsections (a) and (b) shall take effect on the Enforceability Date.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsections (a) and (b), the Pueblos and the United States, acting as trustee for the Pueblos, shall retain all claims relating to—

(1) the enforcement of, or claims accruing after the Enforceability Date relating to, water rights recognized under the Agreement, this title, or the Partial Final Judgment and Decree entered in the Adjudication;

(2) activities affecting the quality of water and the environment, including claims under—

(A) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including claims for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) the right to use and protect water rights acquired after the date of enactment of this Act;

(4) damage, loss, or injury to land or natural resources that is not due to loss of water or water rights, including hunting, fishing, gathering, or cultural rights;

(5) all claims for water rights, and claims for injury to water rights, in basins other than the Rio San José Stream System, subject to article 8.5 of the Agreement with respect to the claims of the Pueblo of Laguna for water rights in the Rio Puerco Basin and the claims of the Pueblo of Acoma for water rights in the Rio Salado Basin;

(6) all claims relating to the Jackpile-Paguate Uranium Mine in the State that are not due to loss of water or water rights; and

(7) all rights, remedies, privileges, immunities, powers, and claims not specifically waived and released pursuant to this title or the Agreement.

(e) EFFECT OF AGREEMENT AND TITLE.—Nothing in the Agreement or this title—

(1) reduces or extends the sovereignty (including civil and criminal jurisdiction) of any government entity, except as provided in section 120;

(2) affects the ability of the United States, as a sovereign, to carry out any activity authorized by law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'');

(D) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); and

(E) any regulations implementing the Acts described in subparagraphs (A) through (D);

(3) affects the ability of the United States to act as trustee for the Pueblos (consistent with this title), any other pueblo or Indian Tribe, or an Allottee of any Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law regarding health, safety, or the environment; or

(C) to conduct judicial review of any Federal agency action; or

(5) waives any claim of a member of a Pueblo in an individual capacity that does not derive from a right of the Pueblos.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the Enforceability Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitation or any time-based equitable defense under any other applicable law.

(g) EXPIRATION.—

(1) IN GENERAL.—This title shall expire in any case in which the Secretary fails to publish a statement of findings under section 117 by not later than—

(A) July 1, 2030; or

(B) such alternative later date as is agreed to by the Pueblos and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this title expires under paragraph (1)—

(A) the waivers and releases under subsections (a) and (b) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Agreement under section 113 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this title shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title, shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this title that were expended or withdrawn, or any funds made available to carry out this title from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Pueblos; or

(bb) any user of the Pueblo Water Rights; or

(II) any other matter covered by subsection (b); or

(ii) in any future settlement of water rights of the Pueblos.

SEC. 119. SATISFACTION OF CLAIMS.

The benefits provided under this title shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Pueblos against the United States that are waived and released by the Pueblos pursuant to section 118(b).

SEC. 120. CONSENT OF UNITED STATES TO JURISDICTION FOR JUDICIAL REVIEW OF A PUEBLO WATER RIGHT PERMIT DECISION.

(a) CONSENT.—On the Enforceability Date, the consent of the United States is hereby given, with the consent of each Pueblo under article 11.5 of the Agreement, to jurisdiction in the District Court for the Thirteenth Judicial District of the State of New Mexico, and in the New Mexico Court of Appeals and the New Mexico Supreme Court on appeal therefrom in the same manner as provided under New Mexico law, over an action filed in such District Court by any party to a Pueblo Water Rights Permit administrative proceeding under article 11.4 of the Agreement for the limited and sole purpose of judicial review of a Pueblo Water Right Permit decision under article 11.5 of the Agreement.

(b) LIMITATION.—The consent of the United States under this title is limited to judicial review, based on the record developed through the administrative process of the Pueblo, under a standard of judicial review limited to determining whether the Pueblo decision on the application for Pueblo Water Right Permit—

(1) is supported by substantial evidence;

(2) is not arbitrary, capricious, or contrary to law;

(3) is not in accordance with this Agreement or the Partial Final Judgment and Decree; or

(4) shows that the Pueblo acted fraudulently or outside the scope of its authority.

(c) PUEBLO WATER CODE AND INTERPRETATION.—

(1) IN GENERAL.—Pueblo Water Code or Pueblo Water Law provisions that meet the requirements of article 11 of the Agreement shall be given full faith and credit in any proceeding described in this section.

(2) PROVISIONS OF THE PUEBLO WATER CODE.—To the extent that a State court conducting judicial review under this section must interpret provisions of Pueblo law that are not express provisions of the Pueblo Water Code, the State court shall certify the question of interpretation to the Pueblo court.

(3) NO CERTIFICATION.—Any issues of interpretation of standards in article 11.6 of the Agreement are not subject to certification.

(4) LIMITATION.—Nothing in this section limits the jurisdiction of the Decree Court to interpret and enforce the Agreement.

SEC. 121. MISCELLANEOUS PROVISIONS.

(a) NO WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Nothing in this title waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Pueblos.

(c) ALLOTTEES NOT ADVERSELY AFFECTED.—Nothing in this title quantifies or diminishes any water right, or any claim or entitlement to water, of an Allottee.

(d) EFFECT ON CURRENT LAW.—Nothing in this title affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(e) CONFLICT.—In the event of a conflict between the Agreement and this title, this title shall control.

SEC. 122. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title, including any obligation or activity under the Agreement, if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title.

TITLE II—PUEBLOS OF JEMEZ AND ZIA WATER RIGHTS SETTLEMENT

SEC. 201. PURPOSES.

The purposes of this title are—

(1) to achieve a fair, equitable, and final settlement of all claims to water rights in the Jemez River Stream System in the State of New Mexico for—

(A) the Pueblo of Jemez;

(B) the Pueblo of Zia; and

(C) the United States, acting as trustee for the Pueblos of Jemez and Zia;

(2) to authorize, ratify, and confirm the Agreement entered into by the Pueblos, the State, and various other parties to the extent that the Agreement is consistent with this title;

(3) to authorize and direct the Secretary—

(A) to execute the Agreement; and

(B) to take any other actions necessary to carry out the Agreement in accordance with this title; and

(4) to authorize funds necessary for the implementation of the Agreement and this title.

SEC. 202. DEFINITIONS.

In this title:

(1) ADJUDICATION.—The term ''Adjudication'' means the adjudication of water rights pending before the United States District Court for the District of New Mexico: United States of America, on its own behalf, and on behalf of the Pueblos of Jemez, Santa Ana, and Zia, State of New Mexico, ex rel. State Engineer, Plaintiffs, and Pueblos of Jemez, Santa Ana, and Zia, Plaintiffs-in-Intervention v. Tom Abousleman, et al., Defendants, Civil No. 83–cv–01041 (KR).

(2) AGREEMENT.—The term ''Agreement'' means—

(A) the document entitled ''Pueblos of Jemez and Zia Water Rights Settlement Agreement'' and dated May 11, 2022, and the appendices and exhibits attached thereto; and

(B) any amendment to the document referred to in subparagraph (A) (including an amendment to an appendix or exhibit) that is executed to ensure that the Agreement is consistent with this title.

