

United States Senate
WASHINGTON, DC 20510-0309

February 18, 2021

The Honorable Chuck Schumer
Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Brian Schatz
Chairman
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

The Honorable Lisa Murkowski
Ranking Member
Senate Committee on Indian Affairs
838 Hart Senate Office Building
Washington, DC 20510

Dear Leader Schumer, Leader McConnell, Chairman Schatz, and Vice Chairman Murkowski:

We are writing to request that the upcoming COVID-19 emergency relief package include robust funding for drinking water and sanitation projects in Indian Country. At a minimum, the relief package should include \$600 million to address emergency sanitation and potable water needs in Native communities. We also urge you to provide funding to programs at the Bureau of Indian Affairs that assist tribal government with distributing potable water in their communities.

The COVID-19 pandemic has elevated national awareness about the lack of potable water and sanitation systems in Indian Country. This is a public health crisis affecting one of the most underserved minority populations in our country. If this issue is not addressed immediately, a substantial portion of tribal communities will remain at an unjustifiably elevated risk COVID-19 outbreaks and health problems for decades to come.

The Indian Health Service (IHS) at the U.S. Department of Health and Human Services is the lead federal agency for delivering essential water supply, sewage, and solid waste disposal facilities to American Indian and Alaska Native homes and communities. According to IHS, more than 110,000 American Indians and Alaska Native homes lack adequate indoor plumbing and another 57,000 homes do not have running water. These homes are located in remote communities and are often overcrowded with family members of all ages, conditions that hastened the spread of COVID-19 among tribal elders. According to the Centers for Disease Control and Prevention, American Indians and Alaska Natives are five times more likely than the average American to be hospitalized due to COVID-19, the largest disparity for any racial or ethnic group.

IHS reports an \$800 million backlog of tribal water and sewer projects deemed feasible for construction by the agency, and another \$1.5 billion in projects deemed too costly to complete without additional contributions from non-IHS funding sources. Over the last five

fiscal years, Congress provided about \$194 million per year for IHS sanitation system construction. This is insufficient to address this unmet public health need.

In addition to sanitation and potable water funds, it is vitally important to provide sufficient funding for Indian water rights settlements in upcoming COVID-19 recovery proposals and future infrastructure packages. Many federally recognized Indian tribes in the West assert substantial claims to reserved water rights that date back to the establishment of their reservations. Such claims are often the subject of prolonged litigation between a tribe, the federal government, and other parties. For the past 50 years, Congress and tribal governments have preferred to settle water rights disputes by enacting legislative settlements that quantify the tribe's water allocation while providing compensation in the form of federally-funded tribal water infrastructure projects. Indian water settlements are critical to ensuring the economic and environmental future of many Native American communities, but shortfalls in discretionary funding to honor these settlements are impacting the ability of many rural tribes to provide their communities with a permanent and safe supply of drinking water. We believe that Congress should provide full funding to complete all existing Indian water settlements and establish a permanent fund to cover future settlements.

Thank you for your attention to our request and we look forwards to working with you to pass urgently needed COVID-19 economic relief for the American people.

Sincerely,



Mark Kelly
United States Senator



Jon Tester
United States Senator