

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5567

To amend the Indian Self-Determination Act and the Indian Health Care Improvement Act to provide advance appropriations authority for certain accounts of the Bureau of Indian Affairs and Bureau of Indian Education of the Department of the Interior and the Indian Health Service of the Department of Health and Human Services, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 12, 2021

Ms. MCCOLLUM (for herself, Mr. YOUNG, Mr. COLE, Ms. DAVIDS of Kansas, Mr. GALLEGO, Ms. HERRERA BEUTLER, Mr. KILMER, Mr. KIND, Mr. MULLIN, Ms. NORTON, and Mr. RUIZ) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, the Budget, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Indian Self-Determination Act and the Indian Health Care Improvement Act to provide advance appropriations authority for certain accounts of the Bureau of Indian Affairs and Bureau of Indian Education of the Department of the Interior and the Indian Health Service of the Department of Health and Human Services, 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 “Indian Programs Ad-  
5 vance Appropriations Act of 2021”.

6 **SEC. 2. AUTHORIZATION FOR ADVANCE APPROPRIATIONS.**

7       (a) BUREAU OF INDIAN AFFAIRS AND BUREAU OF  
8 INDIAN EDUCATION.—The Indian Self-Determination Act  
9 (25 U.S.C. 5321 et seq.) is amended by adding at the end  
10 the following:

11 **“SEC. 112. AUTHORIZATION FOR ADVANCE APPROPRIA-**  
12 **TIONS FOR CERTAIN ACCOUNTS.**

13       “(a) DEFINITIONS.—In this section:

14               “(1) COVERED ACCOUNT.—The term ‘covered  
15 account’ means the following:

16                       “(A) Each of the following annual appro-  
17 priations accounts of the Bureau of Indian Af-  
18 fairs:

19                               “(i) Operation of Indian Programs.

20                               “(ii) Contract Support Costs.

21                               “(iii) Indian Guaranteed Loan Pro-  
22 gram.

23                               “(iv) Construction.

24                               “(v) Payments for Tribal Leases.

1                   “(B) Each of the following annual appro-  
2                   priations accounts of the Bureau of Indian  
3                   Education:

4                               “(i) Operation of Indian Education  
5                               Programs.

6                               “(ii) Education Construction.

7                   “(2) DEPARTMENT.—The term ‘Department’  
8                   means the Department of the Interior.

9                   “(3) SECRETARY.—The term ‘Secretary’ means  
10                   the Secretary of the Interior.

11                   “(b) ADVANCE APPROPRIATIONS.—For each fiscal  
12                   year, beginning with fiscal year 2022, new budget author-  
13                   ity provided in an appropriations Act for the covered ac-  
14                   counts shall—

15                               “(1) be made available for that fiscal year; and

16                               “(2) include, for each covered account, advance  
17                   new budget authority that first becomes available for  
18                   the first fiscal year after the budget year.

19                   “(c) ESTIMATES REQUIRED.—The Secretary shall in-  
20                   clude in documents submitted to Congress in support of  
21                   the President’s budget submitted pursuant to section 1105  
22                   of title 31, United States Code, detailed estimates of the  
23                   funds necessary for the covered accounts of the Depart-  
24                   ment for the fiscal year following the fiscal year for which  
25                   the budget is submitted.

1 “(d) ANNUAL REPORT.—

2 “(1) IN GENERAL.—Not later than July 31 of  
3 each fiscal year, the Secretary, in consultation with  
4 Indian Tribes, shall submit to Congress a report on  
5 the sufficiency of the resources of the Department  
6 for the fiscal year beginning after the date of the  
7 submittal of the report.

8 “(2) INCLUSION.—Each report submitted under  
9 paragraph (1) shall include estimates of the work-  
10 load and demand data for the fiscal year covered by  
11 the report.”.

12 (b) INDIAN HEALTH SERVICE.—Title VIII of the In-  
13 dian Health Care Improvement Act (25 U.S.C. 1671 et  
14 seq.) is amended by adding at the end the following:

15 **“SEC. 833. AUTHORIZATION FOR ADVANCE APPROPRIA-**  
16 **TIONS FOR CERTAIN ACCOUNTS.**

17 “(a) DEFINITION OF COVERED ACCOUNT.—In this  
18 section, the term ‘covered account’ means each of the fol-  
19 lowing annual appropriations accounts of the Indian  
20 Health Service:

21 “(1) Indian Health Services.

22 “(2) Contract Support Costs.

23 “(3) Payments for Tribal Leases.

24 “(4) Indian Health Facilities.

1       “(b) ADVANCE APPROPRIATIONS.—For each fiscal  
2 year, beginning with fiscal year 2022, new budget author-  
3 ity provided in an appropriations Act for the covered ac-  
4 counts shall—

5               “(1) be made available for that fiscal year; and

6               “(2) include, for each covered account, advance  
7 new budget authority that first becomes available for  
8 the first fiscal year after the budget year.