(3) ENFORCEABILITY DATE.—The term ''Enforceability Date'' means the date described in section 207.

(4) JEMEZ RIVER STREAM SYSTEM.—The term ''Jemez River Stream System'' means the geographic extent of the area involved in the Adjudication.

(5) PARTIAL FINAL JUDGMENT AND DECREE.—The term ''Partial Final Judgment and Decree'' means a final or interlocutory partial final judgment and decree entered by the United States District Court for the District of New Mexico with respect to the water rights of the Pueblos—

(A) that is substantially in the form described in the Agreement, as amended to ensure consistency with this title; and

(B) from which no further appeal may be taken.

(6) PUEBLO.—The term ''Pueblo'' means either of—

(A) the Pueblo of Jemez; or

(B) the Pueblo of Zia.

(7) PUEBLO LAND.—The term ''Pueblo Land'' means any real property that is—

(A) held by the United States in trust for a Pueblo within the Jemez River Stream System;

(B) owned by a Pueblo within the Jemez River Stream System before the date on which a court approves the Agreement; or

(C) acquired by a Pueblo on or after the date on which a court approves the Agreement if the real property—

(i) is located within the exterior boundaries of the Pueblo, as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V);

(ii) is located within the exterior boundaries of any territory set aside for a Pueblo by law, executive order, or court decree;

(iii) is owned by a Pueblo or held by the United States in trust for the benefit of a Pueblo outside the Jemez River Stream System that is located within the exterior boundaries of the Pueblo, as recognized and confirmed by a patent issued under the Act of December 22, 1858 (11 Stat. 374, chapter V); or

(iv) is located within the exterior boundaries of any real property located outside the Jemez River Stream System set aside for a Pueblo by law, executive order, or court decree if the land is within or contiguous to land held by the United States in trust for the Pueblo as of June 1, 2022.

(8) PUEBLO TRUST FUND.—The term ''Pueblo Trust Fund'' means—

(A) the Pueblo of Jemez Settlement Trust Fund established under section 205(a); and

(B) the Pueblo of Zia Settlement Trust Fund established under that section.

(9) PUEBLO WATER RIGHTS.—The term ''Pueblo Water Rights'' means the respective water rights of the Pueblos—

(A) as identified in the Agreement and section 204; and

(B) as confirmed in the Partial Final Judgment and Decree.

(10) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Jemez; and

(B) the Pueblo of Zia.

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

(12) STATE.—The term ''State'' means the State of New Mexico and all officers, agents, departments, and political subdivisions of the State of New Mexico.

SEC. 203. RATIFICATION OF AGREEMENT.

(a) RATIFICATION.—

(1) IN GENERAL.—Except as modified by this title and to the extent that the Agreement does not conflict with this title, the Agreement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—If an amendment to the Agreement, or to any appendix or exhibit attached to the Agreement requiring the signature of the Secretary, is executed in accordance with this title to make the Agreement consistent with this title, the amendment is authorized, ratified, and confirmed.

(b) EXECUTION.—

(1) IN GENERAL.—To the extent the Agreement does not conflict with this title, the Secretary shall execute the Agreement, including all appendices or exhibits to, or parts of, the Agreement requiring the signature of the Secretary.

(2) MODIFICATIONS.—Nothing in this title prohibits the Secretary, after execution of the Agreement, from approving any modification to the Agreement, including an appendix or exhibit to the Agreement, that is consistent with this title, to the extent that the modification does not otherwise require congressional approval under section 2116 of the Revised Statutes (25 U.S.C. 177) or any other applicable provision of Federal law.

(c) ENVIRONMENTAL COMPLIANCE.—

(1) IN GENERAL.—In implementing the Agreement and this title, the Secretary shall comply with—

(A) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(C) all other applicable Federal environmental laws and regulations.

(2) COMPLIANCE.—

(A) IN GENERAL.—In implementing the Agreement and this title, the Pueblos shall prepare any necessary environmental documents, consistent with—

(i) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(ii) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), including the implementing regulations of that Act; and

(iii) all other applicable Federal environmental laws and regulations.

(B) AUTHORIZATIONS.—The Secretary shall—

(i) independently evaluate the documentation required under subparagraph (A); and

(ii) be responsible for the accuracy, scope, and contents of that documentation.

(3) EFFECT OF EXECUTION.—The execution of the Agreement by the Secretary under this section shall not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) COSTS.—Any costs associated with the performance of the compliance activities under this subsection shall be paid from funds deposited in the Pueblo Trust Funds, subject to the condition that any costs associated with the performance of Federal approval or other review of such compliance work or costs associated with inherently Federal functions shall remain the responsibility of the Secretary.

SEC. 204. PUEBLO WATER RIGHTS.

(a) TRUST STATUS OF THE PUEBLO WATER RIGHTS.—The Pueblo Water Rights shall be held in trust by the United States on behalf of the Pueblos in accordance with the Agreement and this title.

(b) FORFEITURE AND ABANDONMENT.—

(1) IN GENERAL.—The Pueblo Water Rights shall not be subject to loss through non-use, forfeiture, abandonment, or other operation of law.

(2) STATE-LAW BASED WATER RIGHTS.—State-law based water rights acquired by a Pueblo, or by the United States on behalf of a Pueblo, after the date for inclusion in the Partial Final Judgment and Decree, shall not be subject to forfeiture, abandonment, or permanent alienation from the time they are acquired.

(c) USE.—Any use of the Pueblo Water Rights shall be subject to the terms and conditions of the Agreement and this title.

(d) AUTHORITY OF THE PUEBLOS.—

(1) IN GENERAL.—The Pueblos shall have the authority to allocate, distribute, and lease the Pueblo Water Rights for use on Pueblo Land in accordance with the Agreement, this title, and applicable Federal law.

(2) USE OFF PUEBLO LAND.—The Pueblos may allocate, distribute, and lease the Pueblo Water Rights for use off Pueblo Land in accordance with the Agreement, this title, and applicable Federal law, subject to the approval of the Secretary.

(e) ADMINISTRATION.—

(1) NO ALIENATION.—The Pueblos shall not permanently alienate any portion of the Pueblo Water Rights.

(2) PURCHASES OR GRANTS OF LAND FROM INDIANS.—An authorization provided by this title for the allocation, distribution, leasing, or other arrangement entered into pursuant to this title shall be considered to satisfy any requirement for authorization of the action required by Federal law.

(3) PROHIBITION ON FORFEITURE.—The nonuse of all or any portion of the Pueblo Water Rights by any water user shall not result in the forfeiture, abandonment, relinquishment, or other loss of all or any portion of the Pueblo Water Rights.

SEC. 205. SETTLEMENT TRUST FUNDS.

(a) ESTABLISHMENT.—The Secretary shall establish 2 trust funds, to be known as the ''Pueblo of Jemez Settlement Trust Fund'' and the ''Pueblo of Zia Settlement Trust Fund'', to be managed, invested, and distributed by the Secretary and to remain available until expended, withdrawn, or reverted to the general fund of the Treasury, consisting of the amounts deposited in the Pueblo Trust Funds under subsection (b), together with any investment earnings, including interest, earned on those amounts for the purpose of carrying out this title.

