117TH CONGRESS  
2D Session  

S. ______

To ensure progress toward the fulfillment by the Federal Government of its trust and treaty obligations to Native Americans and Tribal governments, to ensure funding for programs for Native Americans and Tribal governments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred to the Committee on ______

A BILL

To ensure progress toward the fulfillment by the Federal Government of its trust and treaty obligations to Native Americans and Tribal governments, to ensure funding for programs for Native Americans and Tribal governments, 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; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Honoring Promises to Native Nations Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

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Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Findings.
Sec. 4. Sense of Congress.
Sec. 5. Definitions.
Sec. 6. Advance appropriations.
Sec. 7. Sequestration exemption.
Sec. 9. GAO audit of crosscutting information.
Sec. 10. White House Council for Native Nations.
Sec. 11. Deputy Secretary for Native Nations in the Department of the Interior.
Sec. 12. Tribal consultation by Federal agencies.
Sec. 13. Interagency working group on data collection.

TITLE I—CRIMINAL JUSTICE AND PUBLIC SAFETY

Sec. 101. Findings.
Sec. 102. Sense of Congress.
Sec. 103. Full Tribal criminal jurisdiction.
Sec. 104. Bureau of Prisons tribal prisoner program.
Sec. 105. Tribal justice systems.
Sec. 106. Grants to Indian tribes under public safety and community policing grant program.
Sec. 107. Bureau of Indian Affairs law enforcement and detention.
Sec. 108. Written consent of an Indian tribe prior to an execution of a tribal member by the United States.
Sec. 109. Indian victims of crime.
Sec. 110. Victim advocates for Native Americans.
Sec. 111. Special Tribal criminal jurisdiction.
Sec. 112. National Indian Country Clearinghouse on Sexual Assault.
Sec. 113. Tribal access program.
Sec. 114. Tiwaha Initiative.
Sec. 115. Reviews on Native Hawaiian interactions with law enforcement.

TITLE II—HEALTH CARE

Sec. 201. Findings.
Sec. 203. Mandatory funding for Indian Health Service.
Sec. 204. Sanitation facilities construction program.
Sec. 205. Special diabetes programs for Indians.
Sec. 206. Special diabetes program for Native Hawaiians.
Sec. 207. Permanent extension of full Federal medical assistance percentage to urban Indian organizations.
Sec. 208. Qualified Indian provider services.
Sec. 209. Remove limitation on payment for services furnished by Indian Health Care Providers outside a clinic facility.
Sec. 211. Funding for tribal epidemiology centers.
Sec. 212. State option to provide medical assistance for residential addiction treatment facility services.
Sec. 213. Conferring with urban Indian organizations.
Sec. 214. Medicaid work requirement exemption.
Sec. 215. Medicaid program policies for members of Indian tribes.
TITLE III—EDUCATION

Sec. 301. Findings.
Sec. 302. Sense of Congress.
Sec. 303. Mandatory funding for Tribal Colleges and Universities.
Sec. 304. Expanding instruction and outreach by Tribal Colleges and Universities and other amendments.
Sec. 305. Endowment funds of Tribal Colleges and Universities.
Sec. 306. Full funding for operation of Bureau-funded schools.
Sec. 307. Bureau of Indian Education school construction, modernization, and repair.
Sec. 308. Tribal College and University construction, modernization, and repair.
Sec. 309. Support for Native students and educators in Native-serving schools.
Sec. 310. Johnson-O’Malley funding.
Sec. 311. Native languages.
Sec. 312. Culturally inclusive education.
Sec. 313. Alaska Native education programs.
Sec. 314. Every Student Succeeds Act implementation.
Sec. 315. Funding for local Tribal educational agencies and Tribal education offices.
Sec. 316. Graduate opportunities at Tribal Colleges and Universities.

TITLE IV—HOUSING

Sec. 401. Findings.
Sec. 402. Sense of Congress.
Sec. 403. Indian housing block grant program.
Sec. 404. Native Hawaiian housing block grant program.
Sec. 405. Set-aside of USDA rural housing funding for Indian tribes.
Sec. 406. Restoring authority of Indian tribes and tribally designated housing entities in certain housing programs.
Sec. 407. Indian community development block grants.
Sec. 408. Loan guarantees for Indian housing.
Sec. 409. Loan guarantees for Native Hawaiian housing.
Sec. 410. Direct housing loans for Native American veterans program.
Sec. 411. Tribal HUD–VASH program.
Sec. 412. Housing improvement program, Bureau of Indian Affairs.
Sec. 413. Tribal uninhabitable housing improvement program.

TITLE V—ECONOMIC DEVELOPMENT

Sec. 501. Findings.
Sec. 502. Sense of Congress.

Subtitle A—Economic Development, Infrastructure, and Investments

Sec. 511. Tribal transportation program.
Sec. 512. Tribal high priority projects program.
Sec. 513. Bureau of Indian Affairs road maintenance program.
Sec. 514. Tribal transit program.
Sec. 515. Tribal transportation technical assistance program.
Sec. 516. Rural development tribal technical assistance program.
Sec. 517. Native American community development financial institutions assistance program.
Sec. 518. Tribal revolving funds.
The purposes of this Act are—

(1) to acknowledge the chronic failure of the Federal Government—

(A) to fulfill its trust responsibilities to American Indians, Alaska Natives, and Indian tribes; and

(B) to respect its special political and legal relationship with Native Hawaiians;

(2) to acknowledge the treaty obligations of the Federal Government to American Indians, Alaska Natives, and Indian tribes, which have never been fulfilled;

(3) to ensure progress toward the fulfillment of trust and treaty obligations of the Federal Government;
(4) to ensure progress toward adequate funding for programs for American Indians, Alaska Natives, Native Hawaiians, and Indian tribes;

(5) to reaffirm and uphold Tribal sovereignty and self-governance; and

(6) to acknowledge the broken promises of the Federal Government to Indian tribes and Native Hawaiians, as embodied by—

(A) the failure to uphold treaty obligations;

(B) the failure to fund programs that should have been fully funded in exchange for the loss of life and indigenous homelands;

(C) the ceded land and stolen natural resources from Tribal lands; and

(D) the acts taken to extinguish Native American culture and the traditions of American Indians, Alaska Natives, and Native Hawaiians.

**SEC. 3. FINDINGS.**

Congress finds that—

(1) in December 2018, the United States Commission on Civil Rights issued a report entitled “Broken Promises: Continuing Federal Funding Shortfall for Native Americans”, which made a num-
ber of important findings, which are related to the findings described in paragraphs (2) through (8);

(2) the unique government-to-government relationship between the Federal Government and Indian tribes, and the trust responsibility and obligations of the Federal Government to American Indians, Alaska Natives, and Indian tribes, are—

(A) enumerated in the United States Constitution, Acts of Congress, Executive orders, Supreme Court precedent, and Federal policies and regulations; and

(B) as applicable, established in Indian treaties signed by the United States;

(3) Congress has also passed more than 150 laws that promote the welfare of Native Hawaiians and affirm a special political and legal relationship with Native Hawaiians arising out of their status as Indigenous, Native people;

(4) Federal programs designed to support the social and economic well-being of American Indians, Alaska Natives, Native Hawaiians, and Indian tribes remain chronically underfunded and sometimes inefficiently structured, which—

(A) leaves many basic obligations of the Federal Government in rural and urban areas
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with large populations of Native Americans
unmet; and

(B) contributes to the inequities observed
in Native American communities;

(5) woefully inadequate Federal funding for
Native American programs often comes with restric-
tions that hamper access to funds, including indirect
allocations of Federal funding to State governments
to be provided to Tribal governments and Native
American communities at the State’s discretion,
which further diminishes the direct government-to-
government relationship between the Federal Gov-
ernment and Indian tribes and other funding mecha-

isms for Native American communities;

(6) Congress often provides funding for Native
American programs in a manner that makes effi-
cient long-term planning and budgeting impossible
or exceedingly difficult for Tribal governments, trib-
al organizations, urban Indian organizations, and
Native American communities;

(7) the Federal Government continues to fail to
keep accurate, consistent, and comprehensive records
of Federal spending for Native American programs,
either for a given fiscal year or for longer time peri-
ods, making monitoring of Federal spending to meet
the trust responsibility and obligations of the Federal Government difficult; and

(8)(A) the Federal Government continues to insufficiently track Native American populations and use outdated or incomplete data points, contributing to the lack of adequate funding provided for necessary resources;

(B) there is a critical need for more accurate and current data collection for American Indians, Alaska Natives, and Native Hawaiians, including disaggregated data on those populations; and

(C) inaccurate and undercounted data can negatively impact Federal funds and services received by American Indian, Alaska Native, and Native Hawaiian communities.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Indian tribes are distinct sovereigns that have a government-to-government relationship with the Federal Government;

(2)(A) the Federal Government has trust and treaty obligations to Indian tribes that are established in treaties signed by the United States and enumerated in the Constitution of the United States,
Acts of Congress, Executive orders, Supreme Court precedent, and Federal policies and regulations; and

(B) those treaties, like all treaties made under the authority of the United States, are the supreme law of the land, as recognized in article VI of the Constitution of the United States;

(3)(A) the Federal Government has historically failed to carry out its promises and trust and treaty obligations to American Indians, Alaska Natives, Indian tribes, and, as applicable, Native Hawaiians; and

(B) those failures—

(i) are ongoing, as the Federal Government continually fails to adequately support the social and economic well-being of American Indians, Alaska Natives, Native Hawaiians, and Indian tribes; and

(ii) have created a civil rights crisis;

(4) the historical failures of the Federal Government described in paragraph (3) include—

(A) federally mandated depopulation of Native Americans, including—

(i) numerous massacres carried out by the United States; and
(ii) the forced relocation efforts and genocide practices carried out by the United States;

(B) successive oppressive government policies, such as the allotment and assimilation, termination, and relocation eras;

(C) suppression, assimilation, and cultural annihilation practices carried out against the United States’ Indigenous peoples; and

(D) an ongoing failure to acknowledge that the lands that make up the United States are indigenous lands;

(5) the Federal Government must do far more to live up to its trust and treaty obligations to American Indians and Alaska Natives and Indian tribes, for just as the United States expects all nations to live up to their own treaty obligations, the United States should live up to its own promises;

(6) the Federal Government can empower American Indians, Alaska Natives, and Native Hawaiians to realize enormous potential by honoring its promises and obligations through the enactment of legislation; and

(7) American Indians, Alaska Natives, and Native Hawaiians have long demonstrated remarkable
strength, resilience, and revitalization despite the broken promises of the Federal Government and failure to acknowledge their contributions to the United States.

SEC. 5. DEFINITIONS.

In this Act:

(1) HAWAIIAN HOME LANDS.—The term “Hawaiian home lands” means land held in trust for Native Hawaiians by the State of Hawaii pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(2) INDIAN COUNTRY.—The term “Indian country” has the meaning given the term in section 1151 of title 18, United States Code.

(3) INDIAN TRIBE.—The term “Indian tribe” means the governing body of any individually identified and federally recognized Indian or Alaska Native tribe, band, nation, pueblo, village, community, affiliated Tribal group, or component reservation included on the list published pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(4) NATIVE HAWAIIAN ORGANIZATION.—
(A) IN GENERAL.—The term “Native Hawaiian organization” means any private non-profit entity—

(i) that serves the best interests of Native Hawaiians;

(ii) in which Native Hawaiians serve in substantive and policymaking positions;

(iii) that has as a primary and stated purpose the provision of services to Native Hawaiians; and

(iv) that has expertise in Native Hawaiian affairs.

(B) INCLUSIONS.—The term “Native Hawaiian organization” includes—

(i) the Native Hawaiian Health Care System; and

(ii) the Office of Hawaiian Affairs.

(5) TRIBAL LANDS.—

(A) IN GENERAL.—The term “Tribal lands” has the meaning given the term in section 73.7000 of title 47, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(B) INCLUSIONS.—The term “Tribal lands” includes—
(i) Indian country;
(ii) fee simple and restricted fee land held by an Indian tribe; and
(iii) Hawaiian home lands.

(6) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) URBAN INDIAN ORGANIZATION.—The term “urban Indian organization” has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

SEC. 6. ADVANCE APPROPRIATIONS.

(a) ADVANCE APPROPRIATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) APPLICABLE SECRETARY.—The term “applicable Secretary” means—

(i) with respect to actions involving the covered accounts described in subparagraph (B)(i), the Secretary of the Interior; and

(ii) with respect to actions involving the covered accounts described in subparagraph (B)(ii), the Secretary of Health and Human Services.
(B) COVERED ACCOUNT.—The term “covered account” means the following:

(i) The following accounts of the Department of the Interior:

(I) Operation of Indian Programs.

(II) Operation of Indian Education Programs.

(III) Contract Support Costs.

(IV) Payments for Tribal Leases.

(V) Bureau of Indian Affairs Construction.

(VI) Bureau of Indian Education Construction.

(VII) Indian Guaranteed Loan Program Account.

(ii) The Indian Health Service account of the Department of Health and Human Services.

(iii) The Native Hawaiian Health Care account of the Primary Health Care account of the Health Resources and Services Administration of the Department of Health and Human Services that provides
annual appropriations to the Native Hawai\-iian Health care program.

(C) UNFUNDED FISCAL YEAR.—The term “unfunded fiscal year”, with respect to a covered account, means a fiscal year for which amounts are not made available under this Act for the covered account.

(2) ADVANCE APPROPRIATIONS.—For the first unfunded fiscal year with respect to a covered account, and each fiscal year thereafter, new budget authority provided in an appropriation Act for the covered account shall—

(A) be made available for that fiscal year; and

(B) include, for the covered account, advance new budget authority that first becomes available for the first fiscal year after the fiscal year described in subparagraph (A).

(3) ESTIMATES REQUIRED.—If the fiscal year for which the budget of the President is submitted pursuant to section 1105 of title 31, United States Code, is an unfunded fiscal year with respect to a covered account, the applicable Secretary shall include in documents submitted to Congress in support of the budget detailed estimates of the funds
necessary for the covered account for the fiscal year following the fiscal year for which the budget is submitted.

(b) Information on Appropriations Estimates.—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 each covered account for which the fiscal year for which the budget is submitted is an unfunded fiscal year, as such terms are defined in section 6(a) of the Honoring Promises to Native Nations Act.”.

SEC. 7. SEQUESTRATION EXEMPTION.

(a) In General.—Section 255 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

“(k) Indian Health Service and Other Indian Programs and Accounts.—The following programs and accounts shall be exempt from reduction under any order issued under this part:

...
“United States Department of the Interior, Indian Affairs.

“United States Department of Health and Human Services, Indian Health Service.

“Native Hawaiian Health Care Program.

“Native Hawaiian Education Program.

“Alaska Native Education Program.

“Indian Education Program.

“All programs under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

“Any account for which amounts were made available under the Honoring Promises to Native Nations Act.

“Any account designated as significant to Indian Tribes and Native Hawaiian organizations by the Administrator of the Office of Native Nations in the Office of Management and Budget under section 8 of the Honoring Promises to Native Nations Act.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

Section 256(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 906(e)) is amended—
(1) in the subsection heading, by striking “Indian Health Services and Facilities,”; and

(2) in paragraph (2)—

(A) by striking subparagraphs (C) and (D); and

(B) by redesignating subparagraph (E) as subparagraph (C).

SEC. 8. OFFICE OF MANAGEMENT AND BUDGET OFFICE OF NATIVE NATIONS.

(a) Establishment.—There is established in the Office of Management and Budget the Office of Native Nations.

(b) Administrator.—

(1) In general.—The Office of Native Nations shall be headed by an Administrator, who shall be known as the Administrator of Native Nations (referred to in this section as the “Administrator”).

(2) Career position.—The position of Administrator shall be a career position in the Office of the Director of Management and Budget.

(3) Administrative and support services.—The Director of the Office of Management and Budget shall provide the Administrator with such administrative and support services as are necessary to ensure that the Administrator carries out
the duties of the Administrator under this section in an efficient and expeditious manner.

(c) Duties.—The Director of the Office of Management and Budget shall delegate to the Administrator responsibility for—

(1) coordinating with the rest of the Office of Management and Budget and the rest of the Executive branch on matters of funding for Federal programs and policy affecting American Indians, Alaska Natives, and Native Hawaiians;

(2) compiling authoritative data on all Federal funding for Federal programs affecting American Indians, Alaska Natives, and Native Hawaiians;

(3) ensuring that the budget requests of the Indian Health Service and the Bureau of Indian Affairs indicate—

(A) how much Federal funding is needed for Federal programs affecting American Indians, Alaska Natives, and Native Hawaiians to be fully funded, including how much funding is needed to perform Federal or non-divisible duties; and

(B) how far the Federal Government is from achieving that full funding;
(4) ensuring that personnel from the Office of Native Nations accompany Office of Management and Budget examiners to meetings with Federal agencies during the budget development process;

(5) issuing to Federal agencies budget development guidance that would fully fund Federal programs affecting American Indians, Alaska Natives, and Native Hawaiians; and

(6) carrying out the additional responsibilities described in subsections (d) through (g).

(d) Annual Crosscutting Document.—

(1) In general.—Each fiscal year, the Administrator shall prepare a crosscutting document containing detailed information, based on data from all Federal agencies, on the amount of Federal funding that is reaching Indian tribes, tribal organizations, Native Hawaiian organizations, and urban Indian organizations, which data shall be provided by the Federal agencies at the most granular level practicable.

(2) Requirements.—The document prepared under paragraph (1) shall—

(A) be provided at the most granular level practicable, including with respect to the allocation of Federal funds that are set aside for In-
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dian tribes, tribal organizations, Native Hawai-
ian organizations, and urban Indian organiza-
tions;

(B) indicate how funding is obligated, such
as by grant or by formula;

(C) indicate any determinative factors that
are used to award an Indian tribe, tribal orga-
nization, or urban Indian organization competi-
tive grant funding in cases in which multiple
Indian tribes, tribal organizations, and urban
Indian organizations are competing for the
same pool of funds;

(D) indicate the amount of Federal funds
that are allocated to State governments to sub-
sequently provide—

(i) Federal funding to Indian tribes,
tribal organizations, Native Hawaiian or-
ganizations, or urban Indian organizations,
including whether the provision of the Fed-
eral funding by each State is mandatory or
discretionary; and

(ii) services for the benefit of Indian
tribes, tribal organizations, Native Hawai-
ian organizations, or urban Indian organi-
zations; and
(E) specify—

(i) whether Indian tribes, tribal organizations, Native Hawaiian organizations, and urban Indian organizations are competing against States or units of local government for competitive grant funding;

(ii) how much pass-through funding is allocated to Indian tribes;

(iii) how much pass-through funding is successfully transferred to Indian tribes after Federal funds are allocated to Indian tribes; and

(iv)(I) whether the grant funding received by Indian tribes, tribal organizations, Native Hawaiian organizations, and urban Indian organizations is allocated from the same pool of funds from which States and units of local government receive grant funding; and

(II) if so, what percentage of the pool of the allocated funds were disbursed to the Indian tribes, tribal organizations, Native Hawaiian organizations, and urban Indian organizations.
(3) ANNUAL IMPROVEMENT PROCESS.—In accordance with the Tribal consultation policy developed pursuant to subsection (f), the Administrator shall consult with Indian tribes, collaborate with Native Hawaiian organizations, and confer with urban Indian organizations not less frequently than annually to ascertain how the document prepared under paragraph (1) can be modified to make the document more useful to Indian tribes, Native Hawaiian organizations, and urban Indian organizations.

