

119TH CONGRESS
1ST SESSION

S. _____

To provide access to reliable, clean, and drinkable water on Tribal lands,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET (for himself, Mr. HEINRICH, Mr. HICKENLOOPER, Mr. SANDERS,
Mr. WYDEN, Ms. WARREN, and Mr. PADILLA) introduced the following
bill; which was read twice and referred to the Committee on

A BILL

To provide access to reliable, clean, and drinkable water
on Tribal lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Access to Clean
5 Water Act of 2025”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) access to reliable, clean, and drinkable
9 water is an essential human need and critical to the

1 public health, well-being, educational attainment,
2 and economic development of all communities in the
3 United States;

4 (2) many countries, along with the United Na-
5 tions, have recognized the urgency of the need to ac-
6 cess reliable, clean, and drinkable water by passing
7 laws or resolutions relating to the human right to
8 water and sanitation, including—

9 (A) recognizing these water and sanitation
10 needs exist among indigenous peoples; and

11 (B) establishing aggressive targets for
12 achieving universal access to those basic serv-
13 ices;

14 (3) in the United States, access to reliable,
15 clean, and drinkable water has long been a signifi-
16 cant problem in many communities on Tribal lands,
17 such that nearly half of all households on Tribal
18 lands do not have access to reliable water sources,
19 clean drinking water, or basic sanitation, and are
20 significantly more likely than other households in the
21 United States to lack indoor plumbing;

22 (4) the first of the 5 pillars announced on Feb-
23 ruary 4, 2025, by the Administrator of the Environ-
24 mental Protection Agency Lee Zeldin that will guide
25 the work of the Environmental Protection Agency

1 under the Powering the Great American Comeback
2 Initiative is the principle that “every American
3 should have access to clean air, land, and water”;

4 (5) the trust responsibility of the Federal Gov-
5 ernment to Indian Tribes and the Native Hawaiian
6 Community requires the Federal Government to en-
7 sure the survival and welfare of Indian Tribes and
8 the Native Hawaiian Community, and the failure to
9 provide basic water service cannot be reconciled with
10 that trust responsibility;

11 (6) the public health of Indian Tribes and the
12 Native Hawaiian Community lags behind other com-
13 munities in the United States at least in part as a
14 result of lack of public health infrastructure, includ-
15 ing access to running water;

16 (7) through the bipartisan Infrastructure In-
17 vestment and Jobs Act (Public Law 117–58; 135
18 Stat. 429), Congress provided funding for the Indian
19 Health Service and the Environmental Protection
20 Agency to support the construction and repair of
21 Tribal clean water infrastructure, but—

22 (A) inadequate resources are available to
23 Indian Tribes to assist with accessing those
24 construction and repair funding programs and

1 to support the operation and maintenance of
2 water infrastructure; and

3 (B) much of that funding is unavailable to
4 the Native Hawaiian Community;

5 (8) filling the gaps in funding described in
6 paragraph (7) is necessary for efficient implementa-
7 tion of the historic investment in clean water infra-
8 structure for Indian Tribes and the Native Hawaiian
9 Community;

10 (9) technical assistance to Indian Tribes and
11 Native Hawaiian organizations is necessary to en-
12 sure that Indian Tribes and the Native Hawaiian
13 Community are able—

14 (A) to access and take advantage of the
15 new funding described in paragraph (7);

16 (B) to develop the managerial, financial,
17 and regulatory framework necessary for a fully
18 functional and self-sustaining utility; and

19 (C) to engage appropriate outside consult-
20 ants to assist as needed;

21 (10) advances in water technology, including
22 treatment, sensors, and innovative pipeline mate-
23 rials, can assist in—

1 (A) accelerating efforts to provide uni-
2 versal access to reliable, clean, and drinkable
3 water on Tribal lands; and

4 (B) enhancing resilience in the face of ex-
5 treme weather events;

6 (11) past epidemics of communicable diseases
7 and the threat of future such occurrences are stark
8 reminders that access to reliable, clean, and drink-
9 able water to support basic health is a matter of life
10 or death for all individuals in the United States;

11 (12) it is in the interest of the United States,
12 and it is the policy of the United States, that all
13 Tribal lands be provided with safe and adequate
14 water supply systems as soon as practicable; and

15 (13) both appropriate funding at the level of
16 unmet need and a “whole of government” approach
17 among all Federal agencies are essential to provide
18 a meaningful solution to the lack of access to clean
19 water on Tribal lands.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) INDIAN TRIBE.—The term “Indian Tribe”
23 has the meaning given the term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (2) NATIVE HAWAIIAN COMMUNITY.—The term
2 “Native Hawaiian Community” has the meaning
3 given the term “Native Hawaiian community” in
4 section 50.4 of title 43, Code of Federal Regulations
5 (as in effect on the date of enactment of this Act).

6 (3) NATIVE HAWAIIAN ORGANIZATION.—

7 (A) IN GENERAL.—The term “Native Ha-
8 waiian organization” has the meaning given the
9 term in section 6207 of the Native Hawaiian
10 Education Act (20 U.S.C. 7517).