(b) DEPOSITS.—The Secretary shall deposit in each Pueblo Trust Fund the amounts made available pursuant to section 206(a).

(c) MANAGEMENT AND INTEREST.—

(1) MANAGEMENT.—On receipt and deposit of funds into the Pueblo Trust Funds under subsection (b), the Secretary shall manage, invest, and distribute all amounts in the Pueblo Trust Funds in a manner that is consistent with the investment authority of the Secretary under—

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

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

(C) this subsection.

(2) INVESTMENT EARNINGS.—In addition to the deposits made to each Pueblo Trust Fund under subsection (b), any investment earnings, including interest, earned on those amounts held in each Pueblo Trust Fund are authorized to be used in accordance with subsections (e) and (g).

(d) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—Amounts appropriated to, and deposited in, each Pueblo Trust Fund, including any investment earnings (including interest) earned on those amounts, shall be made available to each Pueblo by the Secretary beginning on the Enforceability Date, subject to the requirements of this section, except for funds to be made available to the Pueblos pursuant to paragraph (2).

(2) USE OF FUNDS.—Notwithstanding paragraph (1), $25,000,000 of the amounts deposited in each Pueblo Trust Fund shall be available to the appropriate Pueblo for—

(A) developing economic water development plans;

(B) preparing environmental compliance documents;

(C) preparing water project engineering designs;

(D) establishing and operating a water resource department;

(E) installing supplemental irrigation groundwater wells; and

(F) developing water measurement and reporting water use plans.

(e) WITHDRAWALS.—

(1) WITHDRAWALS UNDER THE AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.—

(A) IN GENERAL.—Each Pueblo may withdraw any portion of the amounts in the Pueblo Trust Fund on approval by the Secretary of a Tribal management plan submitted by the Pueblo in accordance with the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.).

(B) REQUIREMENTS.—In addition to the requirements under the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.), the Tribal management plan under this paragraph shall require that the appropriate Pueblo shall spend all amounts withdrawn from each Pueblo Trust Fund, and any investment earnings (including interest) earned on those amounts through the investments under the Tribal management plan, in accordance with this title.

(C) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce the Tribal management plan under this paragraph to ensure that amounts withdrawn by each Pueblo from the Pueblo Trust Fund of the Pueblo under subparagraph (A) are used in accordance with this title.

(2) WITHDRAWALS UNDER EXPENDITURE PLAN.—

(A) IN GENERAL.—Each Pueblo may submit to the Secretary a request to withdraw funds from the Pueblo Trust Fund of the Pueblo pursuant to an approved expenditure plan.

(B) REQUIREMENTS.—To be eligible to withdraw amounts under an expenditure plan under subparagraph (A), each Pueblo shall submit to the Secretary an expenditure plan for any portion of the Pueblo Trust Fund that the Pueblo elects to withdraw pursuant to that subparagraph, subject to the condition that the amounts shall be used for the purposes described in this title.

(C) INCLUSIONS.—An expenditure plan under this paragraph shall include a description of the manner and purpose for which the amounts proposed to be withdrawn from the Pueblo Trust Fund will be used by the Pueblo, in accordance with this subsection and subsection (g).

(D) APPROVAL.—The Secretary shall approve an expenditure plan submitted under subparagraph (A) if the Secretary determines that the plan—

(i) is reasonable; and

(ii) is consistent with, and will be used for, the purposes of this title.

(E) ENFORCEMENT.—The Secretary may carry out such judicial and administrative actions as the Secretary determines to be necessary to enforce an expenditure plan to ensure that amounts disbursed under this paragraph are used in accordance with this title.

(f) EFFECT OF SECTION.—Nothing in this section gives the Pueblos the right to judicial review of a determination of the Secretary relating to whether to approve a Tribal management plan under paragraph (1) of subsection (e) or an expenditure plan under paragraph (2) of that subsection except under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(g) USES.—Amounts from a Pueblo Trust Fund may only be used by the appropriate Pueblo for the following purposes:

(1) Planning, permitting, designing, engineering, constructing, reconstructing, replacing, rehabilitating, operating, or repairing water production, treatment, or delivery infrastructure, including for domestic and municipal use, on-farm improvements, or wastewater infrastructure.

(2) Watershed protection and enhancement, support of agriculture, water-related Pueblo community welfare and economic development, and costs related to implementation of the Agreement.

(3) Planning, permitting, designing, engineering, construction, reconstructing, replacing, rehabilitating, operating, or repairing water production of delivery infrastructure of the Augmentation Project, as set forth in the Agreement.

(4) Ensuring environmental compliance in the development and construction of projects under this title.

(5) The management and administration of the Pueblo Water Rights.

(h) LIABILITY.—The Secretary and the Secretary of the Treasury shall not be liable for the expenditure or investment of any amounts withdrawn from a Pueblo Trust Fund by a Pueblo under paragraph (1) or (2) of subsection (e).

(i) EXPENDITURE REPORTS.—Each Pueblo shall annually submit to the Secretary an expenditure report describing accomplishments and amounts spent from use of withdrawals under a Tribal management plan or an expenditure plan under paragraph (1) or (2) of subsection (e), as applicable.

(j) NO PER CAPITA DISTRIBUTIONS.—No portion of a Pueblo Trust Fund shall be distributed on a per capita basis to any member of a Pueblo.

(k) TITLE TO INFRASTRUCTURE.—Title to, control over, and operation of any project constructed using funds from a Pueblo Trust Fund shall remain in the appropriate Pueblo.

(l) OPERATION, MAINTENANCE, AND REPLACEMENT.—All operation, maintenance, and replacement costs of any project constructed using funds from a Pueblo Trust Fund shall be the responsibility of the appropriate Pueblo.

SEC. 206. FUNDING.

(a) MANDATORY APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary—

(1) for deposit in the Pueblo of Jemez Settlement Trust Fund established under section 205(a) $290,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury; and

(2) for deposit in the Pueblo of Zia Settlement Trust Fund established under that section $200,000,000, to remain available until expended, withdrawn, or reverted to the general fund of the Treasury.

(b) FLUCTUATION IN COSTS.—

(1) IN GENERAL.—The amount appropriated under subsection (a) shall be increased or decreased, as appropriate, by such amounts as may be justified by reason of ordinary fluctuations in costs, as indicated by the Bureau of Reclamation Construction Cost Index–Composite Trend.

(2) CONSTRUCTION COSTS ADJUSTMENT.—The amount appropriated under subsection (a) shall be adjusted to address construction cost changes necessary to account for unforeseen market volatility that may not otherwise be captured by engineering cost indices, as determined by the Secretary, including repricing applicable to the types of construction and current industry standards involved.

(3) REPETITION.—The adjustment process under this subsection shall be repeated for each subsequent amount appropriated until the applicable amount, as adjusted, has been appropriated.

