



NATIONAL CONGRESS OF AMERICAN INDIANS

August 28, 2023

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Re: NCAI Support for the Tribal Access to Clean Water Act of 2023

Honorable Congressional Leaders:

On behalf of the National Congress of American Indians (NCAI), the oldest and largest national organization of Tribal Nations and their citizens, I write to express NCAI’s strong support for the Tribal Access to Clean Water Act of 2023. This legislation has been introduced as [S. 2385](#) by Senators Michael Bennet and John Hickenlooper of Colorado and Senator Martin Heinrich of New Mexico. An identical bill has been introduced as [H.R. 4746](#) by Representative Joe Neguse of Colorado, together with other House co-sponsors.

It is a sad truth that there remain immense infrastructure needs in Indian Country, just to provide the minimum level of basic service that most Americans take for granted. Among the gravest deficiencies is the lack of adequate domestic and municipal water infrastructure. Almost half of Native American households do not have the same basic water and sanitation services that are taken for granted by most Americans. The COVID pandemic laid bare the direct and detrimental impact on public health that stems from the lack of ready access to clean water. Even now, on the tail end of the pandemic in this country, American Indians and



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Alaska Natives still have the highest rates of hospitalization and death of any ethnic group.<sup>1</sup> The trust responsibility of the federal government to Indian tribes requires it to ensure the survival and welfare of those tribes. The failure to provide basic water service cannot be reconciled with this trust responsibility.

The information and data included the U.S. Commission on Civil Rights' report, [Broken Promises: Continuing Federal Funding Shortfall for Native Americans](#) starkly demonstrate that the lack of access to clean water in Indian Country constitutes a humanitarian crisis. The Report states that “water delivery systems have been underdeveloped and many have fallen into disrepair due to chronic underfunding by Congress” . . . and “[r]esearch indicates that Native Americans, compared with many other populations, are at a higher risk for health issues due to water contamination.”<sup>2</sup>

According to the *Broken Promises* report, 40 percent of Navajo Nation members do not have running water in their homes; nearly 48 percent of Native homes “do not have access to reliable water sources, clean drinking water, or basic sanitation”; and tribal water systems experienced approximately 57 percent more water-quality violations in the past decade than non-tribal water systems. While these data points begin to tell the story of what our tribal communities face regarding access to clean water, because the U.S. Environmental Protection Agency has only approved 38 of the 574 federally recognized tribes' water quality standards, data showing the full picture of the need for clean water infrastructure in Indian Country is limited.<sup>3</sup>

Funding for safe drinking water systems for tribal communities received a significant boost from the Infrastructure Investment and Jobs Act and the Inflation Reduction Act. While groundbreaking and long overdue, the new funding for construction and repair of domestic water systems in Indian country is not a complete solution. Technical assistance is urgently needed to allow Tribal Nations to plan and design the systems necessary to remedy the longstanding problem of lack of access to clean drinking water and bring those plans to the “shovel ready” stage so that they can take advantage of the newly available construction funding. In addition, Tribes need support to develop the managerial, financial, and regulatory capacity necessary for a fully functional and self-sustaining utility. Moreover, construction funding is not currently available to connect essential community facilities, like schools and clinics, to centralized water and sanitation, and this support is absolutely necessary to support a basic level of tribal economic development. Finally, because Tribal Nations cannot rely on the same types and volumes of revenue streams to support operation and maintenance of water systems, initial and temporary

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<sup>1</sup> Centers for Disease Control and Prevention, COVID-19 Weekly Cases and Deaths per 100,000 Population by Age, Race/Ethnicity, and Sex, available at: <https://covid.cdc.gov/covid-data-tracker/#demographicsovertime>.

<sup>2</sup> U.S. Commission on Civil Rights, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*, December 2018, pg. 182, available at: <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>.

<sup>3</sup> *Id.* At 182-83.



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O&M assistance helps to ensure that the benefits of the historic investment in infrastructure are fully realized.

For all these reasons, NCAI strongly supports the Tribal Access to Clean Water Act of 2023. Funding is critical to ensuring that Native Americans enjoy the same access to clean water as virtually all other American households. The Tribal Access to Clean Water Act will fill some of the gaps remaining to provide universal clean and safe domestic water in Indian Country. The Act recognizes that “access to reliable, clean drinking water is an essential human need and critical to the public health, well-being, educational attainment, and economic development of all communities in the United States.”

NCAI asks Senate and House leadership to move quickly in adopting the Tribal Access to Clean Water Act. We thank you in advance for your time and efforts, and we look forward to working with both chambers on this critical priority for Tribal Nations and their citizens.

If you have any follow-up questions, please reach out to NCAI directly and we will be happy to respond.

Respectfully,

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