

117TH CONGRESS
1ST SESSION

S. 2985

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.

IN THE SENATE OF THE UNITED STATES

OCTOBER 7, 2021

Mr. LUJÁN (for himself, Ms. KLOBUCHAR, Ms. SMITH, Ms. WARREN, Ms. CORTEZ MASTO, Ms. BALDWIN, Mr. PADILLA, Mr. TESTER, Mr. HEINRICH, Ms. ROSEN, Mr. WYDEN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Indian Programs Ad-
3 vance Appropriations Act of 2021”.

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

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

9 **“SEC. 112. AUTHORIZATION FOR ADVANCE APPROPRIA-
10 TIONS FOR CERTAIN ACCOUNTS.**

11 “(a) DEFINITIONS.—In this section:

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

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

17 “(i) Operation of Indian Programs.

18 “(ii) Contract Support Costs.

19 “(iii) Indian Guaranteed Loan Pro-
20 gram.

21 “(iv) Construction.

22 “(v) Payments for Tribal Leases.

23 “(B) Each of the following annual appro-
24 priations accounts of the Bureau of Indian
25 Education:

1 “(i) Operation of Indian Education
2 Programs.

3 “(ii) Education Construction.

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

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

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

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

13 “(2) include, for each covered account, advance
14 new budget authority that first becomes available for
15 the first fiscal year after the budget year.

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

23 “(d) ANNUAL REPORT.—

24 “(1) IN GENERAL.—Not later than July 31 of
25 each fiscal year, the Secretary, in consultation with

1 Indian Tribes, shall submit to Congress a report on
2 the sufficiency of the resources of the Department
3 for the fiscal year beginning after the date of the
4 submittal of the report.

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

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

12 **“SEC. 833. AUTHORIZATION FOR ADVANCE APPROPRIA-**
13 **TIONS FOR CERTAIN ACCOUNTS.**

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

18 “(1) Indian Health Services.

19 “(2) Contract Support Costs.

20 “(3) Payments for Tribal Leases.

21 “(4) Indian Health Facilities.

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

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

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

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

12 “(d) ANNUAL REPORT.—

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

19 “(2) INCLUSION.—Each report submitted under
20 paragraph (1) shall include estimates of the work-
21 load and demand data for the fiscal year covered by
22 the report.”.

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

2 (a) SUBMISSION OF BUDGET REQUEST.—Section
3 1105(a) of title 31, United States Code, is amended by
4 adding at the end the following:

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

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

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

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

17 “(i) ANNUAL BUDGET SUBMISSION.—

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

1 mitted for the covered accounts described in section
2 112(a)(1)(A).

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

7 (c) BUREAU OF INDIAN EDUCATION.—

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

15 (2) DIVISION OF BUDGET ANALYSIS.—Section
16 1129(e) of the Education Amendments of 1978 (25
17 U.S.C. 2009(e)) is amended, in the matter preceding
18 paragraph (1), by striking “contains” and inserting
19 “contains, for the fiscal year for which the budget
20 is submitted and for the fiscal year following that
21 fiscal year”.

22 (3) ANNUAL BUDGET REQUEST.—Section
23 1135(b) of the Education Amendments of 1978 (25
24 U.S.C. 2015(b)) is amended—

1 (A) by striking the period at the end and
2 inserting “; and”;

3 (B) by striking “shall include the plans”
4 and inserting the following: “shall include—
5 “(1) the plans”; and

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

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

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

16 (1) in the matter preceding paragraph (1), by
17 striking “justification, amounts that reflect any
18 changes in—” and inserting “justification—”; and

19 (2) by striking paragraphs (1) and (2) and in-
20 serting the following:

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

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

1 “(B) the size of the population served by
2 the Service; and
3 “(2) information on estimates of appropriations
4 for the fiscal year following the fiscal year for which
5 the budget is submitted for the covered accounts de-
6 scribed in section 833(a).”.

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