(4) PERIOD OF INDEXING.—The period of indexing adjustment under this subsection for any increment of funding shall start on October 1, 2021, and end on the date on which the funds are deposited in the applicable Pueblo Trust Fund.

(c) STATE COST SHARE.—The State shall contribute—

(1) $3,400,000, as adjusted for inflation pursuant to the Agreement, to the San Ysidro Community Ditch Association for capital and operating expenses of the mutual benefit Augmentation Project;

(2) $16,159,000, as adjusted for inflation pursuant to the Agreement, for Jemez River Basin Water Users Coalition acequia ditch improvements; and

(3) $500,000, as adjusted for inflation, to mitigate impairment to non-Pueblo domestic and livestock groundwater rights as a result of new Pueblo water use.

SEC. 207. ENFORCEABILITY DATE.

The Enforceability Date shall be the date on which the Secretary publishes in the Federal Register a statement of findings that—

(1) to the extent that the Agreement conflicts with this title, the Agreement has been amended to conform with this title;

(2) the Agreement, as amended, has been executed by all parties to the Agreement, including the United States;

(3) the United States District Court for the District of New Mexico has approved the Agreement and has entered a Partial Final Judgment and Decree;

(4) all of the amounts appropriated under section 206 have been appropriated and deposited in the designated accounts of the applicable Pueblo Trust Fund;

(5) the State has—

(A) provided the funding under section 206(c)(2) into appropriate funding accounts;

(B) provided the funding under section 206(c)(1) or entered into a funding agreement with the intended beneficiaries for that funding; and

(C) enacted legislation to amend State law to provide that a Pueblo Water Right may be leased for a term of not to exceed 99 years, including renewals;

(6) the waivers and releases under section subsections (a) and (b) of section 208 have been executed by the Pueblos and the Secretary; and

(7) the waivers and releases under section 208 have been executed by the Pueblos and the Secretary.

SEC. 208. WAIVERS AND RELEASES OF CLAIMS.

(a) WAIVERS AND RELEASES OF CLAIMS BY PUEBLOS AND UNITED STATES AS TRUSTEE FOR PUEBLOS.—Subject to the reservation of rights and retention of claims under subsection (d), as consideration for recognition of the Pueblo Water Rights and other benefits described in the Agreement and this title, the Pueblos and the United States, acting as trustee for the Pueblos, shall execute a waiver and release of all claims for—

(1) water rights within the Jemez River Stream System that the Pueblos, or the United States acting as trustee for the Pueblos, asserted or could have asserted in any proceeding, including the Adjudication, on or before the Enforceability Date, except to the extent that such a right is recognized in the Agreement and this title; and

(2) damages, losses, or injuries to water rights or claims of interference with, diversion of, or taking of water rights (including claims for injury to land resulting from such damages, losses, injuries, interference, diversion, or taking of water rights) in the Jemez River Stream System against any party to a settlement, including the members and parciantes of signatory acequias, that accrued at any time up to and including the Enforceability Date.

(b) WAIVERS AND RELEASES OF CLAIMS BY PUEBLOS AGAINST UNITED STATES.—Subject to the reservation of rights and retention of claims under subsection (d), each Pueblo shall execute a waiver and release of all claims against the United States (including any agency or employee of the United States) for water rights within the Jemez River Stream System first arising before the Enforceability Date relating to—

(1) water rights within the Jemez River Stream System that the United States, acting as trustee for the Pueblos, asserted or could have asserted in any proceeding, including the Adjudication, except to the extent that such rights are recognized as part of the Pueblo Water Rights under this title;

(2) foregone benefits from non-Pueblo use of water, on and off Pueblo Land (including water from all sources and for all uses), within the Jemez River Stream System;

(3) damage, loss, or injury to water, water rights, land, or natural resources due to loss of water or water rights (including damages, losses, or injuries to hunting, fishing, gathering, or cultural rights due to loss of water or water rights, claims relating to interference with, diversion of, or taking of water, or claims relating to a failure to protect, acquire, replace, or develop water, water rights, or water infrastructure) within the Jemez River Stream System;

(4) a failure to establish or provide a municipal, rural, or industrial water delivery system on Pueblo Land within the Jemez River Stream System;

(5) damage, loss, or injury to water, water rights, land, or natural resources due to construction, operation, and management of irrigation projects on Pueblo Land or Federal land (including damages, losses, or injuries to fish habitat, wildlife, and wildlife habitat) within the Jemez River Stream System;

(6) a failure to provide for operation, maintenance, or deferred maintenance for any irrigation system or irrigation project within the Jemez River Stream System;

(7) a failure to provide a dam safety improvement to a dam on Pueblo Land within the Jemez River Stream System;

(8) the litigation of claims relating to any water right of a Pueblo within the Jemez River Stream System; and

(9) the negotiation, execution, or adoption of the Agreement (including exhibits or appendices) and this title.

(c) EFFECTIVE DATE.—The waivers and releases described in subsections (a) and (b) shall take effect on the Enforceability Date.

(d) RESERVATION OF RIGHTS AND RETENTION OF CLAIMS.—Notwithstanding the waivers and releases under subsections (a) and (b), the Pueblos and the United States, acting as trustee for the Pueblos, shall retain all claims relating to—

(1) the enforcement of, or claims accruing after the Enforceability Date relating to, water rights recognized under the Agreement, this title, or the Partial Final Judgement and Decree entered into in the Adjudication;

(2) activities affecting the quality of water, including claims under—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including claims for damages to natural resources;

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act''); and

(D) any regulations implementing the Acts described in subparagraphs (A) through (C);

(3) the right to use and protect water rights acquired after the date of enactment of this Act;

(4) damage, loss, or injury to land or natural resources that is not due to loss of water or water rights, including hunting, fishing, gathering, or cultural rights;

(5) all rights, remedies, privileges, immunities, and powers not specifically waived and released pursuant to this title or the Agreement; and

(6) loss of water or water rights in locations outside of the Jemez River Stream System.

(e) EFFECT OF AGREEMENT AND TITLE.—Nothing in the Agreement or this title—

(1) reduces or extends the sovereignty (including civil and criminal jurisdiction) of any government entity;

(2) affects the ability of the United States, as sovereign, to carry out any activity authorized by law, including—

(A) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(B) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) (commonly referred to as the ''Clean Water Act'');

(D) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.); and

(E) any regulations implementing the Acts described in subparagraphs (A) though (D);

(3) affects the ability of the United States to act as trustee for the Pueblos (consistent with this title), any other pueblo or Indian Tribe, or an allottee of any Indian Tribe;

(4) confers jurisdiction on any State court—

(A) to interpret Federal law relating to health, safety, or the environment;

(B) to determine the duties of the United States or any other party under Federal law regarding health, safety, or the environment;

(C) to conduct judicial review of any Federal agency action; or

(D) to interpret Pueblo or Tribal law; or

(5) waives any claim of a member of a Pueblo in an individual capacity that does not derive from a right of the Pueblos.

(f) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Each applicable period of limitation and time-based equitable defense relating to a claim described in this section shall be tolled for the period beginning on the date of enactment of this Act and ending on the Enforceability Date.

