

I want to explain the scenario. In recent years, this Congress has provided record funding for mitigation projects, whether it be through the Corps of Engineers, the BRIC program through FEMA, or the Hazard Mitigation Grant Program that is based upon a formula of previous years disasters.

What this legislation does is it really is a technical fix. In many cases, Mr. Speaker, it can take FEMA not weeks or months to approve a mitigation project, but years. It can take years. In many cases, Mr. Speaker, these projects are absolutely critical projects; they have great urgency behind them.

We must have a project development and delivery process that reflects the urgency of the projects. This bill helps to fix that.

What it does is it doesn't necessarily wait on Federal approval to allow for a project to be reimbursed to be an eligible project. I want to be clear, Mr. Speaker. This doesn't change the rules of eligibility. Meaning a county, a parish, a borough, a State could not move forward on a project doing something that ultimately is not approved and then get reimbursed. So the criteria for qualifying projects remains intact.

This simply says if a parish, a county, a borough, or a State moves out on a mitigation project before approval from FEMA, they are not prevented or deemed ineligible from ultimately getting reimbursed under the Hazard Mitigation Grant Program.

I thank Mrs. FLETCHER for her work on this. This is the second time the House has voted on this legislation. The first time the bill passed the House, I think it was 409-16. I am going to say it again, Mr. Speaker: 409-16.

Mr. Speaker, this legislation clearly enjoys broad bipartisan support. The Senate did make two small changes that we fully support. It does put a 3-year sunset on the bill. Secondly, it does require a report back to Congress to show the performance of the program and whether or not it should be renewed.

Again, Mr. Speaker, I urge adoption of H.R. 1917, and I reserve the balance of my time.

Mr. MALINOWSKI. Mr. Speaker, I have no more speakers, and I continue to reserve the balance of my time.

Mr. GRAVES of Louisiana. Mr. Speaker, I yield 4 minutes to the gentleman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN. Mr. Speaker, I rise today in support of the Senate amendment to H.R. 1917, the Hazard Eligibility and Local Projects Act, introduced by my colleague, Congresswoman LIZZIE FLETCHER from Texas, and which I am a proud cosponsor.

The reason for that is that this bipartisan bill supports our communities with their preparation and response efforts to any disasters. Specifically, it will make them eligible for certain Federal disaster mitigation assistance for projects that began prior to submitting a request for assistance.

The Senate amendment builds on this sound work by including a 3-year sunset clause that will allow Congress to assess the use of this authority and flexibility moving forward.

We need to support our constituents in their efforts to safeguard our communities against any disasters. In my district, Puerto Rico, and in several others across the country, we know all too well the impact certain disasters may have on our health, economy, and of course, everyday life.

This bill will support mitigation and related initiatives prior to the disaster taking place. As such, it reduces the need for post-disaster response funding and ensures the continuity of mitigation work once it has started.

Timely mitigation measures create and promote resiliency and lead to a faster recovery. As a cosponsor of H.R. 1917, I urge my colleagues to support this bill, as amended.

Mr. GRAVES of Louisiana. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, again, this legislation is designed to address specific problems we have seen, bureaucracy and inefficiency. As the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) just noted, this has impacts on communities that have experienced multiple disasters like in Puerto Rico, where they have had some profound impacts from hurricanes. We don't need to have the Federal Government revictimizing our citizens by creating bureaucratic steps.

As the gentleman from New Jersey stated in his opening, we have seen over and over again, we are making proactive investments in mitigation which results in significant savings. Studies show the number could be anywhere from \$3 to I have seen studies approaching \$20 in savings. This allows for those projects to move forward.

Again, this bill cuts through the bureaucracy and red tape. I urge adoption of the legislation, and I yield back the balance of my time.

Mr. MALINOWSKI. Mr. Speaker, I yield myself such time as I may consume.

I am proud to stand with the 409. It is nice when we can pass important legislation with such a large majority, and I sometimes wonder about the 16. I don't know quite what is going on over there, but maybe the gentleman can tell me afterwards.

In closing, the Stafford Act entitles disaster-impacted States to HMGP grants after the disaster so that they can learn from the damage and protect their communities in the future.

The ability to complete post-disaster mitigation projects should be accessible to communities in a much more timely manner. H.R. 1917 does that. It will empower States to cut through the red tape and complete acquisition projects much more quickly and with fewer burdens.

Mr. Speaker, I urge my colleagues to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. MALINOWSKI) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1917.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROSENDALE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM

Mrs. PELTOLA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3168) to amend the White Mountain Apache Tribe Water Rights Quantification Act of 2010 to modify the enforceability date for certain provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3168

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

#### SECTION 1. WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM.

(a) EXTENSION OF ENFORCEABILITY DATE.—

(1) IN GENERAL.—Section 309(d)(2) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3088; 133 Stat. 2669) is amended—

(A) in the matter preceding subparagraph (A), by striking “April 30, 2023” and inserting “December 30, 2027”; and

(B) in subparagraph (A), by striking “May 1, 2023” and inserting “December 31, 2027”.

