

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

agreement entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) **MODIFICATIONS.**—Any lease or exchange agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the lease or exchange agreement, subject to the approval of the Secretary under section 7(a), subject to the condition that the term of the renegotiated lease or exchange agreement does not exceed 100 years.

(d) **APPLICABLE LAW.**—Any person entering into a lease or exchange agreement with the CRIT under this section shall use the water received under the lease or exchange agreement in accordance with applicable Federal and State law.

SEC. 5. STORAGE 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 an agreement, including with the Arizona Water Banking Authority (or a successor agency or entity), for the storage of a portion of the consumptive use, or the water received under an exchange pursuant to an exchange agreement under section 4, at 1 or more underground storage facilities or groundwater savings facilities off the Reservation (referred to in this Act as a “storage agreement”), subject to the conditions that the facility 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) **MODIFICATIONS.**—Any storage agreement entered into under subsection (a) may be renegotiated or modified at any time during the term of the storage agreement, subject to the approval of the Secretary under section 7(a).

(c) **APPLICABLE LAW.**—Any storage agreement entered into under subsection (a) shall be in accordance with applicable Federal and State law.

(d) **DELEGATION OF RIGHTS.**—The CRIT may assign or sell any long-term storage credits accrued as a result of a storage agreement, subject to the condition that the assignment or sale is in accordance with applicable State law.

SEC. 6. AGREEMENTS FOR CREATION OF WATER FOR THE COLORADO RIVER SYSTEM FOR STORING WATER IN LAKE MEAD.

(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 for conserved water, subject to the conditions that if the conserved water is delivered, the delivery is to a location in the Lower Basin in the State and is not to a location in the counties of Navajo, Apache, or Cochise in the State.

(b) **TERM OF AN AGREEMENT FOR CONSERVED WATER.**—The term of any agreement for conserved water entered into under subsection (a) shall be mutually agreed, except that the term shall not exceed 100 years.

(c) **MODIFICATIONS.**—Any agreement for conserved water entered into under subsection (a) may be renegotiated or modified at any time during the term of the agreement for conserved water, subject to the approval of the Secretary under section 7(a).

(d) **APPLICABLE LAW.**—Any agreement for conserved water entered into under subsection (a), and any use of conserved water, shall be in accordance with Federal law, including any program authorized by Federal law.

SEC. 7. SECRETARIAL APPROVAL; DISAPPROVAL; AGREEMENTS.

(a) **AUTHORIZATION.**—The Secretary shall approve or disapprove any—

- (1) lease or exchange agreement;
- (2) modification to a lease or exchange agreement;
- (3) storage agreement;
- (4) modification to a storage agreement;
- (5) agreement for conserved water; or
- (6) modification to an agreement for conserved water.

(b) **SECRETARIAL AGREEMENTS.**—The Secretary is authorized to enter into a lease or exchange agreement, a storage agreement, or an agreement for conserved water with the CRIT, subject to the condition that the Secretary pays the fair market value for the CRIT reduced consumptive use.

(c) **REQUIREMENTS.**—

(1) **LEASE OR EXCHANGE AGREEMENTS AND STORAGE AGREEMENTS.**—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, or any storage agreement, or any modification to a storage agreement, that is not in compliance with—

- (A) this Act; and
- (B) the agreement entered into between the CRIT, the State, and the Secretary under section 10(a).

(2) **AGREEMENTS FOR CONSERVED WATER.**—The Secretary shall not approve any agreement for conserved water, or any modification to an agreement for conserved water, that is not in compliance with—

- (A) this Act; and
- (B) other applicable Federal law, including any program authorized by Federal law.

(3) **PERMANENT ALIENATION.**—The Secretary shall not approve any lease or exchange agreement, or any modification to a lease or exchange agreement, any storage agreement, or any modification to a storage agreement, or any agreement for conserved water, or any modification to an agreement for conserved water, that permanently alienates any portion of the CRIT decreed allocation.

(d) **OTHER REQUIREMENTS.**—The requirement for Secretarial approval under subsection (a) shall satisfy the requirements of section 2116 of the Revised Statutes (commonly known as the “Indian Trade and Intercourse Act”) (25 U.S.C. 177).

(e) **AUTHORITY OF THE SECRETARY.**—Nothing in this Act, or any agreement entered into or approved by the Secretary under this Act, including any lease or exchange agreement, storage agreement, or agreement for conserved water, shall diminish or abrogate the authority of the Secretary to act under applicable Federal law or regulation, including the Consolidated Decree.