(2) EFFECT OF SUBSECTION.—Nothing in this subsection revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act.

(3) LIMITATION.—Nothing in this section precludes the tolling of any period of limitation or any time-based equitable defense under any other applicable law.

(g) EXPIRATION.—

(1) IN GENERAL.—This title shall expire in any case in which the Secretary fails to publish a statement of findings under section 207 by not later than—

(A) July 1, 2030; or

(B) such alternative later date as is agreed to by the Pueblos and the Secretary, after providing reasonable notice to the State.

(2) CONSEQUENCES.—If this title expires under paragraph (1)—

(A) the waivers and releases under subsections (a) and (b) shall—

(i) expire; and

(ii) have no further force or effect;

(B) the authorization, ratification, confirmation, and execution of the Agreement under section 203 shall no longer be effective;

(C) any action carried out by the Secretary, and any contract or agreement entered into, pursuant to this title shall be void;

(D) any unexpended Federal funds appropriated or made available to carry out the activities authorized by this title, together with any interest earned on those funds, and any water rights or contracts to use water and title to other property acquired or constructed with Federal funds appropriated or made available to carry out the activities authorized by this title shall be returned to the Federal Government, unless otherwise agreed to by the Pueblos and the United States and approved by Congress; and

(E) except for Federal funds used to acquire or construct property that is returned to the Federal Government under subparagraph (D), the United States shall be entitled to offset any Federal funds made available to carry out this title that were expended or withdrawn, or any funds made available to carry out this title from other Federal authorized sources, together with any interest accrued on those funds, against any claims against the United States—

(i) relating to—

(I) water rights in the State asserted by—

(aa) the Pueblos; or

(bb) any user of the Pueblo Water Rights; or

(II) any other matter covered by subsection (b); or

(ii) in any future settlement of water rights of the Pueblos.

SEC. 209. SATISFACTION OF CLAIMS.

The benefits provided under this title shall be in complete replacement of, complete substitution for, and full satisfaction of any claim of the Pueblos against the United States that are waived and released by the Pueblos pursuant to section 208(b).

SEC. 210. MISCELLANEOUS PROVISIONS.

(a) NO WAIVER OF SOVEREIGN IMMUNITY BY THE UNITED STATES.—Nothing in this title waives the sovereign immunity of the United States.

(b) OTHER TRIBES NOT ADVERSELY AFFECTED.—Nothing in this title quantifies or diminishes any land or water right, or any claim or entitlement to land or water, of an Indian Tribe, band, or community other than the Pueblos.

(c) EFFECT ON CURRENT LAW.—Nothing in this title affects any provision of law (including regulations) in effect on the day before the date of enactment of this Act with respect to pre-enforcement review of any Federal environmental enforcement action.

(d) CONFLICT.—In the event of a conflict between the Agreement and this title, this title shall control.

SEC. 211. ANTIDEFICIENCY.

The United States shall not be liable for any failure to carry out any obligation or activity authorized by this title, including any obligation or activity under the Agreement, if adequate appropriations are not provided expressly by Congress to carry out the purposes of this title.

SA 1120. Mr. SCHATZ (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 110. The remaining unobligated balances, as of September 30, 2024, from amounts made available for the ''Department of Transportation—Office of the Secretary—National Infrastructure Investments'' in division L of the Consolidated Appropriations Act, 2021 (Public Law 116–260) are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2024, to remain available until September 30, 2027, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2021 national infrastructure investments program, in addition to other funds as may be available for such purposes: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 1121. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION D

CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

SEC. 101. CONGRESSIONAL REVIEW. (a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 104(2);

(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

(v) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Federal agency shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995;

(iv) an estimate of the effect on inflation of the rule; and

(v) any other relevant information or requirements under any other Act and any relevant Executive orders.

(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(D) If requested in writing by a member of Congress—

(i) the Comptroller General shall make a determination whether an agency action qualifies as a rule for purposes of this chapter, and shall submit to Congress this determination not later than 60 days after the date of the request; and

(ii) the Comptroller General, in consultation with the Director of the Congressional Budget Office, shall make a determination whether a rule is considered a major rule under the provisions of this act, and shall submit to Congress this determination not later than 90 days after the date of the request.

For purposes of this section, a determination under this subparagraph shall be deemed to be a report under subparagraph (A).

(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 102 or as provided for in the rule following enactment of a joint resolution of approval described in section 102, whichever is later.

(4) A nonmajor rule shall take effect as provided by section 103 after submission to Congress under paragraph (1).

(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this division in the same Congress by either the House of Representatives or the Senate.

(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 102.

(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either

House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 102.

(d)(1) In addition to the opportunity for review otherwise provided under this division, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

(A) in the case of the Senate, 60 session days; or

(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 102 and 103 shall apply to such rule in the succeeding session of Congress.

(2)(A) In applying sections 102 and 103 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register on—

(I) in the case of the Senate, the 15th session day; or

(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

SEC. 102. CONGRESSIONAL APPROVAL PROCEDURE FOR MAJOR RULES. (a)(1) For purposes of this section, the term "joint resolution" means only a joint resolution addressing a report classifying a rule as major pursuant to section 101(a)(1)(A)(iii) that—

(A) bears no preamble;

(B) bears the following title (with blanks filled as appropriate): ''Approving the rule submitted by _____ relating to _____.'';

(C) includes after its resolving clause only the following (with blanks filled as appropriate): ''That Congress approves the rule submitted by _____ relating to _____.''; and

(D) is introduced pursuant to paragraph (2).

(2) After a House of Congress receives a report classifying a rule as major pursuant to section 101(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

(A) in the case of the House of Representatives, within 3 legislative days; and

(B) in the case of the Senate, within 3 session days.

(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 101(b)(2), then such vote shall be taken on that day.

(h) This section and section 103 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 103. CONGRESSIONAL DISAPPROVAL PROCEDURE FOR NONMAJOR RULES. (a) For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 101(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

(2) if the report under section 101(a)(1)(A) was submitted during the period referred to in section 101(c)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

SEC. 104. DEFINITIONS. For purposes of this division:

(1) The term ''Federal agency'' means any agency as that term is defined in section 551(1) of title 5, United States Code, that receives funding under any division of this Act.

(2) The term ''major rule'' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

(A) an annual effect on the economy of $100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(D) an increase in mandatory vaccinations.

(3) The term ''nonmajor rule'' means any rule that is not a major rule.

(4) The term ''rule'' means a rule, as defined in section 551 of title 5, United States Code, except that such ter has the meaning given such term in section 551 of title 5, United States Code, except that such term—

(A) includes interpretive rules, general statements of policy, and all other agency guidance documents; and

(B) does not include—

(i) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

(ii) any rule relating to agency management or personnel; or

(iii) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

(5) The term ''submission or publication date'', except as otherwise provided in this division, means—

(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 101(a)(1); and

(B) in the case of a nonmajor rule, the later of—

(i) the date on which the Congress receives the report submitted under section 101(a)(1); and

(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

SEC. 105. JUDICIAL REVIEW. (a) No determination, finding, action, or omission under this division shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this division for a rule to take effect.

