

## S 3168

A bill 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.

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Nov 4, 2021

**Current Status:** Became Public Law No: 117-342.

**Latest Action:** Became Public Law No: 117-342. (Jan 5, 2023)

**Law:** 117-342 (Enacted Jan 5, 2023)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/3168>

### Sponsor

**Name:** Sen. Kelly, Mark [D-AZ]

**Party:** Democratic • **State:** AZ • **Chamber:** Senate

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Sinema, Kyrsten [D-AZ]	D · AZ		Nov 4, 2021

### Committee Activity

Committee	Chamber	Activity	Date
Indian Affairs Committee	Senate	Reported By	Dec 20, 2022

### Subjects & Policy Tags

#### Policy Area:

Native Americans

### Related Bills

Bill	Relationship	Last Action
117 HR 5880	Identical bill	May 12, 2022: Subcommittee Hearings Held.

This act revises the White Mountain Apache Tribe Water Rights Quantification Act of 2010, including by extending certain deadlines and establishing reporting requirements. (The quantification act approved the White Mountain Apache Tribe Water Rights Quantification Agreement, settling the tribe's water rights in Arizona. It authorized the design and construction of a rural water system to address the water infrastructure needs on the tribe's reservation.)

Specifically, the act extends the enforceability deadline, from 2023 to 2027, for the Department of the Interior to publish a statement of findings required by the quantification act. In particular, the act repeals the settlement agreement on December 31, 2027, if Interior does not publish by December 30, 2027, a statement of findings that specified conditions have been fulfilled (including that funds necessary to construct the rural water system have been deposited into a specified subaccount).

The act makes changes to cost indexing for the funds and subaccounts established under the quantification act, including by allowing adjustments for construction costs.

The act also requires annual reports to Congress describing all expenditures and including additional information, such as progress and cost accounting on the planning, design, and construction of the Miner Flat Dam and any additional water supply facilities resulting from expenditures.

Finally, the act establishes requirements for determining whether the rural water system is substantially complete. In particular, the rural water system shall be determined to be substantially complete if (1) the infrastructure is capable of storing, diverting, treating, transmitting, and distributing a supply of water as set forth in the final project design; or (2) Interior has expended all available funding and cannot complete construction due solely to the lack of additional authorized funding.

## Actions Timeline

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- **Jan 5, 2023:** Signed by President.
- **Jan 5, 2023:** Became Public Law No: 117-342.
- **Dec 28, 2022:** Presented to President.
- **Dec 21, 2022:** Received in the House.
- **Dec 21, 2022:** Held at the desk.
- **Dec 21, 2022:** Mrs. Peltola moved to suspend the rules and pass the bill.
- **Dec 21, 2022:** Considered under suspension of the rules. (consideration: CR H9937-9939)
- **Dec 21, 2022:** DEBATE - The House proceeded with forty minutes of debate on S. 3168.
- **Dec 21, 2022:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Dec 21, 2022:** By Senator Schatz from Committee on Indian Affairs filed written report. Report No. 117-285.
- **Dec 21, 2022:** Considered as unfinished business. (consideration: CR H9979-9980)
- **Dec 21, 2022:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 378 - 33 (Roll no. 537).
- **Dec 21, 2022:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 378 - 33 (Roll no. 537). (text: CR H9937-9938)
- **Dec 21, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 20, 2022:** Message on Senate action sent to the House.
- **Dec 19, 2022:** Committee on Indian Affairs. Reported by Senator Schatz with an amendment in the nature of a substitute. Without written report.
- **Dec 19, 2022:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 683.
- **Dec 19, 2022:** Measure laid before Senate by unanimous consent. (consideration: CR S7291-7292)
- **Dec 19, 2022:** The committee substitute withdrawn by Unanimous Consent. (CR S7292)
- **Dec 19, 2022:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.
- **Dec 19, 2022:** Passed Senate with an amendment by Unanimous Consent. (text of amendment in the nature of a substitute: CR S7314-7315)
- **Nov 16, 2022:** Committee on Indian Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 23, 2022:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 117-360.
- **Nov 4, 2021:** Introduced in Senate
- **Nov 4, 2021:** Read twice and referred to the Committee on Indian Affairs.