(4) PUBLIC AVAILABILITY.—The document prepared under paragraph (1) shall be made publicly available.

(e) ADDITION TO OMB ANALYTICAL PERSPECTIVES VOLUME OF BUDGET.—The Administrator shall ensure that the Analytical Perspectives volume prepared by the Office of Management and Budget for the budget of the President each fiscal year includes provisions on the subject of aid to Tribal governments, which shall include the information contained in the annual crosscutting document required under subsection (d) for that fiscal year.

(f) OMB TRIBAL CONSULTATION POLICY.—

(1) IN GENERAL.—The Administrator, in consultation with Indian tribes and in collaboration with Native Hawaiian organizations, shall develop a Trib-
al consultation policy applicable to the Office of Management and Budget that governs—

(A) the interactions of the Office of Management and Budget with Indian tribes and Native Hawaiian organizations; and

(B) the work of the Office of Management and Budget that has an impact on Indian tribes and Native Hawaiian organizations.

(2) APPROVAL.—

(A) IN GENERAL.—The Tribal consultation policy developed under paragraph (1) shall take effect only on the approval of the Director of the Office of Management and Budget.

(B) DEADLINE.—Not later than 30 days after receipt of the Tribal consultation policy developed under paragraph (1), the Director of the Office of Management and Budget shall approve or disapprove the Tribal consultation policy.

(g) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish a report—

(1) detailing what percentage of Federal funding for programs affecting American Indians, Alaska
Natives, and Native Hawaiians is provided to States for pass-through funding to Indian tribes; and

(2) presenting options for Congress and the Executive branch to ensure that funds received by States and local entities for the benefit of American Indians, Alaska Natives, and Native Hawaiians are used for the intended purpose of the funds, including options—

(A) to eliminate or reduce the prevalence of State pass-through funding; and

(B) instead to provide direct funding to Indian tribes and Native Hawaiian organizations.

(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $2,000,000 for fiscal year 2023 and each fiscal year thereafter.

SEC. 9. GAO AUDIT OF CROSSCUTTING INFORMATION.

(a) In General.—Not later than 1 year after the date on which the Administrator of Native Nations issues the first crosscutting document under section 8(d), and not less frequently than once every 3 years thereafter, the Comptroller General of the United States, in consultation with Indian tribes, in collaboration with Native Hawaiian organizations, and in conference with urban Indian organizations, shall conduct, and submit to Congress a report
describing the results of, an audit of the extent to which
the processes designed and implemented by the Adminis-
trator of Native Nations accurately produce the informa-
tion contained in the crosscutting document.

(b) INCLUSIONS.—Each audit conducted under sub-
section (a) shall review all Federal funding that is reaching,
or is intended for the benefit of, Indian tribes, tribal
organizations, urban Indian organizations, and Native
Hawaiian organizations.

SEC. 10. WHITE HOUSE COUNCIL FOR NATIVE NATIONS.

(a) IN GENERAL.—The provisions of Executive Order
13647 (78 Fed. Reg. 39539 (July 1, 2013)) (as in effect
on June 26, 2013) are enacted into law.

(b) PUBLICATION.—In publishing this Act in slip
form and in the United States Statutes at Large pursuant
to section 112 of title 1, United States Code, the Archivist
of the United States shall include after the date of ap-
proval at the end an appendix setting forth the text of
the Executive order referred to in subsection (a) (as in
effect on June 26, 2013).

(c) MEMBERSHIP.—

(1) IN GENERAL.—The White House Council
on Native American Affairs (as established pursuant
to subsection (a)) (referred to in this section as the
“Council”) shall be known as the “White House
Council for Native Nations” and shall be composed of the following members:

(A) 2 members shall be appointed by the President from among elected Tribal leaders from each of the 12 regions of the Bureau of Indian Affairs.

(B) 2 members shall be appointed by the President from among persons who are representatives of Native Hawaiian organizations.

(C) 1 member shall be appointed by the President pro tempore of the Senate, on the recommendation of the Majority and Minority Leaders of the Senate, from among Members of the Committee on Indian Affairs of the Senate, which appointment shall be made not later than 30 days after, as applicable—

   (i) for the first appointment, not later than 30 days after the date on which the first new Congress after the date of enactment of this Act convenes; and

   (ii) for any vacancy, not later than 30 days after the date on which the position becomes vacant.

(D) 1 member shall be appointed by the Speaker of the House of Representatives, in
consultation with the Minority Leader of the House of Representatives, from among the Members of the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives, which appointment shall be made not later than 30 days after, as applicable—

(i) for the first appointment, not later than 30 days after the date on which the first new Congress after the date of enactment of this Act convenes; and

(ii) for any vacancy, not later than 30 days after the date on which the position becomes vacant.

(E) The members described in clauses (i) through (xxx) of section 3(a) of the Executive order referred to in subsection (a) (as in effect on June 26, 2013).

(F) 1 member from each of the following:

(i) The Office of the Deputy Secretary for Native Nations of the Department of the Interior.

(ii) The Office of the Assistant Secretary of Indian Affairs of the Department of the Interior.
(iii) The Office of Justice Services of the Bureau of Indian Affairs.

(iv) The Indian Health Service.

(v) The Office of Tribal Justice of the Department of Justice.

(vi) The Office of Justice Programs of the Department of Justice.

(vii) The Indian Resources Section of the Environment and Natural Resource Division of the Department of Justice.

(viii) The Administration for Native Americans of the Department of Health and Human Services.

(ix) The Office of Native Affairs and Policy of the Federal Communications Commission.

(x) The Federal Bureau of Investigation.

(xi) The Office on Violence Against Women of the Department of Justice.

(xii) The Office of Insular Affairs of the Department of the Interior.

(xiii) The Department of the Navy.

(xiv) The Department of the Army.

(xvi) The Health Resources and Services Administration for the Department of Health and Human Services.

(xvii) The Office of Public and Indian Housing of the Department of Housing and Urban Development.

(xviii) The Chair of the United States Commission on Civil Rights.

(xix) A Commissioner of the Federal Communications Commission.

(G) The heads of such other Executive departments, agencies, and offices as the Chairperson may from time to time designate.

(2) CHAIRPERSON.—The Secretary of the Interior shall serve as Chairperson of the Council.

(d) ADDITIONAL SUBCOMMITTEES.—The Council shall establish the following additional subcommittees relating to Native American affairs:

(1) A subcommittee on sacred land.

(2) A subcommittee on children, youth, families, education, and housing.
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(3) A subcommittee on health care, mental health care, and suicide prevention.

(4) A subcommittee on energy, economic development, and jobs.

(5) A subcommittee on law enforcement, Tribal justice systems, and jurisdiction.

(6) A subcommittee on environment.

(7) A subcommittee on connectivity, Tribal spectrum management, and affordable broadband.

(8) Such other subcommittees as the Council determines necessary.

SEC. 11. DEPUTY SECRETARY FOR NATIVE NATIONS IN THE DEPARTMENT OF THE INTERIOR.

(a) ESTABLISHMENT.—There is established in the Department of the Interior (referred to in this section as the “Department”) the position of Deputy Secretary for Native Nations, who shall—

(1) report immediately to the Secretary of the Interior; and

(2) be equal with the Deputy Secretary of the Interior.

(b) DUTIES.—The Secretary of the Interior shall delegate to the Deputy Secretary for Native Nations responsibility for—
(1) honoring Indian treaty obligations and the trust responsibility of the United States to American Indians and Alaska Natives, supporting self-determination, promoting self-sufficiency, and overseeing all affairs related to American Indians, Alaska Natives, Native Hawaiians, and Indian tribes under the jurisdiction of the Department;

(2) coordinating with cabinet-level officials to ensure the effective provision of Federal support for Tribal self-government and programs for American Indians, Alaska Natives, Native Hawaiians, and Indian tribes and services under the Department; and

(3) implementing Indian treaties, statutes, regulations, Executive and Secretarial orders, programs, policies, and other powers related to American Indians, Alaska Natives, Native Hawaiians, and Indian tribes.

(c) Authority.—

(1) IN GENERAL.—The Deputy Secretary for Native Nations shall oversee the following offices and functions:

(A) Assistant Secretary for Indian Affairs.

(B) Bureau of Indian Affairs, including the Office of Justice Services.

(C) Bureau of Indian Education.
(D) Office of the Special Trustee for American Indians.

(E) Office of Self-Governance.

(2) ADDITIONAL AUTHORITY.—The Deputy Secretary for Native Nations shall coordinate the Native Nations affairs and activities of the White House Council on Native Nations for the President, Vice President, and cabinet-level officials, subject to the immediate direction of the Secretary of the Interior.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Deputy Secretary for Native Nations to carry out the responsibilities of the Deputy Secretary for Native Nations under this section such sums as are necessary.

SEC. 12. TRIBAL CONSULTATION BY FEDERAL AGENCIES.

(a) PURPOSES.—The purposes of this section are—

(1) to enumerate a non-exhaustive set of principles to inform a codification of how Federal agencies should engage in meaningful and timely Tribal consultation;

(2) to underscore the importance of Tribal consultation in the fulfilment of the trust and treaty obligations of the Federal Government;
(3) to affirm Tribal consultation and the principle of free, prior, and informed consent as rights of Indian tribes, predicated on Tribal sovereignty and self-determination; and

(4) to affirm the need for the entire Federal Government to recognize the importance of “regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes,” as quoted in Executive Order 13175 and elaborated in the Presidential Memorandum of January 26, 2021.

(b) FINDINGS.—Congress finds that—

(1) as of January 2021, there existed more than 27 directives, handbooks, plans, policies, orders, and similar documents implementing various Tribal consultation policies, totaling more than 300 pages;

(2) the current lack of centralization in Federal agencies’ Tribal consultation policies results in a large number of policies with which Indian tribes are expected to be familiar in order to engage in consultation;
(3) the current lack of centralization in Federal agencies’ Tribal consultations—

(A) results in a number of challenges, including scheduling conflicts and unsustainable drains on the resources of Indian tribes and the time of Tribal leaders; and

(B) reflect a lack of respect for Tribal leaders;

(4) Federal agency consultation policies take dramatically different views on the purpose of Tribal consultation, resulting in significantly different experiences for Indian tribes attempting to engage in meaningful nation-to-nation dialogue; and

(5) history demonstrates that the Federal Government best serves Native American communities when Tribal governments are empowered to lead their own communities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consultation is a right between sovereigns, and the responsibilities and privileges associated with it cannot be delegated to other actors;

(2) the purpose of Tribal consultation should be for the Federal Government to obtain the free, prior, and informed consent of affected Indian tribes;
(3) Tribal consultation—

(A) is both a right of Indian tribes and a process;

(B) should occur when any Federal rule-making, legislation, policy, guidance, operational activity, grant or funding formula change, or other action may have a substantial direct effect on Indian tribes;

(C) requires dialogue, which should often take place through formal face-to-face meetings, but may also occur through telephonic, electronic, or printed means;

(D) should be used to empower Tribal governments to lead their own communities;

(E)(i) should be a collaborative process;

(ii) should be built upon the exchange of information; and

(iii) should promote enhanced communication that emphasizes trust, respect, and shared responsibility;

(F) should involve individuals with decisionmaking authority; and

(G) in its current form is inadequate and requires far more from the Federal Government;
(4) the records resulting from consultations between the Federal Government and Tribal governments should be maintained and published, subject to the condition that sensitive Tribal information should be protected;

(5) for Tribal consultation to be effective, both Indian tribes and the Federal Government should have the capacity to engage effectively in the consultation process;

(6) any legislation or policy attempting to prescribe the conditions of Tribal consultation should be preceded by the gathering of Tribal input with the goal of reaching a consensus on the proposed legislation; and

(7) Indian tribes—

(A) should be involved in the Tribal consultation process on their request or as early as practicable;

(B) should have a meaningful remedy for violations of their right to Tribal consultation;

(C) should be entitled to a codified, formal dispute resolution process to provide the Indian tribes with a potential remedy when their rights as sovereigns are violated by the Federal Government; and
(D) should receive adequate notice, and sufficient information, about any Tribal consultation sessions.

SEC. 13. INTERAGENCY WORKING GROUP ON DATA COLLECTION.

(a) IN GENERAL.—Not later 180 days after the date of enactment of this Act, the Deputy Secretary for Native Nations shall establish a working group, to be known as the “Interagency Working Group on Data Collection for Native Populations” (referred to in this section as the “Working Group”).

(b) PURPOSES.—The purposes of the Working Group are to develop and improve systems and methodologies for the collection of accurate and disaggregated data for American Indian, Alaska Native, and Native Hawaiian populations.

(c) CHAIRPERSON; MEMBERSHIP.—

(1) IN GENERAL.—The Deputy Secretary for Native Nations shall serve as the Chairperson of the Working Group.

(2) MEMBERSHIP.—

(A) IN GENERAL.—After engaging in Tribal consultation, the Deputy Secretary for Native Nations, in collaboration with the Director of the Bureau of the Census, shall appoint the
members of the Working Group in accordance
with subparagraph (B).

(B) REQUIREMENTS.—In appointing mem-
bers of the Working Group under subparagraph
(A), the Deputy Secretary for Native Nations,
in collaboration with the Director of the Bureau
of the Census, shall include—

(i) Tribal leaders representing each of
the 12 regions of the Bureau of Indian Af-
fairs;

(ii) Tribal data experts;

(iii) representatives of urban Indian
organizations;

(iv) representatives of Native Hawai-
ian organizations; and

(v) other members, as the Deputy
Secretary determines to be necessary.

(d) MEETINGS.—The Working Group shall meet at
the call of the Chairperson.

(e) DUTIES.—The duties of the Working Group shall
be the following:

(1) Provide a public report at least every 2
years, and more often if the Working Group decides
it is necessary, which shall be published on a pub-
licly available website established by the Working Group, on the following:

(A) How to improve the quality and accuracy of data relied on by Federal agencies regarding American Indian, Alaska Native, and Native Hawaiian populations, including how to achieve appropriate disaggregation from other populations.

(B) Making recommendations to develop and improve systems and methodologies that Federal agencies can replicate for the collection of accurate and data on the populations referred to in subparagraph (A).

(C) How to protect and uphold Tribal data sovereignty in the collection and use of the data described in subparagraph (B).

(2) To receive input from Indian tribes, tribal organizations, urban Indian organizations, Native Hawaiian organizations, and Federal agencies, on an ongoing basis, about instances in which the accuracy and quality of the data described in paragraph (1)(B) requires improvement, to research how to achieve those improvements, and to make recommendations based on the findings of that research.
(f) REPORT.—Not later than 1 year after the date of enactment of this Act, the Chairperson of the Working Group shall submit an initial report to the Committees on the Budget, Health, Education, Labor, and Pensions, and Indian Affairs of the Senate and the Committee on the Budget, the Subcommittee on Health of the Committee on Energy and Commerce, and the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives.

(g) TRIBAL CONSULTATION.—The Deputy Secretary for Native Nations, in collaboration with the Director of the Bureau of the Census, shall ensure that the Working Group engages in robust Tribal consultation with respect to the work of the Working Group.

(h) TRIBAL DATA SOVEREIGNTY.—The Working Group shall conduct all its work respect for Tribal data sovereignty.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

**TITLE I—CRIMINAL JUSTICE AND PUBLIC SAFETY**

**SEC. 101. FINDINGS.**

Congress finds that—
(1) Tribal law enforcement agencies in American Indian and Alaska Native communities have fewer officers per capita than other law enforcement agencies nationwide, leaving residents of Indian country and Alaska Native Villages less safe and subject to higher rates of crime;

(2) Native Americans are killed during police encounters at a higher rate than any other group;

(3) Native Americans suffer as victims of violent crime at a rate that is 2.5 times the national average;

(4) Native American women are 10 times more likely to be murdered and 2 times more likely to experience rape or experience sexual assault crimes;

(5) the criminal justice system in its current form creates structural barriers and fails to recognize Tribal sovereignty and inherent Tribal criminal jurisdiction on Tribal lands;

(6) some Indian tribes established Tribal courts before some State courts;

(7) for example, the Cherokee Nation opened its Supreme Court in 1822, 23 years before the State of Georgia opened its own Supreme Court;
(8) Indian tribes historically exercised criminal jurisdiction over non-Indians who committed crimes on Tribal lands;

(9) for example, in 1825, the Muscogee (Creek) Nation passed a law criminalizing rape against women on Creek lands, which applied to all “persons”, regardless of Tribal citizenship status, and the Muscogee (Creek) Nation prosecuted non-Indian and Indian men who raped women on Creek lands;

(10) the history of inadequate Federal funding for public safety on Tribal lands and complex legal jurisdiction on Tribal lands negatively impacts access to counsel in Tribal courts;

(11) in Oliphant v. Suquamish Indian Tribe, 435 U.S. 191, 212 (1978), the Supreme Court concluded that whether Indian tribes should “be authorized to try non-Indians” is a consideration “for Congress to weigh”;

(12) the Supreme Court recently affirmed this holding in June 2021, in United States v. Cooley, 141 S. Ct. 1638, 1643 (2021), concluding once again that “tribal authority remains subject to the plenary authority of Congress”;

(13) existing successful Federal and Tribal self-governance programs working to combat the inequi-
ties described in this section face chronic under-
funding; and

(14) the special Tribal criminal jurisdiction ex-
ercised by Indian tribes pursuant to section 204 of
Public Law 90–284 (25 U.S.C. 1304) (commonly
known as the “Indian Civil Rights Act of 1968”)
has been a success.