(2) CONFORMING AMENDMENT.—Section 3(b)(2) of the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110-390; 122 Stat. 4191; 124 Stat. 3092) is amended by striking “beginning on” and all that follows through the period at the end and inserting “beginning on December 31, 2027.”.

(b) COST INDEXING.—Section 312(c) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111-291; 124 Stat. 3095) is amended by striking “All amounts made available under” and all that follows through the period at the end and inserting the following:

“(1) WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT SUBACCOUNT.—All amounts made available under subsection (a) shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(2) WMAT SETTLEMENT FUND.—All amounts made available under subsection (b)(2) shall be adjusted annually to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(3) WMAT MAINTENANCE FUND.—All amounts made available under subsection

(b)(3) shall be adjusted on deposit to reflect changes since October 1, 2007, in the Consumer Price Index for All Urban Consumers West Urban 50,000 to 1,500,000 published by the Bureau of Labor Statistics.

“(4) WMAT COST OVERRUN SUBACCOUNT.—Of the amounts made available under subsection (e)(2)—

“(A) \$35,000,000 shall be adjusted as necessary to reflect the changes since October 1, 2007, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system; and

“(B) additional funds, in excess of the amount referred to in subparagraph (A), shall be adjusted as necessary to reflect the changes since April 1, 2021, in the construction cost indices applicable to the types of construction involved in the construction of the WMAT rural water system and the maintenance of the WMAT rural water system.

“(5) CONSTRUCTION COSTS ADJUSTMENT.—The amounts made available under subsections (a), (b)(2), and (e)(2) 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.

“(6) PROHIBITION.—Notwithstanding any other provision of law, after the enforceability date, any increase in the amounts appropriated under subsections (a)(1), (b)(3)(B), and (e)(2)(A) because of cost indexing shall not be available from funds in the Treasury not otherwise appropriated.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated funding for the purposes provided in this subsection.”

(c) FUNDING FOR WMAT COST OVERRUN SUBACCOUNT.—Section 312(e)(2)(B) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3095) is amended by striking “\$11,000,000” and inserting “\$541,000,000”.

(d) RETURN TO TREASURY.—

(1) IN GENERAL.—Section 312(e)(4)(B) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3096) is amended, in the matter preceding clause (i), by striking “shall be—” and all that follows through the period at the end of clause (ii) and inserting “shall be returned to the general fund of the Treasury.”

(2) CONFORMING AMENDMENT.—Section 312(b)(2) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3093; 132 Stat. 1626) is amended by striking subparagraph (B) and inserting the following:

“(B) TRANSFERS TO FUND.—There is authorized to be appropriated to the Secretary for deposit in the WMAT Settlement Fund \$78,500,000.”

(e) CONVEYANCE OF TITLE TO TRIBE.—Section 307(d)(2)(E) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3082; 132 Stat. 1626) is amended, in the matter preceding clause (i), by striking “water system—” and all that follows through the period at the end of clause (ii)(II) and inserting “water system is substantially complete, as determined by the Secretary in accordance with subsection (k).”

(f) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE WMAT RURAL WATER SYSTEM.—Section 307 of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3080; 132 Stat. 1626) is amended by adding at the end the following:

“(k) REQUIREMENTS FOR DETERMINATION OF SUBSTANTIAL COMPLETION OF THE WMAT RURAL WATER SYSTEM.—The WMAT rural water system shall be determined to be substantially complete if—

“(1) the infrastructure constructed is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in subsection (c); or

“(2) the Secretary—

“(A) expended all of the available funding provided to construct the WMAT rural water system; and

“(B) despite diligent efforts, cannot complete construction as described in the final project design described in subsection (c) due solely to the lack of additional authorized funding.”

(g) REQUIREMENT.—Section 310(b) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3090) is amended by adding at the end the following:

“(3) EXPENDITURES.—If, before the enforceability date, Federal funds are expended to carry out activities described in subparagraph (A) or (C) of paragraph (2) in excess of the amounts provided pursuant to the White Mountain Apache Tribe Rural Water System Loan Authorization Act (Public Law 110–390; 122 Stat. 4191), such expenditures shall be accounted for as White Mountain Apache Tribe Water Rights Settlement Subaccount funds.”

