

Calendar No. 609

116TH CONGRESS
2D SESSION

S. 3044

[Report No. 116-309]

To amend the America's Water Infrastructure Act of 2018 to expand the Indian reservation drinking water program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2019

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 9, 2020

Reported by Mr. HOEVEN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the America's Water Infrastructure Act of 2018 to expand the Indian reservation drinking water program, 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 "~~Western Tribal Water~~
5 ~~Infrastructure Act of 2019~~".

1 **SEC. 2. INDIAN RESERVATION DRINKING WATER PROGRAM.**

2 Section 2001 of the America's Water Infrastructure
3 Act of 2018 (42 U.S.C. 300j-3e note; Public Law 115-
4 270) is amended—

5 (1) in subsection (a)—

6 (A) in the matter preceding paragraph (1),
7 by striking “Subject to the availability of appro-
8 priations, the Administrator” and inserting
9 “The Administrator”;

10 (B) in paragraph (1), by striking “and” at
11 the end;

12 (C) in paragraph (2), by striking the pe-
13 riod at the end and inserting “; and”;

14 (D) by adding at the end the following:

15 “(3) 10 eligible projects described in subsection
16 (b) that are within—

17 “(A) the portion of the Columbia River
18 Basin that is—

19 “(i) south of the Columbia River; and

20 “(ii) below the Grand Coulee Dam; or

21 “(B) coastal basins adjacent to the portion
22 of the Columbia River Basin described in sub-
23 paragraph (A).”;

24 (2) in subsection (b)(1)—

25 (A) by striking “is on a reservation” and
26 inserting the following: “is on—

1 “(A) a reservation”;

2 (B) in subparagraph (A) (as so des-
3 ignated); by striking “and” at the end and in-
4 serting “or”; and

5 (C) by adding at the end the following:

6 “(B) an off-reservation site that serves an
7 Indian Tribe described in subsection (e)(2);
8 and”;

9 (3) in subsection (e)—

10 (A) by striking the subsection designation
11 and heading and all that follows through “In
12 carrying out” and inserting the following:

13 “(e) REQUIREMENTS.—

14 “(1) UPPER MISSOURI RIVER BASIN.—In ear-
15 rying out”; and

16 (B) by adding at the end the following:

17 “(2) COLUMBIA RIVER BASIN.—In carrying out
18 the program under subsection (a)(3), the Adminis-
19 trator of the Environmental Protection Agency shall
20 select not less than 1 eligible project that serves one
21 or more Tribal communities of federally recognized
22 Indian Tribes the Federal recognition of which has
23 been terminated and subsequently restored.”; and

24 (4) in subsection (d), by striking “\$20,000,000
25 for each of fiscal years 2019 through 2022” and in-

1 serting “\$30,000,000 for fiscal year 2020 and each
2 fiscal year thereafter”.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Western Tribal Water
5 Infrastructure Act of 2020”.*

6 **SEC. 2. INDIAN RESERVATION DRINKING WATER PROGRAM.**

7 *Section 2001 of the America’s Water Infrastructure
8 Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270)
9 is amended—*

10 (1) *in subsection (a)—*

11 (A) *in the matter preceding paragraph (1),
12 by striking “Subject to the availability of appro-
13 priations, the Administrator” and inserting
14 “The Administrator”;*

15 (B) *in paragraph (1), by striking “and” at
16 the end;*

17 (C) *in paragraph (2), by striking the period
18 at the end and inserting “; and”;* and

19 (D) *by adding at the end the following:*

20 “(3) 10 eligible projects described in subsection
21 (b) that are within—

22 “(A) the Columbia River Basin; or

23 “(B) a coastal basin adjacent to the Colum-
24 bia River.”;

25 (2) *in subsection (b)(1)—*

1 (A) by striking “is on a reservation” and
2 inserting the following: “is on—

3 “(A) a reservation”;

4 (B) in subparagraph (A) (as so designated),
5 by striking “and” at the end and inserting “or”;
6 and

7 (C) by adding at the end the following:

8 “(B) an off-reservation site that serves an
9 Indian Tribe described in subsection (c)(2)(B);
10 and”;

11 (3) in subsection (c)—

12 (A) by striking the subsection designation
13 and heading and all that follows through “In
14 carrying out” and inserting the following:

15 “(c) REQUIREMENTS.—

16 “(1) UPPER MISSOURI RIVER BASIN.—In car-
17 rying out”; and

18 (B) by adding at the end the following:

19 “(2) COLUMBIA RIVER BASIN.—In carrying out
20 the program under subsection (a)(3), the Adminis-
21 trator of the Environmental Protection Agency
22 shall—

23 “(A) give priority to projects that respond
24 to emergency situations where a lack of access to

1 *clean drinking water threatens the health of*
2 *Tribal populations;*

3 “(B) *select not fewer than 1 eligible project*
4 *that serves 1 or more Tribal communities of fed-*
5 *erally recognized Indian Tribes the Federal rec-*
6 *ognition of which has been terminated and subse-*
7 *quently restored; and*

8 “(C) *ensure that not fewer than 1 eligible*
9 *project under that subsection is carried out in—*

10 “(i) *the area described in subpara-*
11 *graph (A) of that subsection; and*

12 “(ii) *an area described in subpara-*
13 *graph (B) of that subsection.”;*

14 (4) *by redesignating subsection (d) as subsection*
15 *(e);*

16 (5) *by inserting after subsection (c) the fol-*
17 *lowing:*

18 “(d) *FEDERAL SHARE.—The Federal share of a project*
19 *carried out under this section shall be 100 percent.”; and*

20 (6) *in subsection (e) (as so redesignated), by*
21 *striking “\$20,000,000 for each of fiscal years 2019*
22 *through 2022” and inserting “\$30,000,000 for fiscal*
23 *year 2020 and each fiscal year thereafter”.*

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