SEC. 102. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Congress should provide more resources for
public safety and other programs of the Department
of Justice and the Bureau of Indian Affairs that
make American Indian and Alaska Native commu-
nities safer;

(2) Congress should provide more resources for
Tribal law enforcement agencies, Tribal courts, and
Tribal detention centers to ensure Tribal sovereignty
over public safety programs in Indian country and
Alaska Native Villages;

(3) Indian tribes have the inherent sovereign
authority to exercise full criminal jurisdiction over
persons—

(A) within the sovereign territory of the
Indian tribe; and
(B) who commit a violation of Tribal
criminal law;

(4) the Supreme Court of the United States, in
Oliphant v. Suquamish Indian Tribe, 435 U.S. 191
(1978), violated the inherent sovereign authority of
Indian tribes by wrongly limiting tribal criminal ju-
risdiction and removing Tribal authority to pros-
ceute non-Indians unless authorized by Congress;

(5) the limitation by the Supreme Court of the
United States of inherent Tribal jurisdiction has ef-
effectively granted non-Indians immunity for crimes
committed in Indian country and Alaska Native Vil-
lages, leading to violence and criminal activity by
non-Indians and preventing Indian tribes from tak-
ing recourse;

(6) the Violence Against Women Reauthoriza-
tion Act of 2013 (Public Law 113–4; 127 Stat. 54)
recognized and affirmed the inherent criminal juris-
diction of Indian tribes over non-Indians who com-
mit crimes of domestic violence against Indians in
Indian country;

(7) the Violence Against Women Reauthoriza-
840) recognized and affirmed the inherent criminal
jurisdiction of Indian tribes over non-Indians who
commit crimes of assaults on Tribal justice personnel, child violence, obstruction of justice, sexual violence, sex trafficking, and stalking;

(8) the jurisdiction of Indian tribes over the crimes described in paragraphs (6) and (7) is known as “special Tribal criminal jurisdiction”;

(9) the exercise of special Tribal criminal jurisdiction has allowed many Indian tribes to begin to address the crisis of violence against American Indian and Alaska Native women by holding offenders accountable and pursuing justice for victims;

(10) the Indian tribes that have chosen to implement special domestic violence criminal jurisdiction under the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4; 127 Stat. 54) have successfully upheld the rights of defendants under that Act and complied with the requirements of that Act, including due process protections, but this partial restoration of Tribal jurisdiction has proven insufficient to address the range of serious crimes committed by non-Indians in Indian country and Alaska Native Villages and in violation of Tribal criminal law, and as a result, a large number of violent crimes committed against Native victims go unprosecuted; and
(11) Congress has a trust duty and responsibility, stemming from both the treaties signed with Indian tribes and the Constitution of the United States, to fund and support strong Tribal governments, which necessarily includes the funding of Tribal courts, Tribal law enforcement, and victim services.

SEC. 103. FULL TRIBAL CRIMINAL JURISDICTION.

(a) IN GENERAL.—Title II of Public Law 90–284 (25 U.S.C. 1301 et seq.) (commonly known as the “Indian Civil Rights Act of 1968”) is amended by adding at the end the following:

“SEC. 205. FULL TRIBAL CRIMINAL JURISDICTION.

“(a) DEFINITIONS.—In this section:

“(1) ALASKA NATIVE VILLAGE.—The term ‘Alaska Native Village’ means an Alaska Native Village Statistical Area covering all or any portion of a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), as depicted on the applicable Tribal Statistical Area Program Verification map of the Bureau of the Census.

“(2) FULL CRIMINAL JURISDICTION.—The term ‘full criminal jurisdiction’ means the criminal juris-
diction that a participating tribe may exercise under this section.

“(3) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given the term in section 1151 of title 18, United States Code.

“(4) PARTICIPATING TRIBE.—The term ‘participating tribe’ means an Indian tribe that elects to exercise full criminal jurisdiction over the Indian country or Alaska Native Village of that Indian tribe.

“(5) PROTECTION ORDER.—The term ‘protection order’—

“(A) means any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence against, contact or communication with, or physical proximity to, another person; and

“(B) includes any temporary or final order issued by a civil or criminal court, whether obtained by filing an independent action or as a pendent lite order in another proceeding, if the civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.
“(b) Nature of the Criminal Jurisdiction.—

“(1) In general.—Notwithstanding any other provision of law, in addition to all powers of self-government recognized and affirmed by sections 201 and 203, the powers of self-government of a participating tribe include the inherent power of that tribe, which is hereby recognized and affirmed, to exercise full criminal jurisdiction over any person who—

“(A) commits a violation of tribal criminal law in the Indian country or Alaska Native Village of that participating tribe;

“(B) violates a protection order issued by a Tribal court; or

“(C) commits a violation of tribal law outside of the Indian country or Alaska Native Village of the participating tribe but within the inherent extraterritorial jurisdiction of the participating tribe.

“(2) Applicability.—Nothing in this section—

“(A) creates or eliminates any Federal or State criminal jurisdiction over Indian country or an Alaska Native Village; or

“(B) affects the authority of the United States or any State that has been delegated au-
authority by the United States to investigate and
prosecute a criminal violation in Indian country
or in an Alaska Native Village.

“(3) Effect.—The authority of the United
States and certain States described in paragraph
(2)(B) shall remain concurrent to the authority re-
stored to Indian tribes in the Honoring Promises to
Native Nations Act.

“(e) Removal of Limitations on Sentencing.—
Subparagraphs (B) through (D) of section 202(a)(7), sec-
tion 202(b), and section 202(d) shall not apply to a par-
ticipating tribe exercising full criminal jurisdiction under
this section.

“(d) Rights of Defendants.—In a criminal pro-
ceeding in which a participating tribe exercises full crimi-
nal jurisdiction over a non-Indian, the participating tribe
shall provide the defendant—

“(1) all applicable rights under this Act;

“(2) all rights described in section 202(e), if a
term of imprisonment of any length is imposed;

“(3) the right to a trial by an impartial jury
that is drawn from sources that—

“(A) reflect a fair cross section of the com-
munity; and
“(B) do not systemically exclude any distinctive group in the community, including non-Indians; and

“(4) all other rights whose protection is necessary under the Constitution of the United States in order for Congress to recognize and affirm the inherent power of the participating tribe to exercise full criminal jurisdiction over the defendant.

“(e) GRANTS TO TRIBAL GOVERNMENTS.—The Attorney General may award grants to the governments of Indian tribes (or to authorized designees of those governments)—

“(1) to strengthen tribal criminal justice systems to assist Indian tribes in exercising full criminal jurisdiction, including—

“(A) law enforcement, including the capacity of law enforcement or court personnel to enter information into and obtain information from national crime information databases;

“(B) prosecution;

“(C) trial and appellate courts;

“(D) probation systems;

“(E) detention and correctional facilities, including medical services and health care for inmates;
“(F) alternative rehabilitation centers and reentry programs;

“(G) culturally appropriate services and assistance for victims and the families of the victims; and

“(H) criminal codes and rules of criminal procedure, appellate procedure, and evidence;

“(2) to provide indigent criminal defendants with the effective assistance of licensed defense counsel, at no cost to the defendant, in criminal proceedings in which a participating tribe prosecutes a crime; and

“(3) to ensure that, in criminal proceedings in which a participating tribe exercises full criminal jurisdiction, jurors are summoned, selected, and instructed in a manner consistent with all applicable requirements.

“(f) SUPPLEMENT, NOT SUPPLANT.—Amounts made available under this section shall supplement and not supplant any other Federal, State, tribal, or local government amounts made available to carry out activities described in this section.

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated to carry out
subsection (e), and to provide training, technical assistance, data collection, and evaluation of the criminal justice systems of participating tribes, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $25,000,000 for each of fiscal years 2023 through 2032.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for each of fiscal years 2024 through 2032 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

(b) EFFECTIVE DATE; PILOT PROJECT.—

(1) GENERAL EFFECTIVE DATE.—Except as provided in paragraph (2), subsections (b) through (d) of section 205 of Public Law 90–284 (commonly known as the “Indian Civil Rights Act of 1968”) shall take effect on the date that is 5 years after the date of enactment of this Act.

(2) PILOT PROJECT.—

(A) REQUESTS TO PARTICIPATE.—

(i) IN GENERAL.—Except as provided in subparagraph (B), at any time during the 5-year period beginning on the date of enactment of this Act, an Indian tribe (as
defined in section 201 of Public Law 90–284 (25 U.S.C. 1301) (commonly known as the “Indian Civil Rights Act of 1968”)) may ask the Attorney General to designate the Indian tribe as a participating tribe under section 205 of Public Law 90–284 (commonly known as the “Indian Civil Rights Act of 1968”) on an accelerated basis.

(ii) Procedure.—The Attorney General may grant a request under clause (i) after coordinating with the Secretary of the Interior, consulting with affected Indian tribes, and concluding that the criminal justice system of the requesting Indian tribe has adequate safeguards in place to protect the rights of defendants, consistent with section 205 of Public Law 90–284 (commonly known as the “Indian Civil Rights Act of 1968”).

(B) Tribes Exercising Special Domestic Violence Criminal Jurisdiction.—

(i) In general.—At any time during the 5-year period beginning on the date of enactment of this Act, a participating tribe
(as defined in section 204(a) of Public
Law 90–284 (25 U.S.C. 1304(a)) (com-
monly known as the “Indian Civil Rights
Act of 1968”)) (referred to in this sub-
paragraph as a “tribe”)—

(I) may elect to exercise full
criminal jurisdiction under section
205 of that Act; and

(II) shall notify the Attorney
General of such election.

(ii) Procedure.—On notification by
a tribe under clause (i)(II), the Attorney
General shall designate the tribe as a par-
icipating tribe under section 205 of Public
Law 90–284 (commonly known as the “In-
dian Civil Rights Act of 1968”).

(C) Effective dates for pilot
projects.—An Indian tribe designated as a
participating tribe under subparagraph (A)(ii)
or (B)(ii) may commence exercising full crimi-
nal jurisdiction pursuant to subsections (b)
through (d) of section 205 of Public Law 90–
284 (commonly known as the “Indian Civil
Rights Act of 1968”) on a date chosen by the
Indian tribe, on the condition that the date shall be—

(i) not earlier than the date that is 15 days after the date on which the Indian tribe is designated as a participating tribe under subparagraph (A)(ii) or (B)(ii), as applicable; and

(ii) not later than the date that is 5 years after the date of enactment of this Act.

(c) Petitions to Stay Detention.—Section 204(e) of Public Law 90–284 (25 U.S.C. 1304(e)) (commonly known as the “Indian Civil Rights Act of 1968”) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (ii) and (iii), respectively, and indenting appropriately;

(B) in the matter preceding clause (ii) (as so redesignated), by striking “A court” and inserting the following:

“(A) IN GENERAL.—A court”;

(C) in subparagraph (A) (as so redesignated), by inserting before clause (ii) (as so redesignated) the following:
“(i) finds that the person has ex-
hausted all tribal court remedies;”; and
(D) by adding at the end the following:
“(B) VICTIMLESS CRIMES.—If the crime
committed by a defendant petitioning for a stay
under paragraph (1) is a victimless crime, the
court shall not be required to make a finding
described in subparagraph (A)(iii).”; and
(2) by adding at the end the following:
“(3) NOTICE.—An Indian tribe that has or-
dered the detention of any person has a duty to
timely notify the person of the rights and privileges
the person has under this subsection and under sec-
tion 203.”.

SEC. 104. BUREAU OF PRISONS TRIBAL PRISONER PRO-
GRAM.

Section 234(c) of the Tribal Law and Order Act of
2010 (25 U.S.C. 1302a) is amended—
(1) in paragraph (2)—
(A) in subparagraph (B), by striking
“(comparable to the” and all that follows
through “United States Code”); and
(B) by striking subparagraph (D); and
(2) by striking paragraph (4).
SEC. 105. TRIBAL JUSTICE SYSTEMS.

(a) In General.—Section 103(a) of the Indian Tribal Justice Act (25 U.S.C. 3613(a)) is amended—

(1) by striking the subsection designation and heading and all that follows through “Pursuant to” and inserting the following:

“(a) Authorization.—

“(1) In General.—Pursuant to”; and

(2) by adding at the end the following:

“(2) Requirement.—The Secretary shall enter into contracts, grants, or agreements with Indian tribes under paragraph (1) without regard to whether the Indian tribe is located in a State listed in section 1162(a) of title 18, United States Code, or section 1360(a) of title 28, United States Code.”.

(b) Funding.—Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—

(1) in each of subsections (a), (c), and (d), by striking “2011 through 2015” each place it appears and inserting “2022 through 2026”; and

(2) by striking subsection (b) and inserting the following:

“(b) Base Support Funding for Tribal Justice Systems.—

“(1) In General.—There are authorized to be appropriated to carry out section 103, and there are
appropriated, out of any monies in the Treasury not otherwise appropriated—

“(A) $83,000,000 for fiscal year 2023;
“(B) $140,000,000 for fiscal year 2024;
“(C) $200,000,000 for fiscal year 2025;
“(D) $259,000,000 for fiscal year 2026;

and

“(E) $318,000,000 for fiscal year 2027.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for each of fiscal years 2024 through 2027 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

SEC. 106. GRANTS TO INDIAN TRIBES UNDER PUBLIC SAFETY AND COMMUNITY POLICING GRANT PROGRAM.

Section 1701(j) of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10381(j)) is amended—

(1) in paragraph (2)—

(A) by striking “In providing” and inserting the following:

“(A) IN GENERAL.—In providing”; and

(B) by adding at the end the following:
“(B) REQUIREMENT.—The Attorney General shall provide grants to Indian tribal governments under this subsection without regard to whether the Indian tribe of the Indian tribal government is located in a State listed in section 1162(a) of title 18, United States Code, or section 1360(a) of title 28, United States Code.”; and

(2) by striking paragraph (4) and inserting the following:

“(4) FUNDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), there is authorized to be appropriated to carry out this subsection, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $52,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(B) ADJUSTMENT FOR INFLATION.—The amount made available under subparagraph (A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.
SEC. 107. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT AND DETENTION.

(a) In General.—There is authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry out the law enforcement and detention activities of the Bureau of Indian Affairs, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,200,000,000 for fiscal year 2023 and each fiscal year thereafter.

(b) Adjustment for Inflation.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(c) Requirement.—The Director of the Bureau of Indian Affairs shall provide law enforcement and detention services to Tribal communities without regard to whether the Tribal community is located in a State listed in section 1162(a) of title 18, United States Code, or section 1360(a) of title 28, United States Code.

SEC. 108. WRITTEN CONSENT OF AN INDIAN TRIBE PRIOR TO AN EXECUTION OF A TRIBAL MEMBER BY THE UNITED STATES.

Section 3598 of title 18, United States Code, is amended—
(1) by striking “under this chapter for any offense the Federal jurisdiction for” and inserting the following: “under this chapter for—

“(1) any offense the Federal jurisdiction for”;

(2) by striking “within the boundaries of Indian country,” and inserting the following: “within the boundaries of Indian country; or

“(2) any offense the Federal jurisdiction for which is predicated solely on the offender’s use or taking of an object that has been transported, shipped, or received in interstate or foreign commerce, when the offender was not directly involved in such transportation, shipping, or receiving,”; and

(3) by striking “unless the governing body” and inserting the following:

“unless the governing body”.

SEC. 109. INDIAN VICTIMS OF CRIME.

(a) GRANT PROGRAM FOR INDIAN CRIME VICTIM SERVICES.—The Victims of Crime Act of 1984 (34 U.S.C. 20101 et seq.) is amended by inserting after section 1404F the following:

“SEC. 1404G. GRANT PROGRAM FOR INDIAN CRIME VICTIM SERVICES.

“(a) DEFINITIONS.—In this section:
“(1) Eligible Indian Tribe.—The term ‘eligible Indian tribe’ means an Indian tribe that submits a written proposal for a covered grant to the Director in accordance with subsection (c)(2).

“(2) Immediate Family Member.—The term ‘immediate family member’ has the meaning given the term in section 115(c) of title 18, United States Code.

“(3) Indian Tribe.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(4) Personally Identifying Information.—The term ‘personally identifying information’ has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)).

“(5) Services to Victims of Crime.—The term ‘services to victims of crime’—

“(A) has the meaning given the term in section 1404; and

“(B) includes efforts that—

“(i) respond to the emotional, psychological, or physical needs of a victim of crime;
“(ii) assist a victim of crime in stabilizing his or her life after victimization;

“(iii) assist a victim of crime in understanding and participating in the criminal justice system; or

“(iv) restore a measure of security and safety for a victim of crime.

“(6) VICTIM OF CRIME.—The term ‘victim of crime’ means an individual who has suffered direct physical, sexual, financial, or emotional harm as a result of the commission of a crime.

“(b) DUTIES OF DIRECTOR.—The Director shall—

“(1) administer the grant program described in subsection (c);

“(2) provide planning, research, training, and technical assistance to recipients of covered grants; and

“(3) coordinate with the Office of Tribal Justice, the Indian Health Service, and the Bureau of Indian Affairs in implementing the grant program described in subsection (c).

“(c) GRANT PROGRAM.—

“(1) IN GENERAL.—On an annual basis, the Director shall make grants to eligible Indian tribes for the purposes of funding—
“(A) a program, administered by one or more Indian tribes, that provides services to victims of crime, which may be provided in traditional form or through electronic, digital, or other technological formats, including—

“(i) services to victims of crime provided through subgrants to agencies or departments of Tribal governments or nonprofit organizations;

“(ii) domestic violence shelters, rape crisis centers, child abuse programs, child advocacy centers, and elder abuse programs providing services to victims of crime;

“(iii) medical care, equipment, treatment, and related evaluations arising from the victimization, including—

“(I) emergency medical care and evaluation, nonemergency medical care and evaluation, psychological and psychiatric care and evaluation, and other forms of medical assistance, treatment, or therapy, regardless of the setting in which the services are delivered;
“(II) mental and behavioral health and crisis counseling, evaluation, and assistance, including outpatient therapy, counseling services, substance abuse treatment, and other forms of specialized treatment, including intervention and prevention services;

“(III) prophylactic treatment to prevent an individual from contracting HIV/AIDS or any other sexually transmitted disease or infection; and

“(IV) forensic medical evidence collection examinations and forensic interviews of victims of crime—

“(aa) to the extent that other funding sources are unavailable or insufficient; and

“(bb) on the condition that, to the extent practicable, the examiners and interviewers follow relevant guidelines or protocols issued by the State, unit of local government, or Indian tribe with jurisdiction over the area in
which the examination or inter-
view is conducted;

“(iv) legal services, legal assistance
services, and legal clinics (including serv-
ices provided by pro bono legal clinics and
practitioners), the need for which arises di-
rectly from the victimization;

“(v) the training and certification of
service animals and therapy animals;

“(vi) equipment for Braille or TTY/
TTD machines for the deaf necessary to
provide services to victims of crime;

“(vii) restorative justice opportunities
that allow victims of crime to meet with
the perpetrators if the meetings are volun-
tarily agreed to by the victim of crime and
are for therapeutic purposes; and

“(viii) training and related materials,
including books, training manuals, and
training videos, for staff and service pro-
viders to develop skills necessary to offer
quality services to victims of crime;

“(B) the development or implementation of
training, technical assistance, or professional
development that improves or enhances the
quality of services to victims of crime, including coordination between healthcare, education, and justice systems;

“(C) the transportation of victims of crime—

“(i) to receive services; or

“(ii) to participate in criminal justice proceedings;

“(D) emergency legal assistance to victims of crime that is directly connected to the crime;

“(E) the supervision of direct service providers and contracts for professional or specialized services that are related directly to providing services to victims of crime;

“(F) the repair and replacement of essential items used during the provision of services to victims of crime to contribute to and maintain a healthy and safe environment for the victims;

“(G) transitional housing for victims of crime, particularly victims who have a particular need for such housing and cannot safely return to previous housing, including travel, rental assistance, security deposits, utilities,
and other related costs that are incidental to
the relocation to transitional housing;

“(H) the relocation of victims of crime,
particularly where necessary for the safety and
well-being of the victim, including reasonable
moving expenses, security deposits for housing,
rental expenses, and utility startup costs;

“(I) the coordination of activities that fa-
cilitate the provision of direct services to victims
of crime;

“(J) a multisystem, interagency, multi-
disciplinary response to the needs of victims of
crime; and

“(K) the administration of the program
and services described in this section.