(h) ENFORCEABILITY DATE EFFECTIVENESS.—Section 309(d)(1) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3088; 133 Stat. 2669) is amended—

(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and

(2) by inserting after subparagraph (C) the following:

“(D) such amount, up to the amount made available under section 312(e)(2), as the Secretary determines to be necessary to construct the WMAT rural water system that is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design described in section 307(c) has been deposited in the WMAT Cost Overrun Subaccount;”

(i) PROHIBITION.—Section 312(e) of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3095) is amended by adding at the end the following:

“(5) PROHIBITION.—Notwithstanding any other provision of law, any amounts made available under paragraph (2)(B) shall not be made available from—

“(A) the Indian Water Rights Settlement Completion Fund established by section 70101(a) of the Infrastructure Investment and Jobs Act (25 U.S.C. 149(a)); or

“(B) the Reclamation Water Settlements Fund established by section 10501(a) of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 407(a)).”

(j) OVERSIGHT AND ACCOUNTING.—Section 312 of the White Mountain Apache Tribe Water Rights Quantification Act of 2010 (Public Law 111–291; 124 Stat. 3093) is amended by adding at the end the following:

“(h) OVERSIGHT AND ACCOUNTING.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection and annually thereafter, the Director of the Bureau shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that describes all expenditures, during the year covered by the report, from—

“(A) the WMAT Settlement Fund established by subsection (b)(2)(A) and the WMAT

Maintenance Fund established by subsection (b)(3)(A) (referred to in this subsection as the ‘Funds’); and

“(B) the WMAT Cost Overrun Subaccount established by subsection (e)(1) (referred to in this subsection as the ‘Subaccount’).

“(2) INCLUSIONS.—Each report under paragraph (1) shall include, but not be limited to:

“(A) Progress and cost accounting on the planning, design and construction of the Miner Flat Dam and any additional water supply facilities resulting from expenditures from the Funds and the Subaccount.

“(B) A cost accounting of the administrative expenses related to activities resulting from expenditures from the Funds and the Subaccount.

“(C) A cost accounting of the environmental regulatory and economic process related to activities resulting from expenditures from the Funds and the Subaccount.

“(D) A projection of such costs described in subparagraphs (A), (B), and (C) for the next fiscal year and specific goals and objectives for the next fiscal year.

“(E) Whether those projections and specific goals and objectives have been met and any barriers encountered in the last fiscal year.”

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Alaska (Mrs. PELTOLA) and the gentleman from Arkansas (Mr. WESTERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Alaska.

GENERAL LEAVE

Mrs. PELTOLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Alaska?

There was no objection.

Mrs. PELTOLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3168 to amend the White Mountain Apache Tribe water rights settlement introduced by Senator KELLY of Arizona. Representative O'HALLERAN of Arizona has the House companion to this legislation.

This bill will amend the White Mountain Apache Tribe's existing water rights settlement to extend certain deadlines and to increase the authorization to construct the Tribe's rural water system.

The rural water system was originally authorized by Congress in 2010 as part of the Tribe's water rights settlement to provide a long-term water supply solution for the Tribe.

This bill will accommodate unanticipated but necessary design changes to the Tribe's planned water system.

Mr. Speaker, I urge my colleagues to vote “yes” on this bill, and I reserve the balance of my time.

Mr. WESTERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in qualified support of S. 3168. I agree with the goals of this bill, which are to build a water storage project and provide a Tribe a

mechanism to develop its legal water rights.

The White Mountain Apache Tribe Water Rights Quantification Act of 2010 intended to meet those stated goals. However, the legislation before us today is now the third time that Congress has needed to revisit that 2010 law.

It is not surprising because when Congress considered the underlying law that this bill amends, the Obama administration testified it had concerns with the legislation.

Then-Bureau of Reclamation Commissioner Michael Connor stated that his agency “determined the Tribe’s cost estimate . . . is not sufficiently detailed or comprehensive to provide the necessary assurance that the project can be constructed for that amount of money.”

The Democrat majority at the time ignored the warnings of the Obama administration. As a result, the cost of the dam that would help deliver water to the reservation has ballooned.

Fast forward 12 years later, and here we are with this settlement in serious jeopardy due to unworkable timelines. Now we are rushing to fix mistakes that could have been avoided in 2010.

This bill would extend the settlement’s enforceability deadline from April 2023 to December of 2027. It would also authorize additional discretionary spending for the construction of the 8,600-acre-foot water storage dam that the United States Government promised to deliver in the settlement.

To guarantee that we are not reopening this settlement yet again, this bill includes language that deems the settlement complete once the funds are expended. It would also require that any unspent funds be returned to the U.S. Treasury.

In addition, at my request, the bill would require annual reports to Congress detailing implementation progress and cost accounting for the settlement.

Lastly, the bill before us today does not include new mandatory spending, a positive change from previous versions of the legislation.

Unfortunately, when this bill was heard at the Water, Oceans, and Wildlife Subcommittee, the Biden administration did not make a witness available to answer any questions about the legislation at that hearing. To make matters worse, it was never marked up in the Natural Resources Committee.

Not only should this bill have gone through regular order, but we need to look at improving the congressional process for considering Indian water rights settlements. That starts with more transparency about what is being proposed.