9       “(c) ESTIMATES REQUIRED.—The Secretary shall in-  
10 clude in documents submitted to Congress in support of  
11 the President’s budget submitted pursuant to section 1105  
12 of title 31, United States Code, detailed estimates of the  
13 funds necessary for the covered accounts of the Depart-  
14 ment for the fiscal year following the fiscal year for which  
15 the budget is submitted.

16       “(d) ANNUAL REPORT.—

17               “(1) IN GENERAL.—Not later than July 31 of  
18 each fiscal year, the Secretary, in consultation with  
19 Indian tribes, shall submit to Congress a report on  
20 the sufficiency of the resources of the Department  
21 for the fiscal year beginning after the date of the  
22 submittal of the report.

23               “(2) INCLUSION.—Each report submitted under  
24 paragraph (1) shall include estimates of the work-

1 load and demand data for the fiscal year covered by  
2 the report.”.

3 **SEC. 3. INFORMATION ON APPROPRIATIONS ESTIMATES.**

4 (a) SUBMISSION OF BUDGET REQUEST.—Section  
5 1105(a) of title 31, United States Code, is amended by  
6 adding at the end the following:

7 “(40) information on estimates of appropria-  
8 tions for the fiscal year following the fiscal year for  
9 which the budget is submitted for the covered ac-  
10 counts described in—

11 “(A) section 112(a)(1) of the Indian Self-  
12 Determination Act; and

13 “(B) section 833(a) of the Indian Health  
14 Care Improvement Act.”.

15 (b) BUREAU OF INDIAN AFFAIRS.—Section 106 of  
16 the Indian Self-Determination Act (25 U.S.C. 5325) is  
17 amended by striking subsection (i) and inserting the fol-  
18 lowing:

19 “(i) ANNUAL BUDGET SUBMISSION.—

20 “(1) BUDGET REQUEST.—The annual budget  
21 request for the programs of the Bureau of Indian  
22 Affairs, as submitted as part of the President’s an-  
23 nual budget request under section 1105 of title 31,  
24 United States Code, shall include, in the amount re-  
25 quested and the budget justification, information on

1 estimates of appropriations for the fiscal year fol-  
2 lowing the fiscal year for which the budget is sub-  
3 mitted for the covered accounts described in section  
4 112(a)(1)(A).

5 “(2) CONSULTATION.—In developing the budget  
6 request under paragraph (1), the Secretary of the  
7 Interior shall consult with, and solicit the participa-  
8 tion of, Indian Tribes and Tribal organizations.”.

9 (c) BUREAU OF INDIAN EDUCATION.—

10 (1) ADMINISTRATIVE COST GRANT BUDGET RE-  
11 QUESTS.—Section 1128(l)(1) of the Education  
12 Amendments of 1978 (25 U.S.C. 2008(l)(1)) is  
13 amended by striking the period at the end and in-  
14 sserting “for the fiscal year for which the budget is  
15 submitted and for the fiscal year following that fis-  
16 cal year.”.

17 (2) DIVISION OF BUDGET ANALYSIS.—Section  
18 1129(c) of the Education Amendments of 1978 (25  
19 U.S.C. 2009(c)) is amended, in the matter preceding  
20 paragraph (1), by striking “contains” and inserting  
21 “contains, for the fiscal year for which the budget  
22 is submitted and for the fiscal year following that  
23 fiscal year”.

1           (3) ANNUAL BUDGET REQUEST.—Section  
2           1135(b) of the Education Amendments of 1978 (25  
3           U.S.C. 2015(b)) is amended—

4                   (A) by striking the period at the end and  
5                   inserting “; and”;

6                   (B) by striking “shall include the plans”  
7                   and inserting the following: “shall include—  
8                   “(1) the plans”; and

9                   (C) by adding at the end the following:  
10                   “(2) in the amount requested and the budget  
11                   justification, information on estimates of appropria-  
12                   tions for the fiscal year following the fiscal year for  
13                   which the budget is submitted for the covered ac-  
14                   counts described in section 112(a)(1)(B) of the In-  
15                   dian Self-Determination Act.”.

16           (d) INDIAN HEALTH SERVICE.—Section 826 of the  
17           Indian Health Care Improvement Act (25 U.S.C. 1680p)  
18           is amended—

19                   (1) in the matter preceding paragraph (1), by  
20                   striking “justification, amounts that reflect any  
21                   changes in—” and inserting “justification—”; and

22                   (2) by striking paragraphs (1) and (2) and in-  
23                   serting the following:

24                   “(1) amounts that reflect any changes in—



1           “(A) the cost of health services, as indexed  
2           for United States dollar inflation (as measured  
3           by the Consumer Price Index); and

4           “(B) the size of the population served by  
5           the Service; and

6           “(2) information on estimates of appropriations  
7           for the fiscal year following the fiscal year for which  
8           the budget is submitted for the covered accounts de-  
9           scribed in section 833(a).”.

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