“(2) ELIGIBILITY.—An Indian tribe seeking a
covered grant shall, in response to a request for pro-
posal, submit to the Director a written proposal for
a covered grant.

“(3) NO MATCHING REQUIREMENT.—A recipi-
ent or subrecipient of a covered grant shall not be
required to make a matching contribution for Fed-
eral dollars received.

“(d) PROTECTION OF CRIME VICTIM CONFIDENTIALITY AND PRIVACY.—
“(1) ANNUAL REPORTS.—In order to ensure
the safety of victims of crime and immediate family
members of victims of crime, recipients and sub-
recipients of covered grants shall protect the con-
fidentiality and privacy of individuals receiving serv-
ices from the recipient or subrecipient.

“(2) NONDISCLOSURE.—

“(A) IN GENERAL.—Subject to paragraphs
(3) and (4), a recipient or subrecipient of a cov-
ered grant shall not disclose, reveal, or release
any personally identifying information collected
in connection with any service requested, used,
or denied through a program of the recipient or
subrecipient or require the release of personally
identifying information as a condition of eligi-
bility for the services provided by the recipient
or subrecipient—

“(i) regardless of whether the infor-
mation has been encoded, encrypted,
hashed, or otherwise protected; and

“(ii) subject to subparagraph (B) and
the condition that consent for release may
not be given by an abuser of the minor, an
abuser of a parent or guardian of a minor,
or an incapacitated individual, absent the
informed, written, reasonably time-limited consent of—

“(I) the individual about whom information is sought;

“(II) in the case of an emancipated minor, the minor, and the parent or guardian; or

“(III) in the case of legal incapacity, a court-appointed guardian.

“(B) CERTAIN MINORS AND OTHER INDIVIDUALS.—If a minor or individual with a legally appointed guardian may lawfully receive services without the consent of a parent or guardian, that minor or individual may consent to the release of information under subparagraph (A)(ii) without the additional consent of a parent or guardian.

“(3) RELEASE.—If the release of information described in paragraph (2) is compelled by a statutory or court mandate, a recipient or subrecipient of a covered grant shall—

“(A) make reasonable attempts to provide notice to victims of crime affected by the disclosure of information; and
“(B) take steps necessary to protect the privacy and safety of the individuals affected by the release of the information.

“(4) INFORMATION SHARING.—A recipient or subrecipient of a covered grant may share—

“(A) data in the aggregate that is not personally identifying information regarding services to clients and demographics in order to comply with Federal, State, Tribal, or territorial reporting, evaluation, or data collection requirements;

“(B) court-generated and law enforcement-generated information contained in secure governmental registries for protection order enforcement purposes; and

“(C) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

“(e) AVAILABILITY OF GRANT FUNDS.—Any amount awarded under a covered grant that remains unobligated at the end of the fiscal year in which the grant is made may be expended for the purpose for which the grant was made at any time during the 10 succeeding fiscal years, at the end of which period, any unobligated sums shall
remain available to the Director for award under this section in the following fiscal year.

“(f) EFFECT.—Nothing in this section prohibits—

“(1) an Indian tribe from contracting for the administration of a program or activity funded under this section; or

“(2) multiple Indian tribes or Tribal organizations from forming a consortium for any of the purposes described in this section.

“(g) FUNDING.—The grant program established under this section shall be carried out using amounts made available under section 1402(d)(1).

“(h) TERM.—This section shall be effective for the first 10 fiscal years beginning after the date of enactment of this section.”.

(b) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF CRIME.—Section 1402(d) of the Victims of Crime Act of 1984 (34 U.S.C. 20101(d)) is amended—

(1) by inserting before paragraph (2) the following:

“(1) For each of the first 10 fiscal years beginning after the date of enactment of the Honoring Promises to Native Nations Act, 5 percent of the total amount in the Fund available for obligation
during a fiscal year shall be made available to the
Director to make grants under section 1404G.”;

(2) in paragraph (2)(A), by inserting “after
compliance with paragraph (1)” after “deposited in
the Fund”;

(3) in paragraph (3)(A), in the matter pre-
ceeding clause (i), by striking “paragraph (2)” and
inserting “paragraphs (1) and (2)”; and

(4) in paragraph (5)(A), by inserting “(1),” be-
fore “(2)” each place that term appears.

(c) REGULATIONS REGARDING INDIAN TRIBES.—

(1) EXISTING REGULATIONS.—Any regulation,
rule, or guidance promulgated by the Director of the
Office for Victims of Crime before the date of enact-
ment of this Act shall have no force or effect with
respect to section 1404G of the Victims of Crime
Act of 1984, as added by subsection (a).

(2) NEGOTIATED RULEMAKING.—

(A) IN GENERAL.—Not later than 1 year
after the date of enactment of this Act, the Di-
rector of the Office for Victims of Crime, in
consultation with the Secretary of the Interior
and Indian tribes (as defined in section
1404G(a) of the Victims of Crime Act of 1984)
and through notice and comment negotiated
rulemaking, following the provisions of sub-
chapter III of chapter 5 of title 5, United
States Code (commonly known as the ‘Neg-
tiated Rulemaking Act of 1990’), shall promul-
gate final regulations carrying out section

(B) REQUIREMENTS.—The Director of the
Office for Victims of Crime shall ensure that—

(i) not fewer than 2 Indian tribes
from each Bureau of Indian Affairs region
participate in the consultation; and

(ii) small, medium, and large land-
based Indian tribes are represented.

SEC. 110. VICTIM ADVOCATES FOR NATIVE AMERICANS.

Section 2001(b)(23) title I of the Omnibus Crime
Control and Safe Streets Act of 1968 (34 U.S.C.
10441(b)(23)) is amended by striking “domestic violence,
dating violence, sexual assault, and stalking” and insert-
ing “crime”.

SEC. 111. SPECIAL TRIBAL CRIMINAL JURISDICTION.

Section 204(j)(1) of Public Law 90–284 (25 U.S.C.
1304(j)(1)) (commonly known as the “Indian Civil Rights
Act of 1968”) is amended, in the matter preceding sub-
paragraph (A), by striking “There is authorized to be ap-
propriated $25,000,000” and inserting “There is author-
ized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $50,000,000’’.

SEC. 112. NATIONAL INDIAN COUNTRY CLEARINGHOUSE ON SEXUAL ASSAULT.

(a) In General.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,000,000 for fiscal year 2023 and each fiscal year thereafter for grants, contracts, cooperative agreements, and other assistance for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of Indian and Alaska Native women.

(b) Adjustment for Inflation.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 113. TRIBAL ACCESS PROGRAM.

Section 534(d) of title 28, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting ‘‘(including entities designated by an Indian tribe as maintaining public
safety within the territorial jurisdiction of the Indian
tribe)” after “law enforcement agencies”; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

“(B) FUNDING.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $60,000,000 for fiscal year 2023, to remain available until expended, to carry out the Tribal Access Program under subparagraph (A).”.

SEC. 114. TIWAHE INITIATIVE.

(a) IN GENERAL.—There is authorized to be appropriated to carry out the Tiwahe Initiative of the Bureau of Indian Affairs, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $1,000,000,000 for fiscal year 2023 and each fiscal year thereafter.

(b) ADJUSTMENT FOR INFLATION.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.
SEC. 115. REVIEWS ON NATIVE HAWAIIAN INTERACTIONS
WITH LAW ENFORCEMENT.

(a) Public Safety and Criminal Justice.—

(1) Review on law enforcement affect
Native Hawaiians.—

(A) In general.—The Department of
Justice shall conduct a comprehensive review of
law enforcement and other crime prevention
programs for various crimes affecting Native
Hawaiian populations, including child sexual ex-
ploration, child abuse, intimate partner vio-

cence, human trafficking, and substance abuse.

(B) Report.—Not later than 1 year after
the date of enactment of this Act, the Depart-
ment of Justice shall submit to Congress a re-
port summarizing the review required under
subparagraph (A), which shall include the
amount of Federal funding for the programs re-
ferred to in that subparagraph received by Na-
tive Hawaiian-serving organizations as a per-
centage of the total amount spent on those pro-
grams.

(2) Review of native Hawaiian victims of
various crimes.—

(A) In general.—The Department of
Justice shall conduct a comprehensive review of
programs that provide services to victims of various crimes affecting Native Hawaiian populations, including child sexual exploitation, child abuse, intimate partner violence, human trafficking, and substance abuse.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the Department of Justice shall submit to Congress a report summarizing the review required under subparagraph (A), which shall include the amount of Federal funding for the programs referred to in that subparagraph received by Native Hawaiian-serving organizations as a percentage of the total amount spent on those programs.

(3) REVIEW OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM.—

(A) IN GENERAL.—The National Institute of Justice, in coordination with the Bureau of Justice Statistics, shall conduct a comprehensive review on the Native Hawaiian population involved in the criminal justice system, including—

(i) arrests;
(ii) detention in Federal, State, and local jails;

(iii) pretrial supervision;

(iv) post-conviction supervision;

(v) incarceration in Federal and State prisons; and

(vi) post-release supervision.

(B) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice, in coordination with the Bureau of Justice Statistics, shall submit to Congress a report summarizing the review required under subparagraph (A), which shall include—

(i) the Native Hawaiian population as a percentage of the total population of the United States that is involved in the criminal justice system;

(ii) information on the programs and services available to, and used by, Native Hawaiians in various jurisdictions, including diversion programs, in-prison education programs, and reentry services; and
(iii) the number of culturally relevant programs available to justice-involved Native Hawaiians.

**TITLE II—HEALTH CARE**

**SEC. 201. FINDINGS.**

Congress finds that—

(1) funding for the Indian Health Service and health care for American Indians and Alaska Natives is inequitable and unequal;

(2) Indian Health Service expenditures per capita are well below other Federal healthcare programs, which results in—

(A) unacceptable health conditions of American Indians and Alaska Natives; and

(B) American Indians and Alaska Natives living sicker and dying younger than other individuals in the United States;

(3) the urban Indian health care budget has failed to keep pace with urban Indian population growth or inflation, and that severe underfunding impedes fulfillment of the trust and treaty obligations of the Federal Government;

(4) due to chronic underfunding to healthcare programs that serve American Indians and Alaska Natives, American Indians and Alaska Natives face
overwhelming health disparities compared to other populations, including—

(A) having lower life expectancies and experiencing a disproportionate number of diseases; and

(B) dying at higher rates than other individuals in the United States from chronic liver disease, cirrhosis, diabetes mellitus, unintentional injuries, intentional self-harm and suicide, and chronic lower respiratory diseases;

(5) the significant decline of third-party reimbursements for care, as clinics serving Tribal areas operate with limited staff and cancel non-essential procedures and visits, is affecting Tribal resources, which—

(A) reduces the amount that Tribal health facilities can bill Medicare, Medicaid, or other private insurances for reimbursement of services; and

(B) poses a threat to the continuity of operations of those facilities;

(6)(A) section 10221 of the Patient Protection and Affordable care Act (Public Law 111–148; 124 Stat. 935) permanently reauthorized the Indian Health Care Improvement Act (25 U.S.C. 1601 et
seq.) in the hope of reducing health disparities faced
by Native Americans; but

(B) many of the provisions of the Indian Health
Care Improvement Act (25 U.S.C. 1601 et seq.) re-
main underfunded; and

(7) the Native Hawaiian Health Care Improve-
ment Act (42 U.S.C. 11701 et seq.) authorized the
Native Hawaiian Health Care Program—

(A) to improve the health status of Native
Hawaiians; and

(B) to provide Native Hawaiian health
care programs with the resources necessary to
improve the health status of Native Hawaiians.

SEC. 202. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) funding for the delivery of health care to
American Indians, Alaska Natives, and Native Ha-
whians through the Indian Health Service, Indian
tribes, tribal organizations, urban Indian organiza-
tions, and the Native Hawaiian Health Care Pro-
gram should be fully funded;

(2) the funding described in paragraph (1)
should be mandatory;

(3) Congress should allocate funding to job
training and tuition reimbursement programs to in-
crease the number of clinicians and non-medical
health care staff serving American Indians, Alaska
Natives, Native Hawaiians, and Indian tribes;

(4) Congress should provide funding under the
Medicare program under title XVIII of the Social
Security Act (42 U.S.C. 1395 et seq.) and the Med-
icaid program under title XIX of that Act (42
U.S.C. 1396 et seq.) directly to Indian tribes and
end the practice of pass-through of funds through
States;

(5)(A) the Indian Health Care Improvement
Act (25 U.S.C. 1601 et seq.) is crucial to protecting
the health and well-being of American Indians and
Alaska Natives;

(B) all of the provisions of that Act should be
implemented and fully funded; and

(C) in accordance with section 3 of that Act (25
U.S.C. 1602), it is the policy of the United States,
in fulfillment of the special trust responsibilities and
legal obligations to Indians of the United States, in-
cluding Indians living in urban settings—

(i) to ensure the highest possible health
status for Indians and to provide all resources
necessary to effect that policy;
(ii) to raise the health status of Indians to at least the levels set forth in the goals contained within the Healthy People 2010 initiative or successor objectives;

(iii) to ensure maximum Indian participation in the direction of health care services so as to render the persons administering such services and the services themselves more responsive to the needs and desires of Indian communities;

(iv) to increase the proportion of all degrees in the health professions and allied and associated health professions awarded to Indians so that the proportion of Indian health professionals in each Indian Health Service area is raised to at least the level of that of the general population;

(v) to require that all actions under that Act shall be carried out with active and meaningful consultation with Indian tribes, and conference with tribal organizations and urban Indian organizations, to implement that Act and the national policy of Indian self-determination;

(vi) to ensure that the United States and Indian tribes work in a government-to-govern-
ment relationship to ensure quality health care for all Tribal members; and

(vii) to provide funding for programs and facilities operated by Indian tribes and tribal organizations in amounts that are not less than the amounts provided to programs and facilities operated directly by the Indian Health Service;

(6) legal challenges to that Act and the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119) are harmful;

(7) legislation to address the opioid and substance use epidemic facing American Indian, Alaska Native, and Native Hawaiian communities (known as the “Comprehensive Addiction Resources Emergency Act of 2021”, S. 3418 and H.R. 6311, 117th Congress, as introduced on December 16, 2021) should be enacted without delay; and

(8) legislation to provide significant resources to Indian tribes to combat child abuse and neglect (known as the “American Indian and Alaska Native Child Abuse Prevention and Treatment Act”, S. 1868 and H.R. 1566, 117th Congress, as introduced on May 26, 2021, and March 3, 2021, respectively) should be enacted without delay.
SEC. 203. MANDATORY FUNDING FOR INDIAN HEALTH SERVICE.

(a) ESTABLISHMENT.—There is established in the Treasury an account, to be known as the “Indian Health Services Operations Account”, into which shall be deposited all amounts appropriated or otherwise made available according to the recommendations of the national Tribal Budget Formulation Workgroup, as of the date of enactment of this Act, to carry out the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) and any other program relating to or operated by the Indian Health Service.

(b) APPROPRIATION.—There are authorized to be appropriated, and there are appropriated, out of any monies in the Treasury not otherwise appropriated, the following amounts, which shall be deposited in the Indian Health Services Operations Account:

(1) For fiscal year 2023, $50,138,679,000.

(2) For fiscal year 2024, $51,416,373,000.

(3) For fiscal year 2025 and each fiscal year thereafter, an amount equal to the sum of—

(A) the amount appropriated for the previous fiscal year, as adjusted annually to reflect the change in the medical care component of the consumer price index for all urban consumers (U.S. city average); and
(B) as applicable—

(i) 1.8 percent of the amount appropriated for the previous fiscal year; or

(ii) the percentage of the amount appropriated for the previous fiscal year determined under subsection (c)(2).

(c) Adjustments After Fiscal Year 2024.—

(1) Study.—Not later than September 30, 2024, and not less frequently than once every 10 years thereafter, the Comptroller General of the United States shall conduct a study, in consultation with Indian tribes, to determine whether the population served by the Indian Health Service has continued to grow by 1.8 percent per year.

(2) Adjustment.—If the Comptroller General determines under the study conducted under paragraph (1) that the actual rate of growth of the population described in that paragraph is higher than 1.8 percent, for purposes of subsection (b)(3)(B)(ii), the percentage by which the amount appropriated for the previous fiscal year shall be adjusted to reflect the actual rate of growth determined by the study.

(d) Shortfalls and Report.—

(1) In general.—Not later than the end of fiscal year 2023, the Secretary of Health and
Human Services shall submit to the Committees on the Budget, Health, Education, Labor, and Pensions, and Indian Affairs of the Senate and the Committee on the Budget, the Subcommittee on Health of the Committee on Energy and Commerce, and the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives a publicly available report, developed in consultation with Indian tribes, that proposes an item of appropriation, according to the recommendations of the national Tribal Budget Formulation Workgroup, for shortfalls for funds related to the lease of a facility used for administration and delivery of Indian Health Service programs pursuant to section 105(l) of the Indian Self-Determination Act (25 U.S.C. 5324(l)), including supporting documentation on the methods used by the Secretary of Health and Human Services to determine the amount of shortfalls.

(2) ADDITIONAL APPROPRIATIONS.—

(A) FACILITY LEASING.—

(i) IN GENERAL.—In addition to the amount appropriated for a fiscal year for the Indian Health Services Operations Account, there is authorized to be appro-
appropriated for fiscal year 2023, and each fiscal year thereafter, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, the amount requested by the report under paragraph (1).

(ii) ADJUSTMENT FOR INFLATION.—
The amount made available under clause (i) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the medical care component of the consumer price index for all urban consumers (U.S. city average).

(B) CONTRACT SUPPORT COSTS.—In addition to the amount appropriated for a fiscal year for the Indian Health Services Operations Account, there is authorized to be appropriated for fiscal year 2023, and each fiscal year thereafter, for contract support costs described in section 106 of the Indian Self-Determination Act (25 U.S.C. 5325) an amount determined by the Secretary of the Interior to cover any shortfalls for the operation of the programs and portions for periods covered by the contract support costs.
SEC. 204. SANITATION FACILITIES CONSTRUCTION PROGRAM.

Section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), is amended by adding at the end the following:

“(d) FUNDING.—

“(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any monies in the Treasury not otherwise appropriated, to carry out this section—

“(A) $1,200,000,000 for each of fiscal years 2023 through 2025; and

“(B) $1,900,000,000 for fiscal year 2026 and each fiscal year thereafter.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

SEC. 205. SPECIAL DIABETES PROGRAMS FOR INDIANS.

Section 330C of the Public Health Service Act (42 U.S.C. 254c–3) is amended—

(1) in subsection (c)(2)—

(A) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;
(B) in the matter preceding clause (i) (as so redesignated), by striking “For the purpose” and inserting the following:

“(A) IN GENERAL.—For the purpose”;

(C) in subparagraph (A) (as so redesignated)—

(i) in clause (iii) (as so redesignated), by striking “and” at the end;

(ii) in clause (iv) (as so redesignated), by striking “2023, to remain available until expended.” and inserting “2022; and”;

(iii) by adding at the end the following:

“(v) subject to subparagraph (B), $300,000,000 for each of fiscal years 2023 through 2032, to remain available until expended.”; and

(D) by adding at the end the following:

“(B) ADJUSTMENT FOR INFLATION.—The amount authorized to be appropriated under subparagraph (A)(v) for each of fiscal years 2024 through 2032 shall be adjusted annually to reflect the change in the medical care compo-
(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting after subsection (b) the following:

“(c) REQUIREMENT.—Grants provided under subsection (a) shall be subject to the requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)).”.

