

## S 4104

### Hualapai Tribe Water Rights Settlement Act of 2022

**Congress:** 117 (2021–2023, Ended)

**Chamber:** Senate

**Policy Area:** Native Americans

**Introduced:** Apr 28, 2022

**Current Status:** Became Public Law No: 117-349.

**Latest Action:** Became Public Law No: 117-349. (Jan 5, 2023)

**Law:** 117-349 (Enacted Jan 5, 2023)

**Official Text:** <https://www.congress.gov/bill/117th-congress/senate-bill/4104>

### Sponsor

**Name:** Sen. Sinema, Kyrsten [D-AZ]

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

### Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Kelly, Mark [D-AZ]	D · AZ		Apr 28, 2022

### 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 5118	Related bill	Aug 2, 2022: Received in the Senate.
117 HR 7633	Identical bill	May 12, 2022: Subcommittee Hearings Held.

## **Hualapai Tribe Water Rights Settlement Act of 2022**

This act authorizes, ratifies, and confirms the Hualapai Tribe water rights settlement agreement negotiated between the tribe, the United States, Arizona, and others, thus satisfying the tribe's claims for groundwater and surface water rights to water in Arizona, including the Verde River, the Bill Williams River, and the Colorado River.

The act outlines the tribe's water rights, including the right to divert, use, and store 4,000 acre-feet of agricultural priority water of the Central Arizona Project that was previously allocated to nontribal agricultural entities, but retained by the Department of the Interior for reallocation to tribes in Arizona pursuant to the Central Arizona Project Settlement Act of 2004. Interior must reallocate this priority water to the tribe, firm through 2107 a specified amount of the water, and enter into a water delivery contract with the tribe.

The act directs Interior to establish the Hualapai Water Trust Fund Account. Amounts deposited in the trust fund account shall be made available to the tribe for specified purposes, including to construct the Hualapai Water Project. The project must be designed to divert, treat, and convey up to 3,414 acre-feet of water per year from the Colorado River for municipal, commercial, and industrial uses on the Hualapai Reservation.

Additionally, the act establishes in the Treasury the Hualapai Water Settlement Implementation Fund Account. Amounts in this account must be used to carry out groundwater monitoring and an estimate for groundwater withdrawals in the Truxton Basin outside the boundaries of the tribe's reservation.

The act adds certain land in Arizona to the tribe's reservation and also authorizes Interior to take specified land into trust for the benefit of the tribe. In the future, land located outside the reservation may only be taken into trust through an act of Congress.

The act outlines (1) waivers, releases, and retentions of claims by the tribe and the United States under the settlement agreement; and (2) a limited waiver of sovereign immunity by the United States and the tribe with respect to certain claims.

The act repeals the settlement agreement (except for provisions related to land added to the reservation and land taken into trust) if Interior does not publish by April 15, 2029, a statement of findings that specified conditions have been fulfilled (including that Interior has executed the required water delivery contract).

## Actions Timeline

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- **Jan 5, 2023:** Signed by President.
- **Jan 5, 2023:** Became Public Law No: 117-349.
- **Dec 28, 2022:** Presented to President.
- **Dec 22, 2022:** Considered as unfinished business. (consideration: CR H10033-10034)
- **Dec 22, 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): 360 - 55 (Roll no. 542). (text: 12/21/2022 CR H9942-9952)
- **Dec 22, 2022:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 360 - 55 (Roll no. 542). (text: 12/21/2022 CR H9942-9952)
- **Dec 22, 2022:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 22, 2022:** By Senator Schatz from Committee on Indian Affairs filed written report. Report No. 117-287.
- **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 H9942-9952)
- **Dec 21, 2022:** DEBATE - The House proceeded with forty minutes of debate on S. 4104.
- **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 20, 2022:** Message on Senate action sent to the House.
- **Dec 19, 2022:** Committee on Indian Affairs. Reported by Senator Schatz with amendments. Without written report.
- **Dec 19, 2022:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 684.
- **Dec 19, 2022:** Measure laid before Senate by unanimous consent. (consideration: CR S7292-7302)
- **Dec 19, 2022:** The committee amendments withdrawn by Unanimous Consent. (CR S7302)
- **Dec 19, 2022:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent. (text of amendment in the nature of a substitute: CR S7315-7325)
- **Dec 19, 2022:** Passed Senate with an amendment by Unanimous Consent. (text of amendment in the nature of a substitute: CR S7315-7325)
- **Nov 16, 2022:** Committee on Indian Affairs. Ordered to be reported with an amendment favorably.
- **Jul 20, 2022:** Committee on Indian Affairs. Hearings held. Hearings printed: S.Hrg. 117-530.
- **Apr 28, 2022:** Introduced in Senate
- **Apr 28, 2022:** Read twice and referred to the Committee on Indian Affairs.