SEC. 8. RESPONSIBILITIES OF THE SECRETARY.

(a) **COMPLIANCE.**—When approving a lease or exchange agreement, a storage agreement, or an agreement for conserved water, the Secretary shall promptly comply with all aspects of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all other applicable environmental laws and regulations.

(b) **DOCUMENTATION.**—The Secretary shall document any lease or exchange agreement, storage agreement, or agreement for conserved water in the Water Accounting Report.

SEC. 9. AGREEMENT BETWEEN THE CRIT AND THE STATE.

(a) **IN GENERAL.**—Before entering into the first lease or exchange agreement or storage agreement, the CRIT shall enter into an agreement with the State that outlines all notice, information sharing, and collaboration requirements that shall apply to any potential lease or exchange agreement or storage agreement the CRIT may enter into.

(b) **REQUIREMENT.**—The agreement required under subsection (a) shall include a provision that requires the CRIT to submit to the State all documents regarding a potential lease or exchange agreement or storage agreement.

SEC. 10. AGREEMENT BETWEEN THE CRIT, THE STATE, AND THE SECRETARY.

(a) **IN GENERAL.**—Before approving the first lease or exchange agreement or storage agreement under section 7, the Secretary shall enter into an agreement with the State and the CRIT that describes the procedural, technical, and accounting methodologies for any lease or exchange agreement or storage agreement the CRIT may enter into, including quantification of the reduction in consumptive use and water accounting.

(b) **NEPA.**—The execution of the agreement required under subsection (a) shall not constitute a major Federal action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) **EFFECT.**—Nothing in this Act prohibits the Secretary from agreeing with the CRIT and the State to a modification to an agreement entered into under subsection (a) (including an appendix or exhibit to the agreement) if the modification—

- (1) is in compliance with this Act; and
- (2) does not otherwise require congressional approval under 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.

SEC. 11. NO EFFECT ON THE CRIT DECREED ALLOCATION.

(a) **TEMPORARY USE.**—A lease or exchange agreement, a storage agreement, or an agreement for conserved water—

(1) shall provide for the temporary use, storage, or conservation of a portion of the consumptive use off the Reservation; and

(2) shall not permanently alienate the decreed allocation.

(b) **PRIORITY STATUS.**—

(1) **IN GENERAL.**—The lease or exchange of a portion of the consumptive use shall not cause that portion to lose or change its priority under the Consolidated Decree.

(2) **NONUSE.**—Any nonuse by a person who is a party to any lease or exchange agreement or storage agreement with the CRIT shall not result in forfeiture, abandonment, relinquishment, or other loss by the CRIT of all or any portion of the decreed allocation.

(c) **RESERVATION OF RIGHTS.**—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not reduce or limit the right of the CRIT to use the remaining portion of the decreed allocation on the Reservation.

(d) **STORAGE AGREEMENTS.**—A storage agreement entered into under this Act shall account for the quantity of water in storage off the Reservation in accordance with applicable State law.

SEC. 12. ALLOTTEE USE OF WATER.

(a) **INTERFERENCE.**—The lease, exchange, storage, or conservation of a portion of the consumptive use shall not directly or indirectly interfere with, or diminish, any entitlement to water for an allottee under Federal or Tribal law.

(b) **WATER RIGHTS OF ALLOTTEES.**—The Secretary shall protect the rights of the allottees to a just and equitable distribution of water for irrigation purposes, pursuant to section 7 of the Act of February 8, 1887 (commonly known as the “Indian General Allotment Act”) (24 Stat. 390, chapter 119; 25 U.S.C. 381) (referred to in this section as the “Act”).

(c) **RELIEF UNDER TRIBAL LAW.**—Prior to asserting any claim against the United States pursuant to the Act, or any other applicable law, an allottee shall exhaust all

remedies available under applicable Tribal law.

(d) **RELIEF UNDER THE INDIAN GENERAL ALLOTMENT ACT.**—Following an exhaustion of remedies available under applicable Tribal law, an allottee may seek relief under the Act or any other applicable law.

(e) **RELIEF FROM THE SECRETARY.**—Following exhaustion of remedies available under the Act, or any other applicable law, an allottee may petition the Secretary for relief.

SEC. 13. CONSIDERATION PAID TO THE CRIT.

