



IN THE CONGRESS OF THE UNITED STATES

June 15th, 2022

Ms. MONTEZUMA of Olympia introduced the following
legislation;

A BILL

*To ensure that water-related Federal Construction Projects on or through Native American
Reservations are handled responsibly.*

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

Sec. 1. Short Title

1. This legislation may be cited as "The Native American Waters Act of 2022"

Sec. 2. Definitions

1. The term “leadership of a Native American Reservation” and the term “Leadership of a federally recognized Native American Tribe” as used in section 3 refers to the tribal leader that represents a federally recognized Native American tribe to the Bureau of Indian Affairs.
2. The term “reservation” as used in sections 3 and 4 refers to a Native American Reservation.
3. The term “federally-funded construction” as used in sections 3 and 4 refers to any construction project that receives resources from the government in the form of monetary resources, labor, equipment, a contract, or other form.

4. The term “on or through their reservation” as used in sections 3 means any construction project that occurs on the reservation of a Federally Recognized Tribe , or goes through the reservation of a Federally Recognized Tribe.
5. The term “existing federally-funded construction” refers to federally-funded construction which is completed in its entirety.

Sec.3. Regulating Construction on Native American Reservations

1. The leadership of a reservation must consent to any federally-funded construction project that is on their reservation or that goes through their reservation that would affect their water supply in any way before construction on such a project commences.
 - a. The consent must be provided by way of written word.
2. Whether or not a federally-funded construction project would affect a reservation’s water supply in any way shall be determined by an Environmental Protection Agency approved environmental survey on the impacts of the aforementioned construction project before the construction project in question is approved.
3. If it cannot be determined whether or not the leadership of a federally recognized Native American tribe consents to a federally-funded construction project on or through their reservation that affects their water supply in any way, a referendum shall be held for the registered and eligible voters of the tribe to vote in.
 - a. Only registered members of the Native American tribe who are also registered voters in their state shall be eligible to vote.
 - b. If a majority of the registered and eligible voters of the tribe approve of the construction project in the referendum, the project may commence.
 - c. If a majority of the registered and eligible voters of the tribe disapprove of the construction project in the referendum, the project may not commence.
 - d. If the referendum results in a tie, the project may not commence.
4. Nothing in this section shall be interpreted or construed to mean that the federal government needs consent from the leadership of a federally recognized tribe in order to maintain or repair a federally-funded construction project that goes on or through their reservation.
5. This section only applies to new federally-funded construction projects that would affect a reservation’s water supply in any way, or the significant alteration of existing federally-funded construction that affects, or would affect if the alteration is completed, a reservation’s water supply.
 - a. Significant alteration of existing federally-funded construction includes, but is not limited to, the following:
 - i. Changing the physical location;
 - ii. Expanding or contracting the construction by more than an all-time total of 5 feet; and
 - iii. Altercations which would put additional strain on the communities water supply. Whether or not an altercation would put additional strain

on a communities water supply shall be found out before the alteration is started via the method stated in subsection 2.

6. In the case of a federally-funded construction project that goes through multiple reservations or an alteration of existing federally-funded construction that goes through multiple reservations, consent is only needed from the reservations that would have their water supplies affected by either a federally funded construction project or the alteration of existing federally funded construction

Sec.4. Severability

1. Should any one or more provision, section, subsection, sentence, clause, phrase, word, application of this Act be deemed invalid or unconstitutional for any reason in a court with relevant jurisdiction, the rest of the Act, and the application of the remaining provisions, shall not be affected.

Sec.5. Enactment

The provisions of this Act shall go into effect immediately upon passage

Written by (sen.montezuma) for Congress' use.