



UNIVERSAL ACCESS TO CLEAN WATER
FOR TRIBAL COMMUNITIES

TRIBAL WATER INFRASTRUCTURE FUNDING

WITHOUT RESERVATIONS



Pop Quiz

- How does the U.S. Declaration of Independence refer to American Indians?
- What is the strongest predictor of safe water access?
- An estimated ___% of households on reservations do not have clean water or adequate sanitation?

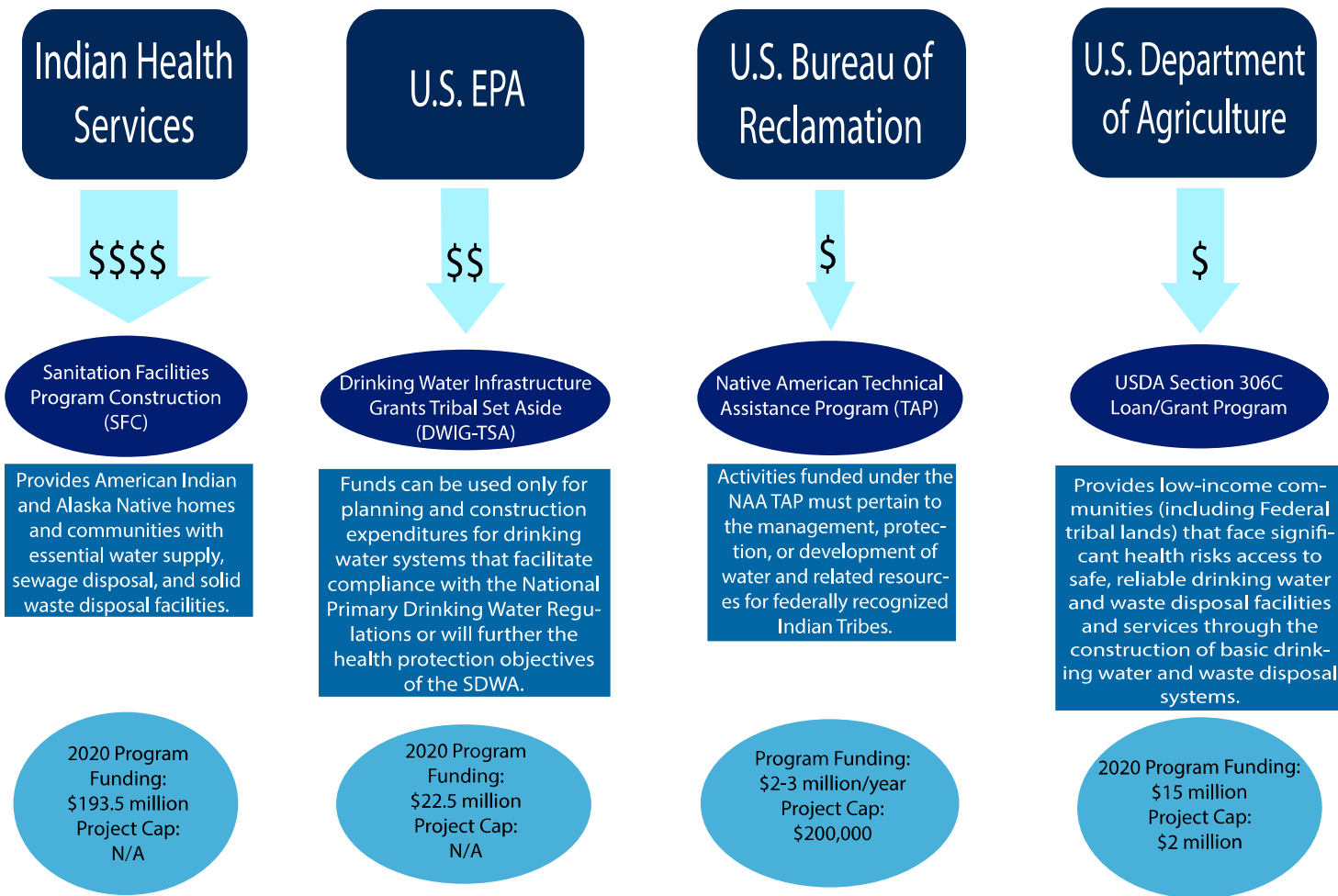


Federal Responsibility to Tribes

- **Marshall Trilogy**
- **Treaties**
 - Reservation established as permanent homeland
 - Promise to enact laws “as may be deemed conducive to the permanent prosperity and happiness of [the] Indians”
 - *Winters v. United States* (1908) right to water sufficient to fulfill purposes of the reservation
- **Trust responsibility**
 - *Navajo Nation v. U.S. Department of the Interior* (9th Cir. 2021)



PRIMARY FEDERAL TRIBAL DRINKING WATER PROGRAMS



Infrastructure Investment and Jobs Act

Funding

IHS

- \$3.5 B for Sanitation Facilities Construction Program

EPA

- Increases appropriations for SRF (\$2.4 - \$3.25 B)

Reclamation

- \$1 B for legacy rural water supply projects

[DOI - \$2.5 B to implement Indian Water Rights Settlement Completion Fund]



Inflation Reduction Act

Funding

Reclamation

- Sec. 50231: \$550 M for disadvantaged communities domestic water supply projects (planning, design, and construction)
- Sec. 80004: \$12.5 M for financial assistance to address drinking water shortages and mitigate loss of trust resources due to drought impacts for tribes impacted by the operation of a Reclamation water project

NO COST-SHARING or MATCHING REQUIREMENTS



Solving the Problem

- **Whole of Government Approach:** Capitalize on different agencies' strengths where their missions overlap
- **Flexibility:** Increase agency discretion in how they use funding
- **Tribal Capacity:** Increase technical assistance and training opportunities