11 (B) INCLUSION.—The term “Native Ha-
12 waiian organization” includes the Department
13 of Hawaiian Home Lands (as defined in section
14 801 of the Native American Housing Assistance
15 and Self-Determination Act of 1996 (25 U.S.C.
16 4221)).

17 (4) TECHNICAL ASSISTANCE.—The term “tech-
18 nical assistance” means any expertise provided,
19 whether through direct service, grant, contract, or
20 cooperative agreement—

21 (A) to facilitate access by Indian Tribes
22 and Native Hawaiian organizations to repair
23 and construction funding for drinking water
24 and sanitation facilities made available
25 through—

1 (i) the Infrastructure Investment and
2 Jobs Act (Public Law 117–58; 135 Stat.
3 429);

4 (ii) the rural development mission
5 area of the Department of Agriculture; or

6 (iii) any other funding source, the
7 purpose of which is to provide funding to
8 repair and construct drinking water and
9 sanitation facilities; and

10 (B) to support Indian Tribes and Native
11 Hawaiian organizations in developing the mana-
12 gerial, financial, and regulatory capacity nec-
13 essary to build, operate, and maintain drinking
14 water and sanitation infrastructure on Tribal
15 land.

16 (5) TRIBAL LAND.—The term “Tribal land”
17 has the meaning given the term in section 905(a) of
18 division N of the Consolidated Appropriations Act,
19 2021 (47 U.S.C. 1705(a)).

20 **SEC. 4. DEPARTMENT OF AGRICULTURE RURAL DEVELOP-**
21 **MENT.**

22 (a) WATER AND WASTE FACILITY LOANS AND
23 GRANTS TO ALLEVIATE HEALTH RISKS.—Section
24 306C(a) of the Consolidated Farm and Rural Develop-
25 ment Act (7 U.S.C. 1926c(a)) is amended—

1 (1) in paragraph (1), in the first sentence of
2 the matter preceding subparagraph (A), by inserting
3 “Native Hawaiian organizations (as defined in sec-
4 tion 6207 of the Native Hawaiian Education Act (20
5 U.S.C. 7517)), including the Department of Hawai-
6 ian Home Lands (as defined in section 801 of the
7 Native American Housing Assistance and Self-De-
8 termination Act of 1996 (25 U.S.C. 4221)),” after
9 “other federally recognized Indian tribes,”; and

10 (2) in paragraph (2), by adding at the end the
11 following:

12 “(C) TRIBAL RESIDENTS.—Notwith-
13 standing subparagraph (A), loans and grants
14 under paragraph (1) may also be made if the
15 loan or grant funds will be used primarily to
16 provide water or waste services, or both, to resi-
17 dents on Tribal land (as defined in section
18 905(a) of division N of the Consolidated Appro-
19 priations Act, 2021 (47 U.S.C. 1705(a))).”.

20 (b) EXTENSION OF AUTHORITY FOR GRANTS AND
21 LOANS.—In addition to the purposes for which grants and
22 loans may be provided under sections 306C and 306D of
23 the Consolidated Farm and Rural Development Act (7
24 U.S.C. 1926c, 1926d), the Secretary of Agriculture (re-
25 ferred to in this section as the “Secretary”) may make

1 or insure loans to, make grants to, or enter into coopera-
2 tive agreements or contracts with eligible entities de-
3 scribed in subsection (d) for technical assistance.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
5 tion to amounts otherwise available, there are authorized
6 to be appropriated to the Secretary for each of fiscal years
7 2026 through 2030—

8 (1) \$100,000,000, to remain available until ex-
9 pended, to make or insure loans and make grants
10 under sections 306C and 306D of the Consolidated
11 Farm and Rural Development Act (7 U.S.C. 1926c,
12 1926d), and for the additional purposes described in
13 subsection (b), to eligible entities described in sub-
14 section (d) to provide for the development, use, and
15 control of water (including the extension or improve-
16 ment of existing water supply systems); and

17 (2) \$30,000,000, to remain available until ex-
18 pended, for eligible entities described in subsection
19 (d) to obtain or contract for technical assistance.

20 (d) ELIGIBLE ENTITIES.—An entity eligible to re-
21 ceive a grant or an award of financial or technical assist-
22 ance using amounts appropriated pursuant to the author-
23 izations of appropriations under paragraphs (1) and (2)
24 of subsection (c) or amounts otherwise available under sec-

1 tions 306C and 306D of the Consolidated Farm and Rural
2 Development Act (7 U.S.C. 1926c, 1926d)—

3 (1) is an Indian Tribe or a Native Hawaiian or-
4 ganization; and

5 (2) in the case of a grant under section 306D
6 of that Act (7 U.S.C. 1926d), includes a consortium
7 formed pursuant to section 325 of Public Law 105–
8 83 (111 Stat. 1597).

9 (e) NO MATCHING CONTRIBUTION.—The funds made
10 available under subsection (c) shall not require any match-
11 ing contribution otherwise required by any other provision
12 of law (including regulations).

