



## **Tribal Access to Clean Water Act of 2021**

### **Section by Section Summary**

#### **Section 1: Title**

#### **Section 2: Findings**

This section provides the justification for funding to provide Native American communities with access to clean drinking water, including the disproportionate impact of COVID-19 on Tribal lands and the federal trust responsibility to ensure the survival and welfare of these communities.

#### **Section 3: Definitions**

- (1) Director is defined as the Director of Indian Health Service
- (2) Indian Tribe is any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians
- (3) Native Community means an Indian Tribe and a Native Hawaiian community.
- (4) Report is the most recent annual report that the Secretary of Health and Human Services is required to submit to the President under section 302(g) of the Indian Health Care Improvement Act.
- (5) Tribal land is defined:
  - a. As any land located within the boundaries of an Indian reservation, pueblo, Rancheria, or a former reservation within Oklahoma.
  - b. Any land not located within the boundaries of an Indian reservation, pueblo, or Rancheria to which the title is held: in trust by the United States for an Indian Tribe or individual Indian; by an Indian Tribe or individual Indian; or by a dependent Indian community.
  - c. Any land located within a region established pursuant to section 7(a) of the Alaska Native Claims Settlement Act
  - d. Hawaiian Home Lands as defined under Native American Housing Assistance and Self-Determination Act of 1996
  - e. Those areas or communities designated by the Assistant Secretary of Indian Affairs of the Department of the Interior that are near, adjacent, or contiguous to reservations where financial assistance and social service programs are provided to Indians because of their status as Indians.

#### **Section 4: Indian Health Service**

- (a) Provides \$3.41 billion for necessary sanitation facilities and services authorized under the Indian Health Care Improvement Act, including the planning, design, construction, modernization, improvement, and renovation of water, sewer, and solid waste sanitation facilities and an appropriate allocation for administration, management, and staffing. The Secretary of Health and Human shall prioritize sanitation facilities with the highest deficiency levels.
- (b) Provides \$150 million for technical assistance to help Native communities implement, plan, and design projects.
- (c) Provides \$500 million for the ongoing operation and maintenance of water facilities serving Native communities. The Secretary of Health and Human Services shall prioritize water facilities the most in need of assistance, as identified by the Operation and Maintenance Capability Ratings of the Indian Health Service. The bill also includes funding for sustained support and guidance to ensure that the water facilities are adequately maintained and operated.

#### **Section 5: Department of Agriculture Rural Development**

- (a) Provides \$500 million for the Secretary of Agriculture to provide water and wastewater facility grants for eligible entities where the residents face significant health risks, as determined by the Secretary, as a result of inadequate water systems.
- (b) Clarifies that Native communities are eligible entities for the grants in this section.
- (c) Eliminates the matching requirement for Native communities that receive grants.
- (d) Establishes that when considering priority for these grants, eligible entities shall be treated the same as individuals who reside in a colonia, and eliminates the requirement that Native communities must demonstrate an inability to finance the proposed project.
- (e) Requires interagency collaboration between the Secretary of Agriculture and the Director of the Indian Health Service.

#### **Section 6: Bureau of Reclamation**

- (a) Reauthorizes Section 109(a) and Section 110 of the Rural Water Supply Act of 2006 through 2031. The Rural Water Supply Act authorized the Bureau of Reclamation to create a program that would support rural water supply projects in Reclamation states. This provision would extend that authorization.
- (b) Modifies the Bureau of Reclamation Rural Water Supply Program to better support Native communities
  - (1) Defines “Reclamation State” using the term established in the Act of June 17, 1902 (includes Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming) and defines “Secretary” as Secretary of the Interior.

- (2) Establishes a competitive grant program to fund Tribal clean water access projects in Reclamation states. This section also establishes a prioritization system for the Secretary of the Interior to consider when selecting projects. It also requires the Secretary of the Interior to consult with the Director of the Indian Health Service and coordinate the funding of projects with the EPA and USDA.
- (3) Provides \$2 billion for rural water supply projects, 50 percent of which will go toward the newly established competitive grant program and 50 percent of which will go to projects identified in the Bureau of Reclamation report entitled “Assessment of Reclamation’s Rural Water Activities and Other Federal Programs That Provide Support on Potable Water Supplies to Rural Communities in the Western United States.”

### **Section 7: EPA Drinking Water and Clean Water State Revolving Funds**

- (a) Provides \$100 million each for the Tribal share of EPA’s State Revolving Funds under the Clean Water Act and the Safe Drinking Water Act without changing the overall allocation formula.
- (b) Ensures that \$5 million of the amounts provided above can be used to provide training, technical assistance, and educational programs to assist Native communities with respect to the operation and maintenance of treatment works.
- (c) Requires the EPA Administrator to conduct outreach on water infrastructure funding and financing to Native communities. Also specifies that EPA must collaborate with the Director of the Indian Health Service to ensure program efficiency.