

## S 3308

Colorado River Indian Tribes Water Resiliency Act of 2022

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Transportation and Public Works

**Introduced:** Dec 2, 2021

**Current Status:** Became Public Law No: 117-343.

**Latest Action:** Became Public Law No: 117-343. (Jan 5, 2023)

**Law:** 117-343 (Enacted Jan 5, 2023)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/3308>

### Sponsor

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

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

### Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Sinema, Kyrsten [D-AZ]	D · AZ		Dec 2, 2021
Sen. Feinstein, Dianne [D-CA]	D · CA		Jul 12, 2022
Sen. Padilla, Alex [D-CA]	D · CA		Jul 12, 2022

### Committee Activity

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

### Subjects & Policy Tags

#### Policy Area:

Transportation and Public Works

### Related Bills

Bill	Relationship	Last Action
117 HR 5118	Related bill	<b>Aug 2, 2022:</b> Received in the Senate.

## **Colorado River Indian Tribes Water Resiliency Act of 2022**

This act authorizes the Colorado River Indian tribes (CRIT) to enter into agreements for the transfer or storage of a portion of its water allocation to be used in other locations in Arizona. The CRIT include four Indian tribes—the Mohave, Chemehuevi, Hopi, and Navajo. The reservation is located along the Colorado River in both Arizona and California.

(Sec. 4) The CRIT is authorized to enter into an agreement to lease or exchange a portion of the CRIT's consumptive use of water for use off the reservation if the receiving facility is located in the Lower Basin of the Colorado River in Arizona and is not located in Navajo, Apache, or Cochise counties in Arizona. The term of a lease under this section must not exceed 100 years.

(Sec. 5) The CRIT is authorized to enter into a storage agreement, including with the Arizona Water Banking Authority, for the storage of a portion of the consumptive use, or the water received under an exchange pursuant to an exchange agreement under this act, at one or more underground storage facilities or groundwater savings facilities off the reservation if the facility is located in the Lower Basin of the Colorado River in Arizona and is not located in Navajo, Apache, or Cochise counties in Arizona.

(Sec. 6) The CRIT is authorized to enter into an agreement for water conservation or other methods for voluntarily leaving a portion of the CRIT reduced consumptive use in Lake Mead, which is located in Arizona and Nevada. If the conserved water is delivered, the delivery must be located in the Lower Basin of the Colorado River in Arizona and is not located in Navajo, Apache, or Cochise counties in Arizona. The term of an agreement under this section must not exceed 100 years.

(Sec. 7) This section grants authority to the Department of the Interior to approve or disapprove of an agreement under this act. Interior is also authorized to enter into agreements with CRIT under this act, provided Interior pays fair market value for the reduced consumptive use. Among other requirements, Interior must ensure that water agreements under this act do not permanently alienate any portion of the CRIT water allocation.

(Sec. 8) Interior, when approving an agreement under this act, must ensure that such agreement complies with the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and other federal environmental laws.

(Sec. 9) The CRIT must enter into an agreement with the state of Arizona prior to entering into an agreement under this act. The agreement with Arizona must outline all notice, information sharing, and collaboration requirements.

(Sec. 10) Interior must enter into an agreement with the state of Arizona and the CRIT describing the procedural, technical, and accounting methodologies for an agreement under this act.

(Sec. 11) This section reserves the CRIT's allocated water rights, including by ensuring that no agreement reduces or limits the right of the CRIT to use the remaining portion of their allocation.

(Sec. 12) This section prohibits an agreement under this act from interfering with an allottee's water rights.

(Sec. 13) This section establishes that the CRIT is entitled to all consideration from an agreement under this act.

(Sec. 14) The United States has limited liability against claims under this act, except for those relating to the above environmental requirements.

## Actions Timeline

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- **Jan 5, 2023:** Signed by President.
- **Jan 5, 2023:** Became Public Law No: 117-343.
- **Dec 28, 2022:** Presented to President.
- **Dec 22, 2022:** By Senator Schatz from Committee on Indian Affairs filed written report. Report No. 117-286.
- **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 H9939-9941)
- **Dec 21, 2022:** DEBATE - The House proceeded with forty minutes of debate on S. 3308.
- **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:** Considered as unfinished business. (consideration: H9980-9981)
- **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): 397 - 12 (Roll no. 538).
- **Dec 21, 2022:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 397 - 12 (Roll no. 538). (text: CR H9939-9941)
- **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. 682.
- **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. (consideration: CR S7287-7288; text of amendment in the nature of a substitute: CR S7287-7288)
- **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.
- **Dec 2, 2021:** Introduced in Senate
- **Dec 2, 2021:** Read twice and referred to the Committee on Indian Affairs.

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