

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



Testimony of President Jonathan Nez of the Navajo Nation

United States House of Representatives Committee on Natural Resources Subcommittee on Water, Oceans, and Wildlife

Subcommittee Hearing: Hybrid WOW Legislative Hearing

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Yá'át'ééh. Chairman Huffman, Ranking Member Bentz, and distinguished Members of the Subcommittee for Water, Oceans, and Wildlife. My name is Jonathan Nez, and I am the President of the Navajo Nation. I would like to begin my remarks by thanking you for the opportunity to speak about two important bills that are being reviewed by your committee: H.R. 6238 the WaterSMART Access for Tribes Act, and H.R. 7632 the Tribal Access to Clean Water Act. I would also like to thank Representatives Stansbury and Neguse for introducing these two bills that have great potential to help the Navajo people and others in Indian Country.

Background

The Navajo Nation is the largest Native American tribe in the United States, with over 27,000 square miles of land and more than 400,000 tribal citizens, roughly half of whom reside on reservation land. Unfortunately, we have not always had the resources to ensure a healthy and happy future for our people. Facts that have always been true, but that have been exacerbated by the COVID-19 pandemic and by a historic drought in the American Southwest that the Navajo people call home.

The fact is, Native American households are [19 times](#) more likely than white households to lack access to clean drinking water through indoor plumbing. The deprivation of this basic service affects over half a million residents of tribal communities and constitutes one of the fundamental inequities of our time. The [public health impacts](#) of not having clean water are well documented. Native Americans experienced the [highest hospitalization and death rates from COVID-19](#) of any ethnic group. Tribal elders—who are often considered wisdom keepers and critical to ensuring cultural continuity—have been particularly hard hit with death rates three to ten times higher than white persons of similar ages. Such devastating loss has threatened the survival of Native culture.

What has been true for other tribes has also been true for the Navajo people. The Navajo Nation is committed to improving the standard of living on the reservation. Access to land, water, and electricity for families, government programs, public institutions, and businesses is critical to a better quality of life. Recognizing that water is integral to human health and economic

NAVAJO NATION OFFICE OF THE PRESIDENT AND VICE PRESIDENT

POST OFFICE BOX 7440 · WINDOW ROCK, AZ 86515 · PHONE: (928) 871-7000 · FAX: (928) 871-4025

development, the Navajo Nation has always placed water development as one of its highest priorities. But there is still a great need.

Current estimates are that between 9,000 and 16,000 Navajo homes do not have access to running water. Those families must haul water from filling stations around the Nation to meet their basic needs, which poses a great economic burden on families that already struggle. Navajo citizens pay an estimated 67x more for water that they haul versus water that is delivered via a municipal water system into their homes. This includes the cost of gasoline for their vehicle, for the barrels that hold the water, maintenance of vehicles, and the cost of the water itself, which depends on where they are buying the water.

While the Navajo Nation greatly appreciates the efforts of multiple partners who worked with us during the height of the COVID pandemic to provide bottled water, interim water stations, and disinfection tablets, we need to continue to move forward to address the need with more permanent solutions.

H.R. 6238: WaterSMART Access for Tribes Act

One program that has been particularly useful has been the WaterSMART grant program. In the past few years we have applied for three WaterSMART grants, specifically two under the Drought Program and one under the Title XVI Program. We were awarded funding for two Drought Resiliency projects in Oljato, UT and Cameron, AZ. These projects will provide clean water access to hundreds of Navajo families; each respective community has more than 200 homes without piped water access according to data from the Indian Health Service.

We would have applied for more WaterSMART funding opportunities; however, the current grant program requires tribes to provide a non-federal cost-share match for federal funding. Because of the unique laws governing tribes, the Navajo Nation does not have a traditional tax base like states and municipalities, and raising revenue through other means is difficult. The same is true for most tribes.

Federal programs that require matching funds often bar the communities that need the programs the most from participating. The WaterSMART Access for Tribes Act would help make this existing program more accessible to Tribes and I encourage this committee to support this legislation. But changing the rules for existing programs only gets us so far. We also need to increase the resources available for water projects in Indian Country.

H.R. 7632: Tribal Access to Clean Water Act.

The bipartisan [Infrastructure Investment and Jobs Act \(IIJA\)](#) included significant funding for IHS's [Sanitation Facilities Construction Program](#), the EPA's State Revolving Funds, and the Bureau of Reclamation's [rural water supply projects](#), all of which can help tribes. However, after decades of chronic underfunding, we need to look at providing complete solutions to address access to clean water in Indian Country. This includes not only construction funding but also support for the appropriate operation and maintenance (O&M) and the development of tribal

capacity to plan, design, construct, and operate these systems. All the following components are critical to ensure that the full benefit of the historic investment made in water infrastructure in Indian country is realized.

- a. New investment in infrastructure must be protected with appropriate O&M support of these systems. If O&M support is insufficient, water infrastructure will deteriorate at a faster than expected pace and overall costs will increase as the infrastructure ages. Tribal water systems present unique challenges, such as managing high capital and operating costs in remote locations and finding and retaining qualified water system operators. IHS has been authorized to provide O&M assistance since the 1950s, but this authority has never been funded. It should be. This is not a double-dip for Native American water infrastructure—it represents the necessary human capital component that will make the infrastructure investment effective and permanent.
- b. There is also a dire and documented need for technical assistance to allow tribes to navigate the complex array of federal programs and assume leadership roles in solving the water access gap. Grant writing assistance, engineering evaluation and design of water infrastructure systems, and training of certified operators are all critical for ensuring that the infrastructure funding is utilized expeditiously and appropriately. IHS and the Bureau of Reclamation both have technical assistance programs that are currently underfunded.
- c. Finally, each agency has its own statutory authority and expertise that can provide a critical component of a complete solution. While the IJA funding appropriated to IHS and EPA can be used to make substantial progress in Indian country to provide safe and clean water access, USDA has grant programs that are able to assist tribal communities when IHS and EPA cannot. Indeed, in the past some of the greatest successes have been accomplished when agencies work together to combine their expertise and pool federal funding.

[The Tribal Access to Clean Water Act of 2022, H.R. 7632](#), co-sponsored by Rep. Joe Neguse thirteen House colleagues — will help fill essential gaps in the funding provided by IJA. Eliminating the provisions superseded by the IJA, this bill mirrors its Senate companion, S.2369, to fund:

1. O&M by appropriating \$500 million to IHS’s Sanitation Facilities Construction Program.
2. Technical assistance by appropriating \$150 million to IHS and \$90 million to BOR for each agency’s Native American technical assistance program.
3. Additional agency programs that can support tribal water projects by appropriating \$500 million to USDA’s water and waste facility loans and grants program, \$1 billion to BOR’s rural water tribal grant program, and \$100 million to allow IHS to provide funding for water access to essential Tribal community facilities.

Conclusion

We applaud Congress and the current Administration for their commitment to honoring the federal trust responsibilities by making a meaningful investment in Indian Country. The two bills I have

discussed would both make a significant improvement to health and well-being of the Navajo people and Native people across the country. We look forward to continuing to work with this Congress to support legislation that can support the Navajo people and other tribal communities.

Ahéhee' and thank you.