The CRIT, and not the United States in any capacity, shall be entitled to all consideration due to the CRIT under any lease or exchange agreement, storage agreement, or agreement for conserved water.

SEC. 14. LIABILITY OF THE UNITED STATES.

(a) **LIMITATION OF LIABILITY.**—The United States shall not be liable to the CRIT or to any party to a lease or exchange agreement, a storage agreement, or an agreement for conserved water in any claim relating to the negotiation, execution, or approval of any lease or exchange agreement, storage agreement, or agreement for conserved water, including any claim relating to the terms included in such an agreement, except for claims relating to the requirements of section 8(a).

(b) **OBLIGATIONS.**—The United States shall have no trust obligation or other obligation to monitor, administer, or account for—

(1) any funds received by the CRIT as consideration under any lease or exchange agreement, storage agreement, or agreement for conserved water; or

(2) the expenditure of such funds.

SEC. 15. APPLICATION.

(a) **IN GENERAL.**—This Act shall only apply to the portion of the decreed allocation that is available for use in the State.

(b) **REQUIREMENT.**—The portion of the decreed allocation that is available for use in the State shall not be used, directly or indirectly outside the Lower Basin in the State or in the counties of Navajo, Apache, or Cochise in the State.

SEC. 16. RULE OF CONSTRUCTION.

Nothing in this Act establishes, or shall be considered to establish, a precedent in any litigation involving, or alters, affects, or quantifies, any water right with respect to—

(1) the United States;

(2) any other Indian Tribe, band, or community;

(3) any State or political subdivision or district of a State; or

(4) any person.

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. 3308, the Colorado River Indian Tribes

Water Resiliency Act introduced by Senator MARK KELLY of Arizona.

This bill authorizes the Colorado River Indian Tribes, or CRIT, to lease a portion of its Colorado River allocation to assist Arizona communities and to help slow unprecedented water level declines behind Hoover Dam, which supplies water to tens of millions of people.

This authority will enable the CRIT to enter agreements to lease or conserve water to support Tribal economic development and to help address water shortages in the Colorado River Basin, which is currently in its 23rd year of a historic drought.

I want to commend the Natural Resources Committee Chair GRIJALVA for his work to develop this important legislation, along with Senator KELLY's efforts to advance this bill in the Senate.

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 again in qualified support of the Colorado River Indian Tribes Water Resiliency Act. This bill would authorize the Colorado River Indian Tribes, or CRIT, to enter into agreements with non-Indian water users to lease, exchange, or store a portion of its decreed water rights in Arizona.

At a time when Arizona and the West are facing historic drought and water supply cutbacks, this bill could actually provide some near-term relief to those in desperate need of water.

In Arizona, for example, agricultural and other water deliveries from the Colorado River have been reduced. The farmers who feed America are staring at a bleak water future as a result.

This bill is not a cure-all, but it could help facilitate water transactions between the Colorado River Indian Tribes and Indian and non-Indian communities in Arizona increasing availability of water at no cost to the Federal Government.

Again, it is unfortunate that despite the legislation's potential benefits, it has not gone through regular order. In fact, this bill was never introduced in the House of Representatives, and the Natural Resources Committee did not have an opportunity to discuss the merits of this legislation or offer amendments at markup. Congress can do better than this, and the House fully intends to do so in the next Congress under a Republican watch.

Nevertheless, this no-Federal-cost legislation aims to give the Colorado River Indian Tribes parity with the authorities granted to Tribes under various other Indian water rights settlements in Arizona.

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Mr. Speaker, despite my reservations over the lack of process on this measure, I join with my Republican and

Democrat colleagues from Arizona, I urge adoption of this bill, and I yield back the balance of my time.

Mrs. PELTOLA. Mr. Speaker, in closing, I have no further requests for time, I urge my colleagues to support the 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. 3308.

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.

CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY

Mrs. PELTOLA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3773) to authorize leases of up to 99 years for land held in trust for the Confederated Tribes of the Chehalis Reservation.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3773

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

SECTION 1. CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION LEASING AUTHORITY.

Subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539, chapter 615; 25 U.S.C. 415(a)), is amended, in the second sentence, by inserting "land held in trust for the Confederated Tribes of the Chehalis Reservation" after "Crow Tribe of Montana".

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, the Chehalis Tribe's Reservation in Washington was created in 1864 and sits at the confluence of the Chehalis and Black Rivers.

To develop supply chain infrastructure, the Tribe is seeking to finance improvements on an existing facility