SEC. 206. SPECIAL DIABETES PROGRAM FOR NATIVE HAWAIANS.

Section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) is amended by adding at the end the following:

“(i) SPECIAL DIABETES PROGRAM FOR NATIVE HAWAIANS.—

“(1) IN GENERAL.—The Secretary shall make grants for providing services for the prevention and treatment of diabetes in accordance with subsection (b).

“(2) SERVICES THROUGH NATIVE HAWAIIAN HEALTH CARE SYSTEMS FACILITIES.—For purposes of subsection (a), services under such subsection are provided in accordance with this subsection if this
services are provided through the Native Hawaiian Health Care Systems.

“(3) APPROPRIATIONS.—For the purpose of making grants under this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $9,000,000 for each fiscal year.”.

SEC. 207. PERMANENT EXTENSION OF FULL FEDERAL MEDICAL ASSISTANCE PERCENTAGE TO URBAN INDIAN ORGANIZATIONS.

Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in the third sentence, by striking “for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American Rescue Plan Act of 2021” and inserting “for each fiscal quarter beginning on or after April 1, 2021”.

SEC. 208. QUALIFIED INDIAN PROVIDER SERVICES.

Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)(2)—

(A) by striking “, and (C)” and inserting “, (C)”; and

(B) by inserting “, and (D) qualified Indian provider services (as defined in subsection (l)(4))” after “included in the plan”; and
(2) in subsection (l), by adding at the end the following:

“(4)(A) The term ‘qualified Indian provider services’ means services—

“(i) for which medical assistance is otherwise available under the State plan (or a waiver of such plan); and

“(ii) that are furnished by an Indian health care provider (as defined in subparagraph (B)) to an individual who—

“(I) is eligible for medical assistance under the State plan (or waiver); and

“(II) is eligible to receive services from the Indian Health Service.

“(B) The term ‘Indian health care provider’ means a health program operated by the Indian Health Service or by an Indian tribe or Tribal organization (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) or inter-tribal consortium (as defined in section 501(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5381(a))) or through an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603)) operating pursuant to a grant or contract
with the Indian Health Service under title V of the
Indian Health Care Improvement Act or as a perma-

nent program within the Indian Health Services di-
rect care program.

“(C) Notwithstanding any other provision of
law, qualified Indian provider services may be pro-
vided by authorized non-physician practitioners
working within the scope of their license, certifi-
cation, or authorized practice under Federal, State,
or tribal law.”.

SEC. 209. REMOVE LIMITATION ON PAYMENT FOR SERV-
ICES FURNISHED BY INDIAN HEALTH CARE
PROVIDERS OUTSIDE A CLINIC FACILITY.

Section 1905(a)(9) of the Social Security Act (42
U.S.C. 1396d(a)(9)) is amended by inserting “and includ-
ing such services furnished in any location by or through
an Indian Health Care Provider as defined in subsection
(l)(4)(B)” before the semicolon at the end.

SEC. 210. NATIVE HAWAIIAN HEALTH CARE.

(a) EXTENSION OF FEDERAL TORT CLAIMS ACT
COVERAGE TO NATIVE HAWAIIAN HEALTH CARE SYS-
TEMS.—Section 6 of the Native Hawaiian Health Care
Improvement Act (42 U.S.C. 11705) is amended—
(1) by redesignating subsections (h) and (i) (as added by section 206) as subsections (i) and (j), re-
spectively;

(2) by inserting after subsection (g) the fol-
lowing:

“(h) **Federal Tort Claims Act Coverage.**—

“(1) **Native Hawaiian Health Care Sys-
tems.**—A Native Hawaiian health care system shall be considered to be a Federal agency for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for per-
sonal injury, including death, resulting from the per-
formance of functions by the Native Hawaiian health care system.

“(2) **Officers and Employees.**—An indi-
vidual who is an officer or employee of a Native Ha-
waiian health care system shall—

“(A) be considered to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from the performance of func-
tions within the scope of employment of the in-
dividual; and
“(B) be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions for purposes of ensuring that the remedy provided by sections 1346(b) and 2672 of title 28, United States Code, is exclusive of any other civil action or proceeding by reason of the same subject matter against—

“(i) that individual; or

“(ii) the estate of that individual.”;

and

(3) by striking subsection (i) (as so redesignated) and inserting the following:

“(i) FUNDING.—

“(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated to carry out this section, and there are appropriated, out of any monies in the Treasury not otherwise appropriated, $47,000,000 for fiscal year 2023, an additional $9,000,000 per year for each fiscal year until fiscal year 2035, and $155,000,000 each fiscal year thereafter.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for fiscal year 2036 and each fiscal year thereafter shall
be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

(b) Extension of Full Federal Medical Assistance Percentage to Services Furnished by Native Hawaiian Health Care Systems.—Section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended, in the third sentence, by striking “for such fiscal year quarters,” and inserting “for each fiscal quarter beginning on or after April 1, 2021,”.

(c) Permanent Removal of Matching Requirements.—Section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) through (h) as subsections (e) through (g), respectively.

SEC. 211. FUNDING FOR TRIBAL EPIDEMIOLOGY CENTERS.

Section 214 of the Indian Health Care Improvement Act (25 U.S.C. 1621m) is amended by adding at the end the following:

“(f) Funding.—

“(1) In general.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $60,000,000 for fiscal year 2023 and each fiscal
year thereafter for epidemiology centers established under this section.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the medical care component of the consumer price index for all urban consumers (U.S. city average).”

SEC. 212. STATE OPTION TO PROVIDE MEDICAL ASSISTANCE FOR RESIDENTIAL ADDICTION TREATMENT FACILITY SERVICES.

(a) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (a)(16)—

(A) by striking “as defined in subsection (h), and, (B)” and inserting “as defined in subsection (h)(1), (B)”;

(B) by inserting “, and (C) residential addiction treatment facility services (as defined in subsection (h)(3)), if offered as part of a full continuum of evidence-based treatment services provided under the State plan, including residential, outpatient, and community-based care, for individuals with substance use disorders” before the semicolon; and
(2) in subsection (h)—

(A) in paragraph (1), by striking “paragraph (16) of subsection (a)” and inserting “subsection (a)(16)(A)”;

and

(B) by adding at the end the following:

“(3)(A) For purposes of subsection (a)(16)(C), the term ‘residential addiction treatment facility services’ means, subject to subparagraph (B), inpatient services provided—

“(i) to an individual for the purpose of treating a substance use disorder that are furnished to an individual in the State for not more than 60 consecutive days (on a statewide average basis), provided that upon completion of each period of 30 consecutive days of treatment, the individual is assessed and determined to have progressed through the clinical continuum of care, in accordance with criteria established by the Secretary, in consultation with the American Society of Addiction Medicine, and requires continued medically necessary treatment and social support services to promote recovery, stable transition to ongoing treatment, and discharge; and
“(ii) in a facility that is accredited for the treatment of substance use disorders by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities, the Council on Accreditation, or any other accrediting agency that the Secretary deems appropriate as necessary to ensure nationwide applicability, including qualified national organizations and State-level accrediting agencies.

“(B) The State agency responsible for administering the State plan under this title shall establish procedures to ensure that, with respect to any facility providing residential addiction treatment facility services in a fiscal year, the number of beds used by the facility to provide such services during such year is consistent with State licensure standards.

“(C) The provision of medical assistance for residential addiction treatment facility services to an individual shall not prohibit Federal financial participation for medical assistance for items or services that are provided to the individual in or away from the residential addiction treatment facility during any 30-day period in which the individual is receiving residential addiction treatment facility services.
“(D) A woman who is eligible for medical assistance on the basis of being pregnant and who is furnished residential addiction treatment facility services during any 30-day period may remain eligible for, and continue to be furnished with, such services for additional 30-day periods without regard to any eligibility limit that would otherwise apply to the woman as a result of her pregnancy ending, subject to assessment by the facility and a determination based on medical necessity related to substance use disorder and the impact of substance use disorder on birth outcomes.”.

(b) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 2023.

SEC. 213. CONFERRING WITH URBAN INDIAN ORGANIZATIONS.

(a) Definition of confer.—In this section, the term “confer” means to engage in an open and free exchange of information and opinions that—

(1) leads to mutual understanding and comprehension; and

(2) emphasizes trust, respect, and shared responsibility.
(b) REQUIREMENT.—The Secretary of Health and Human Services, to the maximum extent practicable, shall confer with urban Indian organizations in carrying out health services of the Department of Health and Human Services.

SEC. 214. MEDICAID WORK REQUIREMENT EXEMPTION.

Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

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“(tt) NONAPPLICATION OF WORK REQUIREMENTS TO MEMBERS OF INDIAN TRIBES.—In the case of a State that conditions an individual’s eligibility for medical assistance upon such individual’s satisfaction of a requirement that the individual be employed, enrolled in school, participate in a work activity (as defined in section 407(d) or otherwise by the State), or participate in other community engagement activity, the State shall not apply such condition to an individual who is a member of a Federally recognized Indian tribe.”.
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SEC. 215. MEDICAID PROGRAM POLICIES FOR MEMBERS OF INDIAN TRIBES.

The Secretary of Health and Human Services—

(1) may waive compliance with any requirement of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in a manner that is specific to—
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(A) persons who are Indian (as defined in
section 4 of the Indian Health Care Improve-
ment Act (25 U.S.C. 1603)); and

(B) facilities of the Indian Health Service
and urban Indian organizations;

(2) shall not waive compliance with any require-
ment of title XIX of the Social Security Act (42
U.S.C. 1396 et seq.) that is specific to persons who
are Indian (as so defined) if such waiver would—

(A) reduce the amount, duration, or scope
of benefits available to such persons under such
Act; or

(B) impose restrictions, premiums or cost-
sharing, or additional conditions on the receipt
of benefits under such Act by such persons; and

(3) shall not waive any requirement relating to
Tribal consultation or conference with urban Indian
organizations as required by any Federal law, rule,
or regulation.

TITLE III—EDUCATION

SEC. 301. FINDINGS.

Congress finds that—

(1)(A) Native American students experience
discernible disparities in access to educational oppor-
tunities compared to their non-Native-American peers; and
(B) those disparities in educational opportuni-
ties—
(i) have a profound impact on the social and economic opportunities and well-being of Native American students and Native American communities; and
(ii) mean that Native American students are likely to experience disproportionate levels of discipline while in school that leads to those students being suspended or expelled, increasing the likelihood of those students to be involved in the school-to-prison pipeline;
(2) the Federal Government has failed in its trust obligation to provide educational services that address the unique situation of Native American students;
(3)(A) a majority of Native American students attend public schools, many of which lack curricula that provide historically accurate and culturally competent representation or discussion of Native Americans and their history in the United States; and
(B) the failure to include historically accurate and culturally competent curricula leads to a lack of
understanding for all students of the history and contributions of Native Americans;

(4)(A) Native American students make up 1.1 percent of students attending public schools;

(B) Native American students have the lowest high school graduation rates and the lowest scores on reading and math elementary and secondary school standardized tests;

(C) students attending schools funded by the Bureau of Indian Affairs (referred to in this title as “Bureau-funded schools”) have lower academic scores than their non-Native American peers who attend public school; and

(D) educational disparities continue into higher education, with only 16 percent of Native American students obtaining a bachelor’s degree compared to the national average of 36 percent of individuals in the same age group;

(5)(A) the enactment of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) allowed federally recognized Indian tribes to contract with the Bureau-funded schools and provide education programs;

(B) with 183 Bureau-funded schools, the Bureau of Indian Education is obligated to provide cul-
turally relevant, high-quality education opportunities
to Native American students; and

(C) Bureau-funded schools consistently struggle
to recruit and retain qualified and effective teachers
due to noncompetitive salaries, isolated rural set-
tings, difficult work environments, lack of job oppor-
tunities for spouses and partners, and marginal
housing opportunities; and

(6)(A) American Indian and Alaska Native trib-
ally chartered colleges and universities (TCUs) were
established beginning in the late 1960s due to the
failure of the United States higher education system
to include American Indians;

(B) in addition to providing place-based and
culturally grounded higher and career/technical edu-
cation, TCUs are charged with preserving and revi-
talizing Tribal cultures, languages and lands, and
strengthening Tribal sovereignty; and

(C) TCUs face significant challenges and in-
equities, including—

(i) the lack of adequate operating funding
from the Department of the Interior;

(ii) the inability to grow endowments; and

(iii) a disproportionate number of students
living in poverty, suffering food and housing in-
security, and unprepared for post-secondary education.

SEC. 302. SENSE OF CONGRESS.

It is the sense of Congress that Congress should—

(1) provide full funding for Tribal Colleges and Universities and Bureau-funded schools, including increased funding to develop lessons and curricula that provide culturally competent and historically accurate information;

(2) provide increased funding to recruit and retain teachers at schools that serve a high proportion of Native students, including Bureau-funded schools, in order to address the educational disparities faced by Native American students described in section 301;

(3) provide full funding for school construction and repairs at Bureau-funded schools, which have lacked long-standing adequate funding and prioritization, to correct facilities operations inefficiencies that contribute to the chronic poor educational outcomes and performance of students at those schools; and

(4) increase and make permanent programmatic funding for Native American language programs to restore the elimination of traditional
languages that colonial education forced on Native American students during the Assimilation Era.

**SEC. 303. MANDATORY FUNDING FOR TRIBAL COLLEGES AND UNIVERSITIES.**

Section 371(b) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

“(A) **PROVISION OF FUNDS.**—There shall be available to the Secretary to carry out this section, from funds in the Treasury not otherwise appropriated, $300,000,000 for fiscal year 2023 and each fiscal year thereafter.”; and

(B) by adding at the end the following:

“(C) **ADJUSTMENT FOR INFLATION.**—The amount made available under paragraph (1)(A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—
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(i) in each of clauses (i) and (ii), by striking “$100,000,000” and inserting “$117,500,000”; and

(ii) in clause (iii), by striking “$55,000,000” and inserting “$65,000,000”; and

(B) in subparagraph (D)—

(i) in clause (i), by striking “$30,000,000” each place the term appears and inserting “$35,000,000”; 

(ii) in clause (ii), by striking “$15,000,000” each place the term appears and inserting “$18,000,000”; and

(iii) in each of clauses (iii) and (iv), by striking “$5,000,000” and inserting “$6,000,000”.

SEC. 304. EXPANDING INSTRUCTION AND OUTREACH BY TRIBAL COLLEGES AND UNIVERSITIES AND OTHER AMENDMENTS.

(a) Section Heading.—Section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) is amended, in the section heading, by striking “AMERICAN INDIAN TRIBALLY CONTROLLED COLLEGES AND UNIVERSITIES” and inserting “TRIBAL COLLEGES AND UNIVERSITIES”. 
(b) AUTHORIZED ACTIVITIES.—Section 316(c)(2) of the Higher Education Act of 1965 (20 U.S.C. 1059c(c)(2)) is amended—

(1) in subparagraph (D), by striking “Indians” and all that follows through “policy” and inserting the following: “American Indians and Alaska Natives are underrepresented, instruction in Native American languages, and instruction and programs to support Tribal governance, Tribal public policy, and Tribal history and sovereignty”; and

(2) in subparagraph (L), by striking “outreach” and all that follows through “education;” and inserting the following: “outreach and recruitment activities and programs that encourage American Indian and Alaska Native elementary school students, secondary school students, and community members to develop the academic skills and the interest to pursue and succeed in postsecondary education;”.

(c) APPLICATION, PLAN, ALLOCATION.—Section 316(d) of the Higher Education Act of 1965 (20 U.S.C. 1059c(d)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and
(3) in paragraph (3) (as so redesignated), by
adding at the end the following:

“(C) USE OF UNEXPENDED FUNDS.—Any
funds paid to an institution and not expended
or used for the purposes for which the funds
were paid during the 5-year period following the
date of the initial grant award, may be carried
over and expended during the succeeding 5-year
period, if such funds are obligated for a purpose
for which the funds were paid during the 5-year
period following the date of the initial grant
award.”.

(d) DEFINITION.—Section 2(a)(4) of the Tribally
Controlled Colleges and Universities Assistance Act of
1978 (25 U.S.C. 1801(a)(4)) is amended by striking “an
institution” and inserting “a public institution”.

SEC. 305. ENDOWMENT FUNDS OF TRIBAL COLLEGES AND
UNIVERSITIES.

Section 316(c)(3) of the Higher Education Act of
1965 (20 U.S.C. 1059c(e)(3)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as sub-
paragraph (B); and

(3) by adding at the end the following:
“(C) Scholarships.—A Tribal College or University that uses grant funds provided under this section to establish or increase an endowment fund may use the interest proceeds from such endowment to provide scholarships to students for the purposes of attending such Tribal College or University.”

SEC. 306. FULL FUNDING FOR OPERATION OF BUREAU-FUNDED SCHOOLS.

(a) Indian School Equalization Program.—There is authorized to be appropriated to carry out the Indian School Equalization Program of the Bureau of Indian Affairs, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $500,000,000 for fiscal year 2023 and each fiscal year thereafter.

(b) Tribal Colleges and Universities Operations.—There is authorized to be appropriated to fund operations at Tribal Colleges or Universities that are authorized under titles I and V of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1802 et seq., 1861 et seq.) and the Navajo Community College Act (25 U.S.C. 640a note; Public Law 92–189), and that originally were authorized under the Act of November 2, 1921 (25 U.S.C. 13) (commonly known as the “Snyder Act”), and there is appropriated, out of
any monies in the Treasury not otherwise appropriated, $150,000,000 for fiscal year 2023 and each fiscal year thereafter.

(c) Adjustment for Inflation.—The amount made available under subsections (a) and (b) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(d) Special Programs and Projects To Improve Educational Opportunities for Indian Children.—Subpart 2 of part A of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

“SEC. 6123. FUNDING.

“(a) In General.—Subject to subsection (b), there is authorized to be appropriated to carry out this subpart, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $68,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(b) Adjustment for Inflation.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All
Urban Consumers published by the Bureau of Labor Statistics.”.

(c) Bureau of Indian Education Facilities Operations.—

(1) In General.—Subject to paragraph (2), there is authorized to be appropriated for Bureau of Indian Education facilities operations costs, including costs for electricity, heating fuels, communications, custodial services, and other operation expenses, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $109,000,000 for fiscal year 2023 and each fiscal year thereafter.

(2) Adjustment for Inflation.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(f) Student Transportation.—

(1) In General.—Subject to paragraph (2), there is authorized to be appropriated for the costs of transportation of students to Bureau-funded schools, and there is appropriated, out of any monies in the Treasury not otherwise appropriated,
$73,000,000 for fiscal year 2023 and each fiscal year thereafter.

(2) Adjustment for Inflation.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 307. BUREAU OF INDIAN EDUCATION SCHOOL CONSTRUCTION, MODERNIZATION, AND REPAIR.

