117TH CONGRESS  
1ST SESSION

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

Mr. Luján introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Programs Advance Appropriations Act of 2021”.

SEC. 2. AUTHORIZATION FOR ADVANCE APPROPRIATIONS.

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

“SEC. 112. AUTHORIZATION FOR ADVANCE APPROPRIATIONS FOR CERTAIN ACCOUNTS.

“(a) DEFINITIONS.—In this section:

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

“(A) Each of the following annual appropriations accounts of the Bureau of Indian Affairs:

“(i) Operation of Indian Programs.


“(iii) Indian Guaranteed Loan Program.

“(iv) Construction.

“(v) Payments for Tribal Leases.

“(B) Each of the following annual appropriations accounts of the Bureau of Indian Education:
“(i) Operation of Indian Education Programs.

“(ii) Education Construction.

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

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

“(b) Advance Appropriations.—For each fiscal year, beginning with fiscal year 2022, new budget authority provided in an appropriations Act for the covered accounts shall—

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

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

“(c) Estimates Required.—The Secretary shall include in documents submitted to Congress in support of the President’s budget submitted pursuant to section 1105 of title 31, United States Code, detailed estimates of the funds necessary for the covered accounts of the Department for the fiscal year following the fiscal year for which the budget is submitted.

“(d) Annual Report.—

“(1) In general.—Not later than July 31 of each fiscal year, the Secretary, in consultation with
Indian Tribes, shall submit to Congress a report on
the sufficiency of the resources of the Department
for the fiscal year beginning after the date of the
submittal of the report.

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

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

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

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

“(1) Indian Health Services.

“(2) Contract Support Costs.

“(3) Payments for Tribal Leases.

“(4) Indian Health Facilities.

“(b) ADVANCE APPROPRIATIONS.—For each fiscal
year, beginning with fiscal year 2022, new budget author-
ity provided in an appropriations Act for the covered ac-
counts shall—
“(1) be made available for that fiscal year; and
“(2) include, for each covered account, advance
new budget authority that first becomes available for
the first fiscal year after the budget year.
“(c) ESTIMATES REQUIRED.—The Secretary shall in-
clude in documents submitted to Congress in support of
the President’s budget submitted pursuant to section 1105
of title 31, United States Code, detailed estimates of the
funds necessary for the covered accounts of the Depart-
ment for the fiscal year following the fiscal year for which
the budget is submitted.
“(d) ANNUAL REPORT.—
“(1) IN GENERAL.—Not later than July 31 of
each fiscal year, the Secretary, in consultation with
Indian tribes, shall submit to Congress a report on
the sufficiency of the resources of the Department
for the fiscal year beginning after the date of the
submittal of the report.
“(2) INCLUSION.—Each report submitted under
paragraph (1) shall include estimates of the work-
load and demand data for the fiscal year covered by
the report.”.
SEC. 3. INFORMATION ON APPROPRIATIONS ESTIMATES.

(a) Submission of Budget Request.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

“(40) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the covered accounts described in—

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

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

(b) Bureau of Indian Affairs.—Section 106 of the Indian Self-Determination Act (25 U.S.C. 5325) is amended by striking subsection (i) and inserting the following:

“(i) Annual Budget Submission.—

“(1) Budget Request.—The annual budget request for the programs of the Bureau of Indian Affairs, as submitted as part of the President’s annual budget request under section 1105 of title 31, United States Code, shall include, in the amount requested and the budget justification, information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is sub-
mitted for the covered accounts described in section 112(a)(1)(A).

“(2) CONSULTATION.—In developing the budget request under paragraph (1), the Secretary of the Interior shall consult with, and solicit the participation of, Indian Tribes and Tribal organizations.”.

(c) BUREAU OF INDIAN EDUCATION.—

(1) ADMINISTRATIVE COST GRANT BUDGET REQUESTS.—Section 1128(l)(1) of the Education Amendments of 1978 (25 U.S.C. 2008(l)(1)) is amended by striking the period at the end and inserting “for the fiscal year for which the budget is submitted and for the fiscal year following that fiscal year.”.

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

(3) ANNUAL BUDGET REQUEST.—Section 1135(b) of the Education Amendments of 1978 (25 U.S.C. 2015(b)) is amended—
(A) by striking the period at the end and inserting “; and”;
(B) by striking “shall include the plans” and inserting the following: “shall include—
“(1) the plans”; and
(C) by adding at the end the following:
“(2) in the amount requested and the budget justification, information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the covered accounts described in section 112(a)(1)(B) of the Indian Self-Determination Act.”.

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

(1) in the matter preceding paragraph (1), by striking “justification, amounts that reflect any changes in—” and inserting “justification—”; and
(2) by striking paragraphs (1) and (2) and inserting the following:
“(1) amounts that reflect any changes in—
“(A) the cost of health services, as indexed for United States dollar inflation (as measured by the Consumer Price Index); and
“(B) the size of the population served by the Service; and
“(2) information on estimates of appropriations for the fiscal year following the fiscal year for which the budget is submitted for the covered accounts described in section 833(a).”.