For example, if Congress authorizes taxpayer funds, the administration needs to explain why the settlement represents a net benefit to the taxpayer, and a witness from the administration needs to be able to explain the rationale for the administration’s con-

clusions. There needs to be regular order, not a rush to consider a bill by both Chambers in the ending days of Congress.

Despite my reservations about this bill’s process—or lack thereof—I join my colleagues from Arizona to bring finality to this issue for the White Mountain Apache Tribe and the non-Indian water users who depend on concluding this settlement once and for all.

Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Mrs. PELTOLA. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Alaska (Mrs. PELTOLA) that the House suspend the rules and pass the bill, S. 3168.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROSENDALE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### COLORADO RIVER INDIAN TRIBES WATER RESILIENCY ACT OF 2022

Mrs. PELTOLA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3308) to authorize the Colorado River Indian Tribes to enter into lease or exchange agreements and storage agreements relating to water of the Colorado River allocated to the Colorado River Indian Tribes, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3308

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Colorado River Indian Tribes Water Resiliency Act of 2022”.

#### SEC. 2. PURPOSES.

The purposes of this Act are to authorize—

(1) the CRIT to enter into lease or exchange agreements, storage agreements, and agreements for conserved water for the economic well-being of the CRIT; and

(2) the Secretary to approve any lease or exchange agreements, storage agreements, or agreements for conserved water entered into by the CRIT.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) **AGREEMENT FOR CONSERVED WATER.**—The term “agreement for conserved water” means an agreement for the creation of system conservation, storage of conserved water in Lake Mead, or other mechanisms for voluntarily leaving a portion of the CRIT reduced consumptive use in Lake Mead.

(2) **ALLOTTEE.**—The term “allottee” means an individual who holds a beneficial real property interest in an allotment of Indian land that is—

(A) located within the exterior boundaries of the Reservation; and

(B) held in trust by the United States.

(3) **CONSOLIDATED DECREE.**—The term “Consolidated Decree” means the decree entered by the Supreme Court of the United States in *Arizona v. California*, 547 U.S. 150 (2006).

(4) **CONSUMPTIVE USE.**—The term “consumptive use” means a portion of the decreed allocation that has a recent history of use by the CRIT within the exterior boundary of the Reservation. Any verified reduction in consumptive use pursuant to a lease or exchange agreement, a storage agreement, or an agreement for conserved water shall be deemed to be a consumptive use in the year in which the reduction occurred, subject to the condition that the reduction is reflected in the Water Accounting Report.

(5) **CRIT.**—The term “CRIT” means the Colorado River Indian Tribes, a federally recognized Indian Tribe.

(6) **DECREED ALLOCATION.**—The term “decreed allocation” means the volume of water of the mainstream of the Colorado River allocated to the CRIT that is accounted for as part of the apportionment for the State in part I-A of the Appendix of the Consolidated Decree.

(7) **LOWER BASIN.**—The term “Lower Basin” has the meaning given the term in article II(g) of the Colorado River Compact of 1922, as approved by Congress in section 13 of the Boulder Canyon Project Act (43 U.S.C. 617l) and by the Presidential Proclamation of June 25, 1929 (46 Stat. 3000).

(8) **PERSON.**—The term “person” means an individual, a public or private corporation, a company, a partnership, a joint venture, a firm, an association, a society, an estate or trust, a private organization or enterprise, the United States, an Indian Tribe, a governmental entity, or a political subdivision or municipal corporation organized under, or subject to, the constitution and laws of the State.

(9) **RESERVATION.**—The term “Reservation” means the portion of the reservation established for the CRIT that is located in the State.

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

(11) **STATE.**—Except for purposes of section 16, the term “State” means the State of Arizona.

(12) **STORAGE.**—The term “storage” means the underground storage, in accordance with State law, of a portion of the consumptive use off the Reservation within the Lower Basin in the State.

(13) **WATER ACCOUNTING REPORT.**—The term “Water Accounting Report” means the annual report of the Bureau of Reclamation entitled the “Colorado River Accounting and Water Use Report: Arizona, California, and Nevada” which includes the compilation of records in accordance with article V of the Consolidated Decree.

#### SEC. 4. LEASE OR EXCHANGE AGREEMENTS.

(a) **AUTHORIZATION.**—Notwithstanding section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177) or any other provision of law, the CRIT is authorized, subject to the approval of the Secretary under section 7(a), and has the sole authority, to enter into, with any person, an agreement to lease or exchange, or an option to lease or exchange, a portion of the consumptive use for a use off the Reservation (referred to in this Act as a “lease or exchange agreement”), subject to the conditions that the use off the Reservation is located in the Lower Basin in the State and is not located in the counties of Navajo, Apache, or Cochise in the State.

(b) **TERM OF LEASE OR EXCHANGE AGREEMENT.**—The term of any lease or exchange