(a) In General.—Subject to subsection (b), there are authorized to be appropriated for the costs of construction, facilities improvement, modernization, repair, and replacement school construction for Bureau-funded schools, including sanitation, non-mechanical heating, ventilation, and air conditioning system repair and replacement, and there are appropriated, out of any monies in the Treasury not otherwise appropriated—

(1) $1,000,000,000 for each of fiscal years 2023 through 2027; and

(2) $264,300,000 for fiscal year 2028 and each fiscal year thereafter.

(b) Adjustment for Inflation.—The amount made available under subsection (a)(2) for fiscal year 2029 and each fiscal year thereafter shall be adjusted ann-
nually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

**SEC. 308. TRIBAL COLLEGE AND UNIVERSITY CONSTRUCTION, MODERNIZATION, AND REPAIR.**

(a) In General.—Section 112 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1812) is amended to read as follows:

“**SEC. 112. TRIBAL COLLEGE AND UNIVERSITY CONSTRUCTION, MODERNIZATION, AND REPAIR.**

“(a) Study.—

“(1) In General.—The Secretary shall conduct a study on the condition of facilities of tribally controlled colleges or universities, including facilities of Tribal Colleges or Universities (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

“(2) Requirement.—The study under paragraph (1) shall identify the need for new construction, renovation, and infrastructure enhancements of the Tribal Colleges and Universities.

“(3) Contract.—The Secretary may conduct the study required in subsection (a) directly or by contract.
“(b) REPORT.—Not later than 18 months after the date of enactment of the Honoring Promises to Native Nations Act, the Secretary shall submit a report describing the results of the study under subsection (a) to—

“(1) the Committee on Indian Affairs of the Senate;

“(2) the Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives;

“(3) the Committee on Appropriations of the Senate; and

“(4) the Committee on Appropriations of the House of Representatives.”.

(b) INFRASTRUCTURE IMPROVEMENT.—Section 113 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1813) is amended to read as follows:

“SEC. 113. INFRASTRUCTURE IMPROVEMENT.

“(a) DEFINITIONS.—In this section:

“(1) CONSTRUCTION.—The term ‘construction’ includes any measure to address a facility construction, maintenance, renovation, reconstruction, or replacement need of a Tribal College or University.

“(2) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘Tribal College or University’ means a Tribal
College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))) that was in operation as such a Tribal College or University—

“(A) during fiscal year 2022; or

“(B) for a period of not fewer than 4 consecutive fiscal years through an affiliation with a tribally controlled college or university that received assistance under this title during fiscal year 2022.

“(b) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide to a Tribal College or University the application of which is approved under subsection (c) a grant for construction in accordance with this section.

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant under this section, a Tribal College or University shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may reasonably require.

“(2) APPROVAL.—The Secretary shall approve an application submitted under paragraph (1) if the Secretary determines that—
“(A) the application meets all applicable requirements established by the Secretary; and

“(B) identifies a need for construction at the Tribal College or University.

“(d) ELIGIBLE ACTIVITIES.—A Tribal College or University shall use a grant provided under this section to address facilities and infrastructure needs, including—

“(1) construction of new facilities, including—

“(A) classrooms;

“(B) administrative offices;

“(C) libraries;

“(D) health, fitness, and cultural centers;

“(E) child care centers;

“(F) technology centers;

“(G) housing for students, faculty, and staff; and

“(H) other facilities necessary to an institution of higher education;

“(2) renovating or expanding an existing or acquired facility;

“(3) providing new or existing facilities with equipment and infrastructure, including—

“(A) laboratory equipment;

“(B) computer infrastructure and equipment;
“(C) broadband infrastructure and equipment;
“(D) library books; and
“(E) furniture; and
“(4) property acquisition.
“(e) NO MATCH REQUIREMENT.—A Tribal College or University that receives a grant under this section shall not be required to make a matching contribution for any Federal amounts received.
“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $525,000,000 for each of fiscal years 2023 through 2025.”.
(e) CONFORMING AMENDMENT.—Section 110(a)(3) of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1810(a)(3)) is amended by striking “sections 112(b) and 113” and inserting “section 112(b)”.
SEC. 309. SUPPORT FOR NATIVE STUDENTS AND EDUCATORS IN NATIVE-SERVING SCHOOLS.
(a) PURPOSE.—The purpose of this section is to address the shortage of qualified teachers serving American Indian, Alaska Native, and Native Hawaiian elementary school and secondary school students by attracting, and retaining, quality teachers to Native-serving schools, while
also increasing the number of American Indian, Alaska
Native, and Native Hawaiian teachers in those schools.

(b) Support for Native Students and Educators in Native-serving Schools.—Part B of title
et seq.) is amended by adding at the end the following:

“Subpart 6—Support for Native Students and
Educators in Native-serving Schools

“Sec. 259A. Definitions.

“In this subpart:

“(1) Bureau-funded school.—The term
‘Bureau-funded school’ has the meaning given that
term in section 1141 of the Education Amendments

“(2) Bureau of Indian education early
childhood development program.—The term
‘Bureau of Indian Education early childhood devel-
opment program’ means a program operating under
a grant authorized by section 1139 of the Education

“(3) Eligible educator.—The term ‘eligible
educator’ means an individual who—

“(A) received a stipend and mentoring
under section 259B;
“(B) completed the individual’s program of study and earned an undergraduate or graduate degree in early childhood education, elementary or secondary education, or school administration from an institution of higher education; and

“(C) obtains full-time employment in a Native-serving school.

“(4) ELIGIBLE STUDENT.—The term ‘eligible student’ means an individual who—

“(A) is an Indian or a Native Hawaiian;

“(B) is pursuing an undergraduate or graduate degree in early childhood education, elementary or secondary education, or school administration from an institution of higher education; and

“(C) in the case of an undergraduate student, has completed not less than 2 years of study toward the degree described in subparagraph (B).

“(5) INDIAN.—The term ‘Indian’ has the meaning given such term in section 316(b).

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term in section

“(7) NATIVE-SERVING SCHOOL.—The term ‘Native-serving school’ means—

“(A) a Bureau-funded school, including a Bureau of Indian Education early childhood development program;

“(B) a public elementary school or secondary school that, for the school year during which an eligible student or eligible educator is employed at such school for purposes of section 259B(d)(2)(B) or 259C, respectively—

“(i) has a student enrollment of 25 percent or more Indian or Native Hawaiian students; and

“(ii) is located in the school district of a local educational agency eligible for assistance under part A of title I of the Elementary and Secondary Education Act of 1965;

“(C) a tribal early childhood education program; or

“(D) a federally funded early childhood education program that serves a significant number of Native students, as determined by
the Secretary in consultation with Indian tribes
and in collaboration with a Native Hawaiian or-
ganization.

“(8) Tribal early childhood education
program.—The term ‘tribal early childhood edu-
cation program’ means any of the following pro-
grams:

“(A) A Head Start or Early Head Start
program carried out under the Head Start Act
(42 U.S.C. 9831 et seq.) that is located in
Head Start region IX or XI.

“(B) A tribal child care and development
program carried out under the Child Care and
Development Block Grant Act of 1990 (42
U.S.C. 9858 et seq.).

“(C) A program serving children from
birth through age 6 that—

“(i) receives funding support from the
Native American language preservation
and maintenance program carried out
under section 803C of the Native Amer-
ican Programs Act of 1974 (42 U.S.C.
2991b–3);

“(ii) is a tribal prekindergarten pro-
gram;
“(iii) is a program authorized under section 619 or part C of the Individuals with Disabilities Education Act with a student enrollment of 25 percent or more Indian or Native Hawaiian students; or

“(iv) is a center-based or group-based early childhood learning or development program that the Secretary determines shall be included under this definition, after receiving a request from an Indian tribe or a Native Hawaiian organization.

“(9) Tribal Educational Agency.—The term ‘tribal educational agency’ has the meaning given the term in section 6132(b) of the Elementary and Secondary Education Act of 1965.

“SEC. 259B. STIPENDS AND MENTORING TO NATIVE STUDENTS Pursuing Education Degrees.

“(a) Program Authorized.—From amounts made available to carry out this section, the Secretary shall carry out a program under which the Secretary provides stipends under subsection (b) and mentoring through grants under subsection (c) to eligible students, in order to increase the number of Native teachers in Native-serving schools.
“(b) STIPENDS.—A stipend provided under this section shall be in an amount equal to $1,500 a month, for each month during the period in which the student is enrolled, on a full-time or part-time basis, in a program leading to an undergraduate or graduate degree in early childhood education, elementary or secondary education, or school administration from an institution of higher education and until the eligible student obtains the degree.

“(c) MENTORING.—The Secretary shall award grants, on a competitive basis, to institutions of higher education serving American Indian, Alaska Native, or Native Hawaiian students, to enable the institution to establish programs that provide mentoring to all eligible students receiving a stipend under this section.

“(d) APPLICATIONS.—An eligible student desiring a stipend and mentoring under this section shall submit an application—

“(1) at such time and in such manner as the Secretary shall require; and

“(2) that includes—

“(A) a commitment to continue pursuing an undergraduate or graduate degree in early childhood education, elementary or secondary education, or school administration at an institution of higher education during the period for
which the eligible student receives a stipend;
and

“(B) a commitment to serve, upon completion of the degree described in subparagraph (A), in a Native-serving school for a minimum of 3 years.

“(e) REPORTING.—The Secretary shall annually prepare and submit to Congress a report regarding the program carried out under this section, which shall include the numbers and percentages of—

“(1) eligible students receiving assistance under this section who complete their undergraduate or graduate degree;

“(2) such students who begin teaching in a Native-serving school upon completion of the degree; and

“(3) such students who teach in a Native-serving school for 3 years or more.

“SEC. 259C. BONUSES AND MENTORING FOR NEW EDUCATORS.

“(a) PROGRAM AUTHORIZED.—The Secretary shall carry out a program through which the Secretary provides bonuses described in subsection (b) and mentoring through grants under subsection (c) to eligible educators employed in Native-serving schools, in order to address—
“(1) the compensation gap between teaching and other professions; and
“(2) the additional living expenses that eligible educators face in order to work in Native-serving schools.
“(b) BONUSES.—The amount of a bonus under this section shall be—
“(1) not less than $10,000 for each year of full-time teaching; and
“(2) increased by $2,000 for each year that the eligible educator is employed in a Native-serving school.
“(c) MENTORING.—The Secretary shall award grants, on a competitive basis, to local educational agencies serving Native-serving schools to enable the local educational agencies to establish teacher mentorship programs that provide mentoring to all eligible educators receiving a bonus under this section for the first 3 years of the eligible educator’s employment in a Native-serving school.
“(d) APPLICATIONS.—An eligible educator desiring a bonus and mentoring under this section shall submit an application—
“(1) at such time and in such manner as the Secretary shall determine; and
“(2) identifying the Native-serving school in which the eligible educator is employed.

“(e) REPORTING.—The Secretary shall annually prepare and submit to Congress a report regarding the program carried out under this section, which shall include the numbers and percentages of eligible educators receiving bonuses under this section who teach in Native-serving schools for not less than 3 years.”.

(e) NATIONAL BOARD CERTIFICATION INCENTIVE PROGRAM.—

(1) IN GENERAL.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended by adding at the end the following:

“PART D—NATIONAL BOARD CERTIFICATION INCENTIVE PROGRAM

“SEC. 6401. NATIONAL BOARD CERTIFICATION INCENTIVE PROGRAM.

“(a) PURPOSES.—The purposes of this section are—

“(1) to improve the skills of qualified individuals who are Indian or Native Hawaiian or who teach Indian or Native Hawaiian people;

“(2) to provide an incentive for qualified educators to continue to utilize their enhanced skills in
elementary schools and secondary schools serving Indian or Native Hawaiian communities; and

“(3) to increase the retention of highly skilled Indian or Native Hawaiian educators in elementary schools and secondary schools seeking to better incorporate Indian or Native Hawaiian culture and history into the general curriculum.

“(b) DEFINITIONS.—In this section:

“(1) BUREAU-FUNDED SCHOOL.—The term ‘Bureau-funded school’ has the meaning given the term in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State educational agency in consortium with an institution of higher education;

“(B) a local educational agency in consortium with an institution of higher education;

“(C) an Indian tribe or organization or a Native Hawaiian organization, in consortium with a local educational agency and an institution of higher education;

“(D) an Indian tribe or organization, in consortium with a Bureau-funded school and an institution of higher education; or
“(E) a Bureau-funded school in consortium with an institution of higher education.

“(3) ELIGIBLE EDUCATOR.—The term ‘eligible educator’ means—

“(A) a teacher who teaches a minimum number of Indian or Native Hawaiian students, as determined by the Secretary in consultation with Indian tribes or in collaboration with a Native Hawaiian organization; or

“(B) a teacher who is Indian or Native Hawaiian.

“(4) INDIAN.—The term ‘Indian’ has the meaning given the term in section 6151.

“(5) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(6) NATIVE HAWAIIAN.—The term ‘Native Hawaiian’ has the meaning given the term in section 6207.

“(c) PROGRAM AUTHORIZED.—The Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such eligible entities to—
“(1) reimburse eligible educators for out-of-pocket costs associated with obtaining teacher certification or credentialing by the National Board for Professional Teaching Standards; and

“(2) provide an increase in annual compensation, in an amount equal to not less than $5,000 and not more than $10,000, for eligible educators with a certification from the National Board for Professional Teaching Standards for the duration of the grant under this section.

“(d) APPLICATION.—

“(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may reasonably require.

“(2) SPECIAL RULE.—In the case of an eligible entity desiring to utilize all or a portion of a grant under this section for eligible educators identified in subparagraph (B) of subsection (b)(3) who would not also qualify as an eligible educator under subparagraph (A) of such subsection, the eligible entity shall provide an assurance that grant funds will support only those educators who are Native Hawaiian or tribally enrolled or affiliated with an Indian tribe.
“(e) Awarding of Grants.—In awarding grants under this section, the Secretary shall determine the amount and duration of each grant, which shall not exceed 5 years.

“(f) Restrictions on Compensation Increases.—The Secretary shall require and ensure that individuals who obtain a certification from the National Board for Professional Teaching Standards under this section continue to teach at a school served by the eligible entity through which funding for such certification was obtained as a condition of receiving annual compensation increases provided for in this section.

“(g) Progress Reports.—

“(1) In General.—For every year for which Congress allocates funds for grants under this section, the Secretary shall provide a report on the progress of the eligible entities receiving grants under this section in meeting applicable progress standards, as determined by the Secretary.

“(2) Dissemination.—The Secretary shall disseminate each report described in this subsection to each of the following:

“(B) The Committee on Indian Affairs of the Senate.

“(C) The Subcommittee for Indigenous Peoples of the United States of the Committee on Natural Resources of the House of Representatives.

“(D) The Committee on Education and Labor of the House of Representatives.”.

(2) TABLE OF CONTENTS.—The table of contents for the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 6306 the following:

“PART D—NATIONAL BOARD CERTIFICATION INCENTIVE PROGRAM

“Sec. 6401. National Board certification incentive program.”.

(d) NATIVE LANGUAGE VITALIZATION AND TRAINING PROGRAM FOR TRIBAL COLLEGES OR UNIVERSITIES AND OTHER INSTITUTIONS OF HIGHER EDUCATION SERVING SIGNIFICANT NUMBERS OF NATIVE STUDENTS.—

(1) PROGRAM ESTABLISHED.—Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

“SEC. 320A. NATIVE AMERICAN LANGUAGE VITALIZATION AND TRAINING PROGRAM.

“(a) DEFINITIONS.—In this section:
“(1) ELIGIBLE INSTITUTION.—Notwithstanding section 312(b), the term ‘eligible institution’ means—

“(A) a Tribal College or University;

“(B) an Alaska Native-serving institution, as defined in section 317(b); or

“(C) a Native Hawaiian-serving institution, as defined in section 317(b).

“(2) NATIVE AMERICAN LANGUAGE.—The term ‘Native American language’ has the meaning given the term in section 103 of the Native American Languages Act (25 U.S.C. 2902).

“(3) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘Tribal College or University’ has the meaning given the term in section 316(b).

“(b) PURPOSE.—The purpose of this section is to support eligible institutions in preserving and revitalizing endangered Native American languages through curriculum development, instruction, student support, and innovative early childhood education programs and community-based partnerships.

“(c) PROGRAM AUTHORIZED.—The Secretary shall establish a program, to be known as the ‘Tribal College or University Native American Language Vitalization and Training Program’, to award grants, on a competitive
basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in subsection (d).

“(d) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used for one or more of the following activities:

“(1) Native American language-oriented curriculum development and academic and community-based instruction, including educational activities, programs, and partnerships relating to students in early childhood education programs and in kindergarten through grade 12.

“(2) Native American language-oriented professional development for faculty of eligible institutions, and Native American language-oriented in-service training programs for instructors and administrators of early childhood education programs, elementary schools, and secondary schools.

“(3) Innovative Native American language programs for students in early childhood education programs and in kindergarten through grade 12, including language immersion programs.

“(4) Other activities proposed in the application submitted under subsection (e) that—
“(A) contribute to carrying out the purposes of this section; and
“(B) are approved by the Secretary in the review and acceptance of such application.
“(e) Application and Other Provisions.—
“(1) Application.—An eligible institution desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, consistent with the purpose of this section.
“(2) Streamlined Process.—Notwithstanding section 393, the Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.
“(3) Inclusions.—An application under this subsection shall include a plan for the program proposed by the eligible institution receiving the grant, including—
“(A) a description of a 5-year strategy of the eligible institution for meeting the needs of American Indians, Alaska Natives, Native Hawaiians, or Native American Pacific Islanders, as appropriate, in the area served by the insti-
tution, and how such plan is consistent with the purpose described in subsection (b);

“(B)(i) an identification of the population to be served by the eligible institution;

“(ii) an identification of the status of Native American language understanding and use within that population; and

“(iii) a description of the manner in which the program will help preserve and revitalize the relevant Native American language;

“(C) a description of the services to be provided under the program, including the manner in which the services will be integrated with other appropriate activities of the relevant community; and

“(D) a description, to be prepared in consultation with the Secretary, of the performance measures to be used to assess the performance of the eligible institution in carrying out the program.

“(4) PRIORITY.—In awarding grants under this section with funds described in section 399(a)(1)(G)(i), the Secretary shall give priority to eligible institutions that received funding under section 316 in fiscal year 2022.
“(5) Concurrent funding.—

“(A) Tribal college or university.—
An eligible institution that is a Tribal College or University may, concurrently, receive a grant under this section and funds under section 316.

“(B) Alaska Native-serving institution or Native Hawaiian-serving institution.—An eligible institution that is an Alaska Native-serving institution or Native Hawaiian-serving institution may, concurrently, receive a grant under this section and funds under section 317.

“(6) Exemptions.—Sections 311(d), 313(d), 314, 315, 316(d)(3), 317(d)(3), 318(i), 319(d)(3), 320(d)(3), and 391 shall not apply with respect to a grant awarded under this section.”.