(c) The enactment of a joint resolution of approval under section 102 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

SEC. 106. EXEMPTION FOR MONETARY POLICY. Nothing in this division shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 107. EFFECTIVE DATE OF CERTAIN RULES. Notwithstanding section 101—

(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

(2) any rule other than a major rule which the Federal agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency determines.

SEC. 108. REVIEW OF RULES CURRENTLY IN EFFECT. (a) Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 4 years following, each agency shall designate not less than 20 percent of eligible rules made by that agency for review, and shall submit a report including each such eligible rule in the same manner as a report under section 1(a)(1). Section 1, section 2, and section 3 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

(b) Beginning after the date that is 5 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

(c)(1) Unless Congress approves all eligible rules designated by executive agencies for review within 90 days of designation, they shall have no effect.

(2) A single joint resolution of approval shall apply to all eligible rules in a report designated for a year as follows: ''That Congress approves the rules submitted by the_____ for the year _____.'' (The blank spaces being appropriately filled in).

(3) A member of either House may move that a separate joint resolution be required for a specified rule.

(d) In this section, the term ''eligible rule'' means a rule that is in effect as of the date of enactment of this section.

SEC. 109. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE. Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 2 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 2 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 110. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES. (a) The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report (and publish the report on the website of the Comptroller General) to Congress that contains the findings of the study conducted under subsection (a).

SA 1122. Mr. PETERS submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VII of division B, insert the following:

SEC. _____. (a) There is appropriated $3,000,000, to remain available until expended, for the emergency and transitional pet shelter and housing assistance grant program established under section 12502(b) of the Agriculture Improvement Act of 2018 (34 U.S.C. 20127).

(b) Notwithstanding any other provision of this Act, the total amount rescinded in section 745 is increased by $3,000,000.

SA 1123. Ms. ERNST submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. REPORTING REGARDING TELEWORK.

(a) DEFINITIONS.—In this section, the terms ''employee'', ''locality pay area'', ''locality rate'', and ''official worksite'' have the meanings given those terms in section 531.602 of title 5, Code of Federal Regulations.

(b) REPORTING REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the head of each agency or department funded under division A, division B, or division C of this Act shall submit to Congress a report containing—

(1) the number of employees of the agency or department who, based upon information technology login information, office swipeins, and other measurable and observable factors, perform the majority of their working hours in a locality pay area with a lower locality rate than the locality rate for the locality pay area in which the official worksite of the employee is located, but continue to receive the higher locality rate associated with the official worksite of the employee;

(2) the cost savings that would be achieved by adjusting the locality rate for employees described in paragraph (1) to be the locality rate for the locality pay area in which the employees perform the majority of their working hours;

(3) the actions the agency or department has taken to audit and adjust the locality rates for employees with a telework agreement to account for the location from which the employees perform the majority of their working hours;

(4) as of the date of enactment of this Act, the actions the agency or department has taken to ensure oversight and quality control of remote work;

(5) any additional steps the agency or department is considering taking to improve oversight and quality control of remote work;

(6) the typical daily onsite attendance in the office buildings of the agency or department, as a proportion of the total workforce of the agency or department;

(7) any guidance, initiatives, or other incentives in effect to entice the employees of the agency or department to return to working from the office buildings of the agency or department;

(8) a description of the instances in which the agency or department has exercised the authority under paragraph (2) of section 531.605(d) of title 5, Code of Federal Regulations to waive the twice-in-a-pay-period standard under paragraph (1) of such section;

(9) the number of exceptions to the exercises of authority described in paragraph (8) that have been revoked during each month beginning on or after July 1, 2021;

(10) as of the date of enactment of this Act, the number of employees for whom an exception described in paragraph (8) remains in effect;

(11) a discussion of the monetary and environmental cost of maintaining underutilized space for the agency or department, in terms of energy use and carbon emissions;

(12) any steps the agency or department is taking or planning to take on or before the date that is 30 days after the date of enactment of this Act to reduce underutilization of building and office space; and

(13) an analysis of the impacts of telework on the delivery of services and response times, including any increase or decrease in backlogs relative to the backlog as of March 1, 2020.

SA 1124. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. Of the funds made available by this division or otherwise made available for fiscal year 2024 for the North Atlantic Treaty Organization Security Investment Program, not more than two percent may be obligated or expended.

SA 1125. Mr. VANCE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. None of the funds appropriated or made available by this division may be used to enforce a mask mandate in response to the COVID–19 virus.

SA 1126. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following:

TITLE IV

CONGRESSIONAL REVIEW OF RULEMAKING BY THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 401. CONGRESSIONAL REVIEW. (a)(1)(A) Before a rule of the Department may take effect, the Department shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 404(2);

(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

(v) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Department shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

(ii) the Department's actions pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

(iii) the Department's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995;

(iv) an estimate of the effect on inflation of the rule; and

(v) any other relevant information or requirements under any other Act and any relevant Executive orders.

(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(D) If requested in writing by a member of Congress—

(i) the Comptroller General shall make a determination whether an agency action qualifies as a rule for purposes of this chapter, and shall submit to Congress this determination not later than 60 days after the date of the request; and

(ii) the Comptroller General, in consultation with the Director of the Congressional Budget Office, shall make a determination whether a rule is considered a major rule under the provisions of this act, and shall submit to Congress this determination not later than 90 days after the date of the request.

For purposes of this section, a determination under this subparagraph shall be deemed to be a report under subparagraph (A).

(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the Department's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes

any new limits or mandates on private-sector activity.

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 402 or as provided for in the rule following enactment of a joint resolution of approval described in section 402, whichever is later.

(4) A nonmajor rule shall take effect as provided by section 403 after submission to Congress under paragraph (1).

(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this title in the same Congress by either the House of Representatives or the Senate.

(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 402.

(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 402.

(d)(1) In addition to the opportunity for review otherwise provided under this title, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

(A) in the case of the Senate, 60 session days; or

(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 402 and 403 shall apply to such rule in the succeeding session of Congress.

(2)(A) In applying sections 402 and 403 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register on—

(I) in the case of the Senate, the 15th session day; or

(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

SEC. 402. CONGRESSIONAL APPROVAL PROCEDURE FOR MAJOR RULES. (a)(1) For purposes of this section, the term "joint resolution" means only a joint resolution addressing a report classifying a rule as major pursuant to section 401(a)(1)(A)(iii) that—

(A) bears no preamble;

(B) bears the following title (with blanks filled as appropriate): ''Approving the rule submitted by _____ relating to _____.'';

(C) includes after its resolving clause only the following (with blanks filled as appropriate): ''That Congress approves the rule submitted by _____ relating to _____.''; and

(D) is introduced pursuant to paragraph (2).

(2) After a House of Congress receives a report classifying a rule as major pursuant to section 401(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

(A) in the case of the House of Representatives, within 3 legislative days; and

(B) in the case of the Senate, within 3 session days.

(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 401(b)(2), then such vote shall be taken on that day.