13 (f) EXCEPTIONS.—For purposes of any loan or grant
14 to, or cooperative agreement or contract with, an eligible
15 entity using amounts appropriated under subsection (c)—

16 (1) the requirements under section 306C(a)(2)
17 of the Consolidated Farm and Rural Development
18 Act (7 U.S.C. 1926c(a)(2)) shall not apply; and

19 (2) an eligible entity or the members of an eligi-
20 ble entity shall not be required to demonstrate an in-
21 ability to finance the proposed project—

22 (A) from the resources of the eligible entity
23 or members; or

24 (B) through commercial credit.

1 (g) INTERAGENCY COLLABORATION.—The Secretary
2 shall consult with the Director of the Indian Health Serv-
3 ice regarding agency collaboration, project prioritization,
4 and staffing needs to ensure the amounts appropriated
5 under subsection (c) are used in the most effective manner
6 to promote access to water and sanitation.

7 **SEC. 5. INDIAN HEALTH SERVICE.**

8 (a) DEFINITION OF SECRETARY.—In this section, the
9 term “Secretary” means the Secretary of Health and
10 Human Services, acting through the Director of the In-
11 dian Health Service.

12 (b) SANITATION FACILITIES CONSTRUCTION PRO-
13 GRAM.—

14 (1) IN GENERAL.—For purposes of section
15 7(a)(1) of the Act entitled “An Act to transfer the
16 maintenance and operation of hospital and health fa-
17 cilities for Indians to the Public Health Service, and
18 for other purposes”, approved August 5, 1954 (42
19 U.S.C. 2004a(a)(1)), the term “Indian homes, com-
20 munities, and lands” shall include non-commercial
21 community structures that are essential to the life of
22 an Indian Tribe or to Tribal government services on
23 Tribal land providing indispensable educational,
24 health, or other community services, such as schools,

1 hospitals, clinics, nursing homes, Tribal employees’
2 homes, Tribal offices, and post offices.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—In
4 addition to amounts otherwise available, there is au-
5 thorized to be appropriated to the Secretary
6 \$500,000,000 for each of fiscal years 2026 through
7 2030, to remain available until expended, to carry
8 out section 7(a)(1) of the Act entitled “An Act to
9 transfer the maintenance and operation of hospital
10 and health facilities for Indians to the Public Health
11 Service, and for other purposes”, approved August
12 5, 1954 (42 U.S.C. 2004a(a)(1)).

13 (c) TECHNICAL ASSISTANCE FUNDING.—In addition
14 to amounts otherwise available, there is authorized to be
15 appropriated to the Secretary \$30,000,000 for each of fis-
16 cal years 2026 through 2030, to remain available until ex-
17 pended, for Indian Tribes to enter into contracts for—

18 (1) technical assistance; and

19 (2) activities authorized under section
20 302(b)(2) of the Indian Health Care Improvement
21 Act (25 U.S.C. 1632(b)(2)).

22 (d) OPERATION AND MAINTENANCE FUNDING.—

23 (1) IN GENERAL.—The Secretary may provide
24 financial assistance for the operation and mainte-
25 nance of drinking water and sanitation facilities

1 serving Indian Tribes that are owned and operated
2 by an Indian Tribe.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—In
4 addition to amounts otherwise available, there is au-
5 thorized to be appropriated to the Secretary
6 \$100,000,000 for each of fiscal years 2026 through
7 2030, to remain available until expended, for the op-
8 eration and maintenance of drinking water and sani-
9 tation facilities serving Indian Tribes under para-
10 graph (1).

11 (3) PRIORITY FOR FUNDING.—In awarding
12 funding for the operation and maintenance of drink-
13 ing water and sanitation facilities under paragraph
14 (1), the Secretary shall prioritize drinking water and
15 sanitation facilities that the Secretary determines to
16 be the most in need of assistance.

17 (4) FUTURE FUNDING.—For not less than 5
18 fiscal years after the date on which a drinking water
19 or sanitation facilities project described in paragraph
20 (1) is completed, to the extent to which annual ap-
21 propriations are available, the Secretary shall in-
22 clude the completed water facilities project as eligi-
23 ble for sustained funding support and guidance to
24 ensure that—

1 (A) the investments in the drinking water
2 or sanitation facilities are adequately main-
3 tained and operated for the health and welfare
4 of Indian Tribes served;

5 (B) the infrastructure investment is pro-
6 tected; and

7 (C) the intended health promotion benefit
8 is realized.

9 **SEC. 6. FUNDING FOR NATIVE AMERICAN AFFAIRS TECH-**
10 **NICAL ASSISTANCE PROGRAM OF THE BU-**
11 **REAU OF RECLAMATION.**

12 In addition to amounts otherwise available, there is
13 authorized to be appropriated to the Secretary of the Inte-
14 rior \$18,000,000 for use, in accordance with section 201
15 of the Energy and Water Development Appropriations
16 Act, 2003 (43 U.S.C. 373d), for the Native American Af-
17 fairs Technical Assistance Program of the Bureau of Rec-
18 lamation for each of fiscal years 2026 through 2030, to
19 remain available until expended.