(2) Appropriations.—Section 399(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1068h(a)(1)) is amended—

(A) in subparagraph (A), by striking “320” and inserting “320B”; and

(B) by adding at the end the following:

“(G) There is authorized to be appropriated to carry out section 320A, and there is appropriated, out of any monies in the Treasury not otherwise ap-
propriated, $40,000,000 for each of fiscal years 203 through 2028, of which, for each fiscal year—

“(i) $35,000,000 shall be available for eligible institutions that are Tribal Colleges or Universities, as described in section 320A(a)(1)(A); and

“(ii) $5,000,000 shall be available for eligible institutions described in subparagraph (B) or (C) of section 320A(a)(1).

“(H) There is authorized to be appropriated to carry out section 320B, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $5,000,000 for each of fiscal years 2023 through 2028.”.

SEC. 310. JOHNSON-O’MALLEY FUNDING.

(a) In General.—There is authorized to be appropriated to the Secretary of the Interior to carry out the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 5342 et seq.) (commonly known as the “Johnson-O’Malley Act”), and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $240,086,800 for fiscal year 2023 and each fiscal year thereafter.

(b) Adjustment.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal
year thereafter shall be increased annually to reflect whichever of the following changes would result in a greater amount:

(1) The change in the number of eligible students who are served or potentially served by a contracting party (as defined in subsection (a) of section 7 of the Act of April 16, 1934 (48 Stat. 596, chapter 147; 25 U.S.C. 5348)), as determined under subsection (b) of that section.

(2) An annual increase of 6 percent.

SEC. 311. NATIVE LANGUAGES.

(a) NATIVE AMERICAN LANGUAGES GRANT PROGRAM.—Section 816(e) of the Native American Programs Act of 1974 (42 U.S.C. 2992d(e)) is amended—

(1) by striking ``(e) There are authorized to be appropriated'' and inserting the following:

``(e) FUNDING FOR NATIVE AMERICAN LANGUAGES GRANT PROGRAM.—

``(1) FUNDING FOR FISCAL YEARS 2020 THROUGH 2024.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated,``; and

(2) by adding at the end the following:

``(2) FUNDING FOR FISCAL YEARS 2025 THROUGH 2037.—
“(A) IN GENERAL.—There is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to carry out section 803C $20,000,000 for each of fiscal years 2025 through 2037.

“(B) ADJUSTMENT FOR INFLATION.—The amount made available under subparagraph (A) for fiscal year 2026 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

(b) INDIAN EDUCATION NATIONAL ACTIVITIES.—Subpart 3 of part A of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7451 et seq.) is amended by adding at the end the following:

“SEC. 6134. FUNDING.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this subpart, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $13,000,000 for each of fiscal years 2023 through 2031.
“(b) RESERVATION.—From the amount made available under subsection (a), $5,000,000 shall be reserved to carry out section 6133.”.

(c) NATIVE AMERICAN LANGUAGE RESOURCE CENTER.—Section 603 of the Higher Education Act of 1965 (20 U.S.C. 1123) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following:

“(b) NATIVE AMERICAN LANGUAGE RESOURCE CENTER AUTHORIZED.—

“(1) IN GENERAL.—The Secretary is authorized to, after engaging in consultation with Indian tribes and after collaborating with Native Hawaiian organizations, make a grant to, or enter into a contract with, an eligible entity for the purpose of—

“(A) establishing, strengthening, and operating a Native American language resource and training center as described in paragraph (2);

and

“(B) staffing the center with individuals who have high-level fluency in American Indian, Alaska Native, and Native Hawaiian languages and are experienced with Native American lan-
guage education in preschool, elementary school, secondary school, adult education, and higher education programs.

“(2) PURPOSES OF CENTER.—The Native American language resource center established under paragraph (1) shall serve as a resource to—

“(A) improve the capacity to teach and learn Native American languages and further Native American language acquisition;

“(B) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

“(C) allow the United States to fulfill its trust responsibility to Native American communities and address the effects of past discrimination against Native American language speakers;

“(D) support revitalization of Native American languages;

“(E) encourage and support the use of Native American languages as a medium of instruction, including use as a medium of education in schools operated by Indian tribes,
States, the Federal Government, and Native American language educational organizations;

“(F) encourage and support the use and development of Native American languages as the medium of instruction for a wide variety of age levels and academic content areas;

“(G) support metrics aligned with the Native American language of instruction, including assessments, qualifications, and processes based on well-demonstrated best practices in Native American language medium education;

“(H) identify barriers to Native American language education and learning within Federal laws and actions needed for alignment with the Native American Languages Act (25 U.S.C. 2901 et seq.);

“(I) encourage and support elementary schools, secondary schools, and institutions of higher education to include Native American languages in the curriculum in the same manner as other world languages, including through cooperative agreements and distance education, and to grant proficiency in Native American languages the same full academic credit as proficiency in other world languages;
“(J) encourage and support the development of appropriate teacher preparation programming for the teaching of, and through, Native American languages, including appropriate alternative pathways to teacher certification;

“(K) provide a resource base to provide information to Federal, Tribal, State, and local governments and Native American educational organizations to allow the spread of best practices in the use, practice, and development of Native American languages in Native American communities, including use in educational institutions;

“(L) provide a resource base for the use of technology in intensive community-, land-, and archive-based programs, as well as hybrid and collaborative programs in supporting the retention, use, development, and teaching of Native American languages by government and private entities;

“(M) support the acquisition of distance learning technologies and training for parents, students, teachers, and learning support staff, including the compilation and curation of digital libraries and other online resources in tar-
get Native American languages, the development of distance learning curricula appropriate for preschool, elementary school, secondary school, adult education, and postsecondary education, the pedagogical training for teachers, and other efforts necessary to continue Native American language acquisition through distance learning;

“(N) provide a developmental base from which interested Tribal Colleges and Universities and other Native American entities might develop fully functioning Native American language medium education systems that include associated preschool, elementary school, secondary school, and adult education programs conducted through the medium of Native American languages;

“(O) provide a means to further collaboration among formal government, institutional, and community-based Native American language programs, resources, and research efforts with additional access to international best practices in indigenous language revitalization;

“(P) develop a support center system for Native American language participants to gath-
er and share helpful information and experiences; and

“(Q) address any of the purposes of foreign language centers included under this section if, in doing so, the Native American language resource and training center—

“(i) does so as a subsidiary activity;

“(ii) focuses benefits on Native Americans living in Native American communities, or closely tied to such communities; and

“(iii) ensures that one of the outcomes being strengthened through this subparagraph is the use of one or more Native American languages in a Native American community.

“(3) DEFINITIONS.—In this subsection:

“(A) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(i) an institution of higher education;

“(ii) an entity within an institution of higher education with dedicated responsibility for Native American language and culture education;
“(iii) a consortium of such institutions;

“(iv) a consortium of such institutions and other entities with unique responsibilities for Native American languages;

“(v) an Indian tribe;

“(vi) a consortium of Indian tribes; or

“(vii) a Native Hawaiian organization.

“(B) Indian tribe.—The term ‘Indian tribe’ has the meaning given the term in section 5 of the Honoring Promises to Native Nations Act.

“(C) Native American; Native American language.—The terms ‘Native American’ and ‘Native American language’ have the meanings given those terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

“(D) Native Hawaiian organization.—The term ‘Native Hawaiian organization’ has the meaning given the term in section 5 of the Honoring Promises to Native Nations Act.”;

and

(3) in the matter preceding paragraph (1) of subsection (c), as redesignated by paragraph (1), by
striking “subsection (a)” and inserting “this section”.

SEC. 312. CULTURALLY INCLUSIVE EDUCATION.

(a) Definitions.—In this section:

(1) Director.—The term “Director” means the Director of the Bureau of Indian Education.

(2) Eligible Program Participant.—The term “eligible program participant” means—

(A) a high school teacher, a teacher of one of the middle grades, or a school leader of a high school or a school that includes one of the middle grades (as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(B) an educational leader or expert who is not employed by a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) or an elementary school or secondary school (as such terms are so defined) that is independent of any local educational agency; or

(C) a prospective teacher enrolled in a program of postsecondary education coursework or preservice clinical education.
(3) Secretary.—The term “Secretary” means the Secretary of Education.

(b) Program Authorized; Appropriation.—

(1) Funding.—There is authorized to be appropriated to carry out this section, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $15,000,000.

(2) Donations, Gifts, Bequests, and devises of property.—In accordance with chapter 23 of title 36, United States Code, and in furtherance of the purposes of this section, the Director and Secretary are authorized to solicit, accept, hold, administer, invest, and use donated funds and gifts, bequests, and devises of property, both real and personal.

(3) Use of Funds.—The Director, in coordination with the Secretary, using funds appropriated under paragraph (1) and resources received under paragraph (2), and including through the engagement of eligible program participants as appropriate—

(A) shall develop and nationally disseminate accurate, relevant, and accessible resources to promote understanding about Native American history, the Native American experience,
and the legal responsibility of the Federal Government to Indian tribes and Native Hawaiian people, which shall include digital resources and may include other types of resources, such as print resources and traveling exhibitions, with the goal of helping educators overcome barriers to accessing reliable, quality, and accurate resources that will improve awareness and understanding of those subjects; and

(B) may carry out one or more of the following Native American education program activities:

(i) Development, dissemination, and implementation of principles of sound pedagogy for teaching about Native American history.

(ii) Provision of professional development for eligible program participants, such as through—

(I) local, regional, and national workshops;

(II) teacher trainings in conjunction with Native American history education centers and other appropriate partners;
(III) engagement with—

(aa) local educational agencies (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); and

(bb) high schools and schools that include one of the middle grades (as so defined) that are independent of any local educational agency; and

(IV) operation and expansion of a teacher fellowship program to cultivate and support leaders in Native American history education.

(iii) Engagement with State and local education leaders to encourage the adoption of resources supported under this section into curricula across diverse disciplines.

(iv) Evaluation and research to assess the effectiveness and impact of Native American history education programs, which may include completion of the report required under subsection (e).
(4) APPLICATIONS.—The Director, in coordination with the Secretary, may seek the engagement of an eligible program participant under paragraph (3) by requiring submission of an application to the Director at such time, in such manner, and based on such competitive criteria as the Director may require.

(c) ONLINE NATIVE AMERICAN EDUCATION RESOURCES.—

(1) WEBSITE.—The Secretary of the Interior shall maintain on the website of the Department of the Interior a special section designated for Native American history and Tribal governance resources to improve awareness and understanding of the Federal trust responsibility and treaty obligations, Tribal governance systems, Native American history in the United States, and cultural assimilation practices of the Indian boarding school experience, as a means to raise awareness about the importance of preventing genocide, hate, and bigotry against any group of people. The website and resources shall be made publicly available.

(2) INFORMATION DISTRIBUTION.—The Director shall distribute information about the activities funded under this section through the website of the
Department of the Interior, and shall respond to inquiries for supplementary information concerning such activities.

(3) Best practices.—The information distributed by the Director shall include best practices for educators.

(d) Engagement of Eligible Program Participants.—

(1) In general.—An eligible program participant shall be engaged at the discretion of the Director to participate in Native American history education program activities authorized under this section and approved by the Director pursuant to an application described in subsection (b)(4).

(2) Engagement period.—Engagement of eligible program participants under this section shall be for a period determined by the Director.

(3) Priority.—In engaging eligible program participants under subsection (b), the Director shall give priority to applications from such participants who work for or with a local educational agency, or a school that is independent of any local educational agency, that works with an Indian tribe within the territorial boundaries of the State in which the agen-
cy or school provides educational services, to develop
the appropriate curriculum for the agency or school.

(c) Annual Report.—Not later than February 1 of
each year, the Director shall submit to Congress a report
describing the activities carried out under this section.

SEC. 313. ALASKA NATIVE EDUCATION PROGRAMS.

Part C of title VI of the Elementary and Secondary
Education Act of 1965 (20 U.S.C. 7541 et seq.) is amend-
ed by adding at the end the following:

“SEC. 6307. FUNDING.

“(a) In General.—Subject to subsection (b), there
is authorized to be appropriated to carry out this part,
and there is appropriated, out of any monies in the Treas-
ury not otherwise appropriated, $44,000,000 for fiscal
year 2023 and each fiscal year thereafter.

“(b) Adjustment for Inflation.—The amount
made available under subsection (a) for fiscal year 2024
and each fiscal year thereafter shall be adjusted annually
to reflect the change in the Consumer Price Index for All
Urban Consumers published by the Bureau of Labor Sta-
tistics.”.

SEC. 314. EVERY STUDENT SUCCEEDS ACT IMPLEMENTA-
TION.

(a) Student Assessment Systems.—Section 8204
of the Elementary and Secondary Education Act of 1965
(20 U.S.C. 7824) is amended by adding at the end the following:

“(d) FUNDING.—There are authorized to be appropriated, and there are appropriated, out of any monies in the Treasury not otherwise appropriated—

“(1) $35,000,000 for fiscal year 2023 to develop assessments consistent with section 1111 for Bureau-funded schools; and

“(2) $20,000,000 for fiscal year 2024 and each succeeding fiscal year to carry out the assessments consistent with section 1111 for Bureau-funded schools.”.

(b) INDIAN EDUCATION FORMULA GRANTS.—Subpart 1 of part A of title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7521 et seq.) is amended by adding at the end the following:

“SEC. 6120. FUNDING.

“(a) IN GENERAL.—Subject to subsection (b), there is authorized to be appropriated to carry out this subpart, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $198,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(b) ADJUSTMENT FOR INFLATION.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually
to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

**SEC. 315. FUNDING FOR LOCAL TRIBAL EDUCATIONAL AGENCIES AND TRIBAL EDUCATION OFFICES.**

(a) **Definition of Tribal Educational Agency.—** In this section, the term “Tribal educational agency” means the agency, department, or instrumentality of an Indian tribe (as defined in section 6132(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7452(b))) that is primarily responsible for supporting the elementary and secondary education of students who are members of the Indian tribe.

(b) **Funding.—**

(1) **In general.—** Subject to paragraph (2), there are authorized to be appropriated to make grants to Tribal educational agencies, and there are appropriated, out of any monies in the Treasury not otherwise appropriated, for fiscal year 2023 and each fiscal year thereafter—

(A) to the Secretary of Education, $10,000,000; and

(B) to the Secretary of the Interior, $10,000,000.
(2) ADJUSTMENT FOR INFLATION.—The amounts made available under subparagraphs (A) and (B) of paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 316. GRADUATE OPPORTUNITIES AT TRIBAL COLLEGES AND UNIVERSITIES.

Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by adding at the end the following:

"SEC. 320B. STRENGTHENING PROFESSIONAL AND GRADUATE OPPORTUNITIES AT TRIBAL COLLEGES AND UNIVERSITIES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE INSTITUTION.—Notwithstanding section 312(b), the term ‘eligible institution’ means an institution of higher education that—

"(A) is a Tribal College or University; and

"(B) offers a professional certificate or graduate degree program.

"(2) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘Tribal College or University’ has the meaning given the term in section 316(b)."
“(b) PURPOSES.—The purposes of this section are to—

“(1) expand professional and graduate educational opportunities for, and improve the academic attainment of, American Indians and Alaska Natives in high-demand fields and fields in which American Indians and Alaska Natives are underrepresented; and

“(2) strengthen and enhance the quality of professional and graduate programs at Tribal Colleges and Universities.

“(c) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to eligible institutions to enable the eligible institutions to carry out the authorized activities described in subsection (e).

“(2) DURATION.—A grant awarded under this section shall be for a period of not more than 5 years.

“(d) APPLICATION AND AWARD BASIS.—

“(1) APPLICATION.—An eligible institution desiring a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall demonstrate how the grant funds will be
used to strengthen graduate and professional opportunities for American Indian and Alaska Native students at Tribal Colleges and Universities.

“(2) STREAMLINED PROCESS.—The Secretary shall establish application requirements in such a manner as to simplify and streamline the process for applying for grants under this section.

“(3) PRIORITY.—Notwithstanding section 313(b), in awarding grants under this section, the Secretary shall give priority to institutions receiving funding under section 316 for fiscal year 2022.

“(e) AUTHORIZED ACTIVITIES.—Grants awarded under this section shall be used for 1 or more of the following activities:

“(1) Purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes.

“(2) Construction, maintenance, renovation, and improvement of classrooms, libraries, laboratories, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services.

“(3) Purchase of library books, periodicals, technical and other scientific journals, microfilm,
microfiche, and other educational materials, including telecommunications program materials.

“(4) Support for American Indian and Alaska Native students including outreach, academic support services, mentoring, scholarships, fellowships, and other financial assistance to permit the enrollment of such students in professional certificate programs and graduate degree programs.

“(5) Establishment or improvement of a development office to strengthen and increase contributions from professional and graduate alumni and the private sector.

“(6) Assistance in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 331.

“(7) Professional and graduate program funds management and administrative management, and the acquisition of equipment, including software, for use in strengthening such funds management and management information systems.

“(8) Acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, a campus facility essential to a professional certificate program or graduate degree program.
“(9) Education or financial information designed to improve the financial literacy and economic literacy of professional and graduate students, especially with regard to student indebtedness and student assistance programs under title IV.

“(10) Tutoring, counseling, and student service programs designed to improve academic success.

“(11) Support of faculty exchanges, faculty development, faculty research, research publication and dissemination, curriculum development, academic instruction, and student research mentoring.

“(12) Creation and improvement of a facility for broadband or other distance education technology, including purchase or rental of telecommunications technology equipment or services.

“(13) Collaboration with other institutions of higher education to expand graduate degree programs and professional certificates.

“(14) Other activities proposed in the application submitted pursuant to subsection (d) that—

“(A) contribute to carrying out the purposes of this section; and

“(B) are approved by the Secretary in the review and acceptance of such application.

“(f) SPECIAL RULES.—
“(1) **Concurrent Funding.**—An eligible institution that receives a grant under this section may concurrently receive funds under section 316.

“(2) **Limit on Number of Grants.**—An eligible institution shall not receive more than 1 grant under this section in any fiscal year.

“(3) **Exemption.**—Section 313(d) shall not apply to an eligible institution that receives a grant under this section.”.

**TITLE IV—HOUSING**

**SEC. 401. FINDINGS.**

Congress finds that—

(1) there is a housing crisis in Indian country that has worsened over the 20-year period preceding the date of introduction of this Act;

(2) the trust obligations of the Federal Government include providing housing opportunities for Native Americans;

(3) funding for the block grant programs under titles I and VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq., 25 U.S.C. 4221 et seq.)—

(A) has not matched inflation; and
(B) fails to cover the growing construction costs and demand for housing in Indian country;

(4) due in part to a lack of affordable housing, many Native Americans live in overcrowded conditions, resulting in—

(A) the average household size for Native Americans exceeding that of the overall average household size in the United States; and

(B) overcrowding rates in Tribal areas exceeding that of the overall overcrowding rate in other areas in the United States;

(5) lack of access to water is a substantially larger problem in Indian country than in the United States as a whole; and

(6) the historical displacement by the Federal Government of Native American communities to remote locations and the ongoing failure of the Federal Government to support the development of adequate infrastructure, including access to water, roads, and other basic utilities, continues to exacerbate housing inequities in Indian country.

SEC. 402. SENSE OF CONGRESS.