(h) This section and section 403 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 403. CONGRESSIONAL DISAPPROVAL PROCEDURE FOR NONMAJOR RULES. (a) For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 401(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

(2) if the report under section 401(a)(1)(A) was submitted during the period referred to in section 401(c)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

SEC. 404. DEFINITIONS. For purposes of this title:

(1) The term ''Department'' means the Department of Veterans Affairs.

(2) The term ''major rule'' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

(A) an annual effect on the economy of $100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(D) in increase in mandatory vaccinations.

(3) The term ''nonmajor rule'' means any rule that is not a major rule.

(4) The term ''rule'' means a rule, as defined in section 551 of title 5, United States, issued by the Department under title II of this division, except that such term—

(A) includes interpretive rules, general statements of policy, and all other agency guidance documents; and

(B) does not include—

(i) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

(ii) any rule relating to agency management or personnel; or

(iii) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

(5) The term ''submission or publication date'', except as otherwise provided in this title, means—

(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 401(a)(1); and

(B) in the case of a nonmajor rule, the later of—

(i) the date on which the Congress receives the report submitted under section 401(a)(1); and

(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

SEC. 405. JUDICIAL REVIEW. (a) No determination, finding, action, or omission under this title shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether the Department has completed the necessary requirements under this title for a rule to take effect.

(c) The enactment of a joint resolution of approval under section 402 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

SEC. 406. EXEMPTION FOR MONETARY POLICY. Nothing in this title shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 407. EFFECTIVE DATE OF CERTAIN RULES. Notwithstanding section 401—

(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

(2) any rule other than a major rule which the Department for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Department determines.

SEC. 408. REVIEW OF RULES CURRENTLY IN EFFECT. (a) Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 4 years following, the Department shall designate not less than 20 percent of eligible rules made by the Department for review, and shall submit a report including each such eligible rule in the same manner as a report under section 401(a)(1). Section 401, section 402, and section 403 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

(b) Beginning after the date that is 5 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

(c)(1) Unless Congress approves all eligible rules designated by the Department for review within 90 days of designation, they shall have no effect.

(2) A single joint resolution of approval shall apply to all eligible rules in a report designated for a year as follows: ''That Congress approves the rules submitted by the_____ for the year _____.'' (The blank spaces being appropriately filled in).

(3) A member of either House may move that a separate joint resolution be required for a specified rule.

(d) In this section, the term ''eligible rule'' means a rule that is in effect as of the date of enactment of this section.

SEC. 409. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE. Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 2 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 2 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 410. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES. (a) The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report (and publish the report on the website of the Comptroller General) to Congress that contains the findings of the study conducted under subsection (a).

SA 1127. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

On page 106 of the amendment, line 9, strike ''40 percent'' and insert ''30 percent''.

SA 1128. Mr. LEE submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, insert the following:

TITLE IV

CONGRESSIONAL REVIEW OF RULEMAKING BY THE DEPARTMENT OF DEFENSE

SEC. 401. CONGRESSIONAL REVIEW. (a)(1)(A) Before a rule of the Department may take effect, the Department shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

(i) a copy of the rule;

(ii) a concise general statement relating to the rule;

(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 404(2);

(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

(v) the proposed effective date of the rule.

(B) On the date of the submission of the report under subparagraph (A), the Department shall submit to the Comptroller General and make available to each House of Congress—

(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

(ii) the Department's actions pursuant to sections 603, 604, 605, 607, and 609 of title 5, United States Code;

(iii) the Department's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995;

(iv) an estimate of the effect on inflation of the rule; and

(v) any other relevant information or requirements under any other Act and any relevant Executive orders.

(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

(D) If requested in writing by a member of Congress—

(i) the Comptroller General shall make a determination whether an agency action qualifies as a rule for purposes of this chapter, and shall submit to Congress this determination not later than 60 days after the date of the request; and

(ii) the Comptroller General, in consultation with the Director of the Congressional Budget Office, shall make a determination whether a rule is considered a major rule under the provisions of this act, and shall submit to Congress this determination not later than 90 days after the date of the request.

For purposes of this section, a determination under this subparagraph shall be deemed to be a report under subparagraph (A).

(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the Department's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 402 or as provided for in the rule following enactment of a joint resolution of approval described in section 402, whichever is later.

(4) A nonmajor rule shall take effect as provided by section 403 after submission to Congress under paragraph (1).

(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this title in the same Congress by either the House of Representatives or the Senate.

(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 402.

(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

(A) necessary because of an imminent threat to health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) necessary for national security; or

(D) issued pursuant to any statute implementing an international trade agreement.

(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 402.

(d)(1) In addition to the opportunity for review otherwise provided under this title, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

(A) in the case of the Senate, 60 session days; or

(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 402 and 403 shall apply to such rule in the succeeding session of Congress.

(2)(A) In applying sections 402 and 403 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

(i) such rule were published in the Federal Register on—

(I) in the case of the Senate, the 15th session day; or

(II) in the case of the House of Representatives, the 15th legislative day,

after the succeeding session of Congress first convenes; and

(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

SEC. 402. CONGRESSIONAL APPROVAL PROCEDURE FOR MAJOR RULES. (a)(1) For purposes of this section, the term "joint resolution" means only a joint resolution addressing a report classifying a rule as major pursuant to section 401(a)(1)(A)(iii) that—

(A) bears no preamble;

(B) bears the following title (with blanks filled as appropriate): ''Approving the rule submitted by _____ relating to _____.'';

(C) includes after its resolving clause only the following (with blanks filled as appropriate): ''That Congress approves the rule submitted by _____ relating to _____.''; and

(D) is introduced pursuant to paragraph (2).

(2) After a House of Congress receives a report classifying a rule as major pursuant to section 401(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

(A) in the case of the House of Representatives, within 3 legislative days; and

(B) in the case of the Senate, within 3 session days.

(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

(b) A joint resolution described in subsection (a) shall be referred in each House of

Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

(A) the joint resolution of the other House shall not be referred to a committee; and

(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 401(b)(2), then such vote shall be taken on that day.

(h) This section and section 403 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 403. CONGRESSIONAL DISAPPROVAL PROCEDURE FOR NONMAJOR RULES. (a) For purposes of this section, the term "joint resolution" means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 401(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: "That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect." (The blank spaces being appropriately filled in).

(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

(2) if the report under section 401(a)(1)(A) was submitted during the period referred to in section 401(c)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

(1) The joint resolution of the other House shall not be referred to a committee.

(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(B) the vote on final passage shall be on the joint resolution of the other House.

SEC. 404. DEFINITIONS. For purposes of this title:

(1) The term ''Department'' means the Department of Defense.

(2) The term ''major rule'' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

(A) an annual effect on the economy of $100,000,000 or more;

(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions;

(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

(D) in increase in mandatory vaccinations.

(3) The term ''nonmajor rule'' means any rule that is not a major rule.

(4) The term ''rule'' means a rule, as defined in section 551 of title 5, United States,

issued by the Department under title I of this division, except that such term—

(A) includes interpretive rules, general statements of policy, and all other agency guidance documents; and

(B) does not include—

(i) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

(ii) any rule relating to agency management or personnel; or

(iii) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

(5) The term ''submission or publication date'', except as otherwise provided in this title, means—

(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 401(a)(1); and

(B) in the case of a nonmajor rule, the later of—

(i) the date on which the Congress receives the report submitted under section 401(a)(1); and

(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

SEC. 405. JUDICIAL REVIEW. (a) No determination, finding, action, or omission under this title shall be subject to judicial review.

(b) Notwithstanding subsection (a), a court may determine whether the Department has completed the necessary requirements under this title for a rule to take effect.

(c) The enactment of a joint resolution of approval under section 402 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

SEC. 406. EXEMPTION FOR MONETARY POLICY. Nothing in this title shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

SEC. 407. EFFECTIVE DATE OF CERTAIN RULES. Notwithstanding section 401—

(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

(2) any rule other than a major rule which the Department for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Department determines.

SEC. 408. REVIEW OF RULES CURRENTLY IN EFFECT. (a) Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 4 years following, the Department shall designate not less than 20 percent of eligible rules made by the Department for review, and shall submit a report including each such eligible rule in the same manner as a report under section 401(a)(1). Section 401, section 402, and section 403 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

(b) Beginning after the date that is 5 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

(c)(1) Unless Congress approves all eligible rules designated by the Department for review within 90 days of designation, they shall have no effect.

(2) A single joint resolution of approval shall apply to all eligible rules in a report designated for a year as follows: ''That Congress approves the rules submitted by the_____ for the year _____.'' (The blank spaces being appropriately filled in).

(3) A member of either House may move that a separate joint resolution be required for a specified rule.

(d) In this section, the term ''eligible rule'' means a rule that is in effect as of the date of enactment of this section.

SEC. 409. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE. Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 2 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 2 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 410. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES. (a) The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report (and publish the report on the website of the Comptroller General) to Congress that contains the findings of the study conducted under subsection (a).

SA 1129. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. The Secretary of Agriculture, in coordination with the Administrator of the Federal Emergency Management Agency, shall coordinate food benefit allotments under section 412 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5179) and section 5(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)) with respect to individuals and households adversely affected by a major disaster to minimize delays in receiving temporary food assistance, improve information sharing, and prevent redundancy of assistance.

SA 1130. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division A, add the following:

SEC. 261. REPORT ON RIDESHARING PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans shall submit to the appropriate committees of Congress a report containing the following:

(1) An analysis of available data on the impact on homeless veterans from ending the expanded use of the ridesharing program of the Department of Veterans Affairs that took place during the COVID–19 pandemic.

(2) An estimate of the cost to reinstate the expanded use of the program described in paragraph (1) and an identification of any logistical issues associated with doing so.

(b) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

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

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

SA 1131. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1092 submitted by Mrs. MURRAY (for herself and Ms. COLLINS) and intended to be proposed to the bill H.R. 4366, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2024, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON USE OF THIRD-PARTY CONTRACTORS TO CONDUCT MEDICAL DISABILITY EXAMINATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans shall submit to the appropriate committees of Congress a report on the use of third-party contractors to conduct medical disability examinations of veterans for purposes of obtaining compensation under laws administered by the Secretary of Veterans Affairs.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include the following:

(1) The number of contractors described in subsection (a) in each State who are used as described in such subsection.

(2) The requirements for performance and quality in the contracts governing the use described in subsection (a), including qualifications contractors described in such subsection are required meet for such uses.

(3) The average milage veterans described in subsection (a) are required to travel to attend a contract medical disability examination described in such subsection, disaggregated by state;

(4) The number of veterans described in paragraph (3) who are required to travel beyond the mileage requirement in a contract described in paragraph (2).

(5) A description of the process at the Department for handling complaints of veterans about the use of contractors as described in subsection (a).

(c) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

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

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

AUTHORITY FOR COMMITTEES TO MEET

Mr. WHITEHOUSE. Madam President, I have eight requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 9:30 a.m., to conduct a hearing on a nomination.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 2:30 p.m., to conduct a subcommittee hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 10:45 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on The Judiciary is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 10 a.m., to conduct a hearing .

COMMITTEE ON THE JUDICIARY

The Committee on The Judiciary is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 2:30 p.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON HOUSING, TRANSPORTATION, AND COMMUNITY DEVELOPMENT

The Subcommittee on Housing, Transportation, and Community Development of the Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, September 12, 2023, at 2:30 p.m., to conduct a hybrid hearing.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Executive Calendar No. 298, Michael Colin Casey, to be Director of the National Counterintelligence and Security Center; that the Senate vote on the nomination without any intervening action or debate; that the motion to reconsider be considered made and laid upon the table; that any statements related to the nomination be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Michael Colin Casey, of Kentucky, to be Director of the National Counterintelligence and Security Center.

Thereupon, the Senate proceeded to consider the nomination.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the Casey nomination?

The nomination was agreed to.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now resume legislative session.

RESOLUTIONS SUBMITTED TODAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 337, National Direct Support Professionals Recognition Week; S. Res. 338, Patriot Week; and S. Res. 339, Blood Donation Drive.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. WHITEHOUSE. I ask unanimous consent that the resolutions be agreed to, the preambles, where applicable, be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions (S. Res. 337 and S. Res. 338) were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

The resolution (S. Res. 339) was agreed to.

(The resolution is printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR WEDNESDAY, SEPTEMBER 13, 2023

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Wednesday, September 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 198, H.R. 4366, postcloture; further, that all time during adjournment, recess, morning business, and leader remarks count against the postcloture time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 4366

Mr. WHITEHOUSE. Mr. President, on behalf of Senator MURRAY, I ask unanimous consent that the following report from the Committee on Appropriations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FURTHER REVISED ALLOCATION TO SUBCOMMITTEES OF BUDGET TOTALS FOR FISCAL YEAR 2024

The Committee on Appropriations submits the following report revising the allocations to its subcommittees for fiscal year 2024 set forth in Senate Report 118–45 (June 22, 2023) and revised in Senate Report 118–57 (July 12, 2023), Senate Report 118–69 (July 19, 2023), and Senate Report 118–78 (July 26, 2023).

Section 302(e) of the Congressional Budget Act of 1974, as amended, provides that at any time after a committee reports its allocations, such committee may report to its House an alteration of such allocations. This report is submitted pursuant to this section.

Under the provisions of section 301(a) of the Congressional Budget Act, the Congress shall complete action on a concurrent resolution on the budget no later than April 15 of each year. The Congressional Budget Act requires that, as soon as practicable after a concurrent resolution on the budget is agreed to, the Committee on Appropriations shall submit to the Senate a report subdividing among its subcommittees the new budget authority and total outlays allocated to the Committee in the joint explanatory statement accompanying the conference report on such a resolution.

On June 3, 2023, the President approved the Fiscal Responsibility Act of 2023. Section 121 of that act provides for the Chairman of the Committee on the Budget to file an allocation, consistent with the terms of the Fiscal