It is the sense of Congress that—
(1) the Federal Government should provide steady, equitable, noncompetitive, and nondiscretionary funding directly to Indian tribes, Tribal governments, tribal organizations, and Native Hawaiian organizations to support the development of housing;

(2) legislation to address the housing needs in Native American, Alaska Native, and Native Hawaiian communities (known as the “American Housing and Economic Mobility Act of 2021”, S. 1368 and H.R. 2768, 117th Congress, as introduced in April 2021 and previously supported in a resolution adopted by the National American Indian Housing Council) should be enacted without delay; and

(3) the Secretary of Housing and Urban Development should continue to consult with Indian tribes, confer with tribal organizations, and collaborate with Native Hawaiian organizations to ensure that Indian tribes, tribal organizations, and Native Hawaiian organizations are maximizing their capacity and technical expertise to provide for increased housing and infrastructure in their communities.
SEC. 403. INDIAN HOUSING BLOCK GRANT PROGRAM.

Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended to read as follows:

"SEC. 108. FUNDING.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary to provide grants under this title for fiscal year 2023 and each fiscal year thereafter.

"(b) Mandatory Funding.—

"(1) In general.—On October 1, 2023, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to provide grants under this title $2,500,000,000, to remain available until expended.

"(2) Inflation Adjustment.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

"(3) Receipt and Acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to provide grants under this title the funds
transferred under paragraph (1), without further appropriation.”.

**SEC. 404. NATIVE HAWAIIAN HOUSING BLOCK GRANT PROGRAM.**

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243) is amended—

(1) by striking “are authorized” and inserting “is authorized”; and

(2) by striking “such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005” and inserting “$47,000,000 for fiscal year 2023 and each fiscal year thereafter”.

**SEC. 405. SET-ASIDE OF USDA RURAL HOUSING FUNDING FOR INDIAN TRIBES.**

Section 509 of the Housing Act of 1949 (42 U.S.C. 1479) is amended by adding at the end the following:

“(g) SET-ASIDE FOR INDIAN TRIBES.—

“(1) IN GENERAL.—For each fiscal year, the Secretary shall set aside and reserve for assistance for Indian tribes (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) an amount equal to 5.0 percent in each fiscal year of the aggregate amount of lending authority, budget authority,
or guarantee authority, as appropriate, made available for the fiscal year for assistance under each of sections 502, 504, 515, 533, and 538 and of the aggregate amount made available to the Rural Utilities Service to carry out programs or activities.

“(2) REALLOCATION.—The procedure under paragraph (1) for reserving amounts shall provide that any assistance set aside in any fiscal year for Indian tribes that has not been expended by a reasonable date established by the Secretary shall be made available and allocated under the laws and regulations relating to such assistance, notwithstanding this subsection.”.

SEC. 406. RESTORING AUTHORITY OF INDIAN TRIBES AND TRIBALLY DESIGNATED HOUSING ENTITIES IN CERTAIN HOUSING PROGRAMS.

(a) VOUCHER PROGRAM.—Section 502 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181) is amended by adding at the end the following:

“(c) APPLICABILITY.—Subsections (a) and (b) shall not apply with respect to tenant-based assistance provided under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).”.

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(b) HUD COUNSELING.—Section 106(a)(4)(A) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)(A)) is amended by striking “and State housing finance agencies” and inserting “State housing finance agencies, and tribally designated housing entities (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).”.

SEC. 407. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANTS.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

“SEC. 123. INDIAN COMMUNITY DEVELOPMENT BLOCK GRANTS.

“(a) IN GENERAL.—In addition to any amounts allocated to Indian tribes under section 106(a)(1), there is authorized to be appropriated to the Secretary for grants under this title for Indian tribes, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $150,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(b) INFLATIONARY ADJUSTMENT.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually
to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

**SEC. 408. LOAN GUARANTEES FOR INDIAN HOUSING.**

(a) **Housing and Community Development Act of 1992.**—Section 184(i)(7) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a(i)(7)) is amended to read as follows:

“(7) APPROPRIATIONS.—

“(A) IN GENERAL.—To carry out this section, there is authorized to be appropriated to the Guarantee Fund, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $20,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(B) ADJUSTMENT FOR INFLATION.—The amount made available under subparagraph (A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

(b) **Native American Housing Assistance and Self-Determination Act of 1996.**—Title VI of the
Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended—

(1) by striking the first section 606 (25 U.S.C. 4191 note) (relating to the effective date); and

(2) by adding at the end the following:

**“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.”**

“There are authorized to be appropriated to the Secretary to provide loan guarantees under this title—

“(1) $10,000,000 for fiscal year 2023; and

“(2) for fiscal year 2024 and each fiscal year thereafter, the applicable amount during the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.”.

**SEC. 409. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.**

Section 184A(j)(7) of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b(j)(7)) is amended—

(1) by striking “such sums as may be necessary for each of fiscal years 2001, 2002, 2003, 2004, and 2005” and inserting “$2,500,000 for fiscal year 2023 and each fiscal year thereafter”;
(2) by striking “There are” and inserting the following:

“(A) IN GENERAL.—Subject to subparagraph (B), there is”; and

(3) by adding at the end the following:

“(B) ADJUSTMENT FOR INFLATION.—The amount made available under subparagraph (A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

SEC. 410. DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS PROGRAM.

(a) FUNDING REAUTHORIZATION.—Section 3763 of title 38, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b) FUNDING.—

“(1) IN GENERAL.—For fiscal year 2023 and each fiscal year thereafter, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated,
$20,000,000 to the Secretary, for deposit in the Account.

“(2) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

(b) DEFINITION OF NATIVE HAWAIIAN VETERANS.—Section 3765(3)(B) of title 38, United States Code, is amended by striking “native Hawaiian, as that term is defined in section 201(a)(7) of the Hawaiian Homes Commission Act, 1920 (Public Law 67–34; 42 Stat. 108)” and inserting “Native Hawaiian, as that term is defined in section 6207 of the Native Hawaiian Education Act (20 U.S.C. 7517)”.

SEC. 411. TRIBAL HUD–VASH PROGRAM.

Section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding at the end the following:

“(E) INDIAN VETERANS HOUSING RENTAL ASSISTANCE PROGRAM.—

“(i) DEFINITIONS.—In this subparagraph:
“(I) Eligible Indian Veteran.—The term ‘eligible Indian veteran’ means an Indian veteran who is—

“(aa) homeless or at risk of homelessness; and

“(bb) living—

“(AA) on or near a reservation; or

“(BB) in or near any other Indian area.

“(II) Eligible Recipient.—

The term ‘eligible recipient’ means a recipient eligible to receive a grant under section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

“(III) Indian; Indian Area.—

The terms ‘Indian’ and ‘Indian area’ have the meanings given those terms in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).
“(IV) INDIAN VETERAN.—The term ‘Indian veteran’ means an Indian who is a veteran.

“(V) PROGRAM.—The term ‘Program’ means the Tribal HUD–VASH program carried out under clause (ii).

“(VI) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

“(ii) PROGRAM SPECIFICATIONS.—The Secretary shall carry out a rental assistance and supported housing program, to be known as the ‘Tribal HUD–VASH program’, in conjunction with the Secretary of Veterans Affairs, by awarding grants for the benefit of eligible Indian veterans.

“(iii) MODEL.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary shall model the Program on the rental assistance and supported hous-
ing program authorized under sub-
paragraph (A) and applicable appro-
priations Acts, including administra-
tion in conjunction with the Secretary
of Veterans Affairs.

“(II) EXCEPTIONS.—

“(aa) SECRETARY OF HOUS-
ing and Urban Development.—After consultation with
Indian tribes and collaboration
with eligible recipients and any
other appropriate tribal organiza-
tions, the Secretary may make
necessary and appropriate modi-
fications to facilitate the use of
the Program by eligible recipients
to serve eligible Indian veterans.

“(bb) SECRETARY OF VET-
erans Affairs.—After consulta-
tion with Indian tribes and col-
laboration with eligible recipients
and any other appropriate tribal
organizations, the Secretary of
Veterans Affairs may make nec-
essary and appropriate modifica-

tions to facilitate the use of the Program by eligible recipients to serve eligible Indian veterans.

“(iv) ELIGIBLE RECIPIENTS.—The Secretary shall make amounts for rental assistance and associated administrative costs under the Program available in the form of grants to eligible recipients.

“(v) FUNDING CRITERIA.—The Secretary shall, after engaging in Tribal consultation, award grants under the Program based on—

“(I) need;

“(II) administrative capacity; and

“(III) any other funding criteria established by the Secretary in a notice published in the Federal Register after consulting with the Secretary of Veterans Affairs.

“(vi) ADMINISTRATION.—Grants awarded under the Program shall be administered in accordance with the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), except that recipients shall—
“(I) submit to the Secretary, in a manner prescribed by the Secretary after Tribal consultation, reports on the utilization of rental assistance provided under the Program; and

“(II) provide to the Secretary information specified by the Secretary after Tribal consultation, to assess the effectiveness of the Program in serving eligible Indian veterans.

“(vii) CONSULTATION.—

“(I) GRANT RECIPIENTS; TRIBAL ORGANIZATIONS.—The Secretary, in coordination with the Secretary of Veterans Affairs, shall consult with Indian tribes that are eligible recipients and collaborate with any other appropriate tribal organization on the design of the Program to ensure the effective delivery of rental assistance and supportive services to eligible Indian veterans under the Program.

“(II) INDIAN HEALTH SERVICE.—The Director of the Indian Health Service shall provide any as-
sistance requested by the Secretary or the Secretary of Veterans Affairs in carrying out the Program.

“(viii) WAIVER.—

“(I) IN GENERAL.—Except as provided in subclause (II), the Secretary may waive or specify alternative requirements for any provision of law (including regulations) that the Secretary administers in connection with the use of rental assistance made available under the Program if the Secretary finds that the waiver or alternative requirement is necessary for the effective delivery and administration of rental assistance under the Program to eligible Indian veterans.

“(II) EXCEPTION.—The Secretary may not waive or specify alternative requirements under subclause (I) for any provision of law (including regulations) relating to labor standards or the environment.

“(ix) RENEWAL GRANTS.—The Secretary may, after Tribal consultation—
“(I) set aside, from amounts made available to carry out the Program, such amounts as may be necessary to award renewal grants to eligible recipients that received a grant under the Program in a previous year; and

“(II) specify criteria that an eligible recipient must satisfy to receive a renewal grant under subclause (I), including providing data on how the eligible recipient used the amounts of any grant previously received under the Program.

“(x) REPORTING.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of this subparagraph, and every 5 years thereafter, the Secretary, in coordination with the Secretary of Veterans Affairs and the Director of the Indian Health Service, shall—

“(aa) conduct a review of the implementation of the Pro-
gram, including any factors that may have limited its success; and

“(bb) submit a report describing the results of the review under item (aa) to—

“(AA) the Committee on Indian Affairs, the Committee on Banking, Housing, and Urban Affairs, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the Senate;

“(BB) the Subcommittee on Indian, Insular and Alaska Native Affairs of the Committee on Natural Resources, the Committee on Financial Services, the Committee on Veterans’ Affairs, and the Committee on Appropriations of the House of Representatives; and
“(CC) Indian tribes that request the report.

“(II) ANALYSIS OF HOUSING STOCK LIMITATION.—The Secretary shall include in the initial report submitted under subclause (I) a description of—

“(aa) any regulations governing the use of formula current assisted stock (as defined in section 1000.314 of title 24, Code of Federal Regulations (or any successor regulation)) within the Program;

“(bb) the number of recipients of grants under the Program that have reported the regulations described in item (aa) as a barrier to implementation of the Program; and

“(cc) proposed alternative legislation or regulations developed by the Secretary in consultation or collaboration with recipients of grants under the Pro-
gram to allow the use of formula current assisted stock within the Program.

“(xi) APPROPRIATIONS.—

“(I) IN GENERAL.—To carry out the Program, there is authorized to be appropriated to the Secretary, and there is appropriated, out of any moneys in the Treasury not otherwise appropriated, $15,000,000 for fiscal year 2023 and each fiscal year thereafter.

“(II) ADJUSTMENT FOR INFLATION.—The amount made available under clause (i) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

SEC. 412. HOUSING IMPROVEMENT PROGRAM, BUREAU OF INDIAN AFFAIRS.

(a) IN GENERAL.—There is authorized to be appropriated to the Director of the Bureau of Indian Affairs to carry out the Housing Improvement Program of the
187

1 Bureau of Indian Affairs authorized under the Act of No-
2 vember 2, 1921 (25 U.S.C. 13) (commonly known as the
3 “Snyder Act”), and there is appropriated, out of any mon-
4 ies in the Treasury not otherwise appropriated,
5 $400,000,000 for fiscal year 2023 and each fiscal year
6 thereafter.
7
8 (b) ADJUSTMENT FOR INFLATION.—The amount
9 made available under subsection (a) for fiscal year 2024
10 and each fiscal year thereafter shall be adjusted annually
11 to reflect the change in the Consumer Price Index for All
12 Urban Consumers published by the Bureau of Labor Sta-
13 tistics.
14
15 (c) TRIBAL CONSULTATION.—The Bureau of Indian
16 Affairs shall engage in Tribal consultation to ensure that
17 the Housing Improvement Program’s funding formula
18 does not disadvantage Indian tribes of certain sizes or
19 from certain Bureau of Indian Affairs regions.
20
21 SEC. 413. TRIBAL UNINHABITABLE HOUSING IMPROVE-
22 MENT PROGRAM.
23
24 Title V of the Housing Act of 1949 (42 U.S.C. 1471
25 et seq.) is amended by adding at the end the following:
26
27 “SEC. 545. TRIBAL UNINHABITABLE HOUSING IMPROVE-
28 MENT PROGRAM.
29
30 “(a) DEFINITIONS.—In this section:
“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an Indian tribe or tribal organization located in a rural area that has high levels of overcrowded housing and homelessness.

“(2) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term in section 4 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 5304).

“(b) PURPOSE.—The purpose of this section is to improve living conditions and prevent homelessness in rural Tribal communities by—

“(1) assessing the condition of existing housing resources; and

“(2) preventing those resources from—

“(A) deteriorating; and

“(B) becoming uninhabitable.

“(c) GRANTS.—

“(1) IN GENERAL.—The Secretary shall award grants to eligible entities—

“(A) to repair overcrowded homes to prevent the homes from becoming uninhabitable;

“(B) to remediate homes that are generally uninhabitable or fail to meet the housing quality standards established under section 5304 of the Indian Self-Determination and Educational Assistance Act (25 U.S.C. 5304).
8(o)(8)(B) of the United States Housing Act of
1937 (42 U.S.C. 1437f(o)(8)(B)); or
“(C) to repair homes damaged due to cli-
mate change and extreme weather.
“(2) PRIORITY.—In awarding grants under this
subsection, the Secretary may give priority to an eli-
gible entity that is located in a community with lev-
els of overcrowded housing and homelessness that
the Secretary determines are among the highest for
communities in which eligible entities are located.
“(3) USE OF MULTIPLE GRANTS FOR SAME
PROJECT.—Multiple eligible entities that each re-
ceive a grant under this subsection may use the
grants for the same project.
“(d) ADMINISTRATIVE COSTS.—The Secretary may
use not more than 3 percent of the amounts made avail-
able to carry out this section—
“(1) to administer the competition for grants
under this section;
“(2) to provide oversight of grantees; and
“(3) to collect data on the use of grants award-
ed under this section.
“(e) FUNDING.—
“(1) IN GENERAL.—There is authorized to be
appropriated to the Secretary to provide grants
under this section, and there is appropriated, out of
any monies in the Treasury not otherwise appro-
priated, $10,000,000 for fiscal year 2023 and each
fiscal year thereafter.

“(2) ADJUSTMENT FOR INFLATION.—The
amount made available under paragraph (1) for fis-
cal year 2024 and each fiscal year thereafter shall
be adjusted annually to reflect the change in the
Consumer Price Index for All Urban Consumers

“(f) RELATIONSHIP TO OTHER ASSISTANCE.—The
receipt by an eligible entity of a grant under this section
shall not affect the eligibility of the eligible entity for any
other assistance provided by the Secretary.”.

SEC. 414. COORDINATED ENVIRONMENTAL REVIEW PROC-
ESS WORKGROUP.

(a) ESTABLISHMENT.—There is established a
workgroup, to be known as the “Coordinated Environ-
mental Review Process Workgroup” (referred to in this
section as the “Workgroup”), consisting of the head (or
a designee) of each of—

(1) the Department of Agriculture;
(2) the Department of Commerce;
(3) the Department of Energy;
(4) the Department of Health and Human Services;

(5) the Department of Housing and Urban Development;

(6) the Department of the Interior;

(7) the Department of Transportation;

(8) the Council on Environmental Quality; and

(9) the Environmental Protection Agency.

(b) CHAIRPERSON.—The Secretary of Housing and Urban Development (or a designee) shall—

(1) serve as chairperson of the Workgroup; and

(2) be responsible for convening meetings and coordinating the activities of the Workgroup.

(e) DUTIES.—The Workgroup shall—

(1) assess whether each member agency of the Workgroup has adopted the recommendations made in the report entitled “Coordinated Environmental Review Process Final Report” and dated December 15, 2015, prepared by the Department of Housing and Urban Development, in collaboration with the Coordinated Environmental Review Process Workgroup established pursuant to Senate Report 113–182 (2014), accompanying S. 2438, 113th Congress;
(2) to the extent that any recommendation described in paragraph (1) has not been implemented, establish a plan for implementation of the recommendation; and

(3) prepare and submit to Congress the reports required under subsection (d).

(d) Reports.—

(1) Initial.—Not later than 18 months after the date of enactment of this Act, the Secretary of Housing and Urban Development, in collaboration with the Workgroup, shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing—

(A) the results of the assessment under subsection (e)(1);  

(B) any plan established under subsection (e)(2); and 

(C) its plan to engage in Tribal consultation regarding implementation.

(2) Updates.—Not later than 1 year after the date of submission of the report under paragraph (1), and not less frequently annually thereafter, the Secretary of Housing and Urban Development, in collaboration with the Workgroup, shall submit to
the Committees described in that paragraph an up-
dated report in accordance with that paragraph.

**TITLE V—ECONOMIC DEVELOPMENT**

**SEC. 501. FINDINGS.**

Congress finds that—

(1) the Federal Government has failed to honor its trust responsibility to promote Tribal self-deter-
mination through the support of economic develop-
ment on Tribal lands;

(2) the Federal Government has failed to assist Indian tribes with the individualized economic devel-
opment necessary for Indian tribes—

(A) to exercise self-determination; and

(B) to make knowledgeable decisions as to how to best develop and manage the resources on Tribal lands for the benefit of the Indian tribe;

(3) Native Americans experience—

(A) a poverty rate that is approximately twice the national average; and

(B) higher rates of unemployment than any other group of people in the United States;

(4) due to the remote location of many Indian tribes, individuals may have long commutes, which
are further exacerbated by inadequate roads and infrastructure due to chronic underfunding and lack of transportation;

(5) Indian tribes have had limited access to, or, in many cases, no direct access to, electricity, water, broadband, and adequate infrastructure;

(6)(A) only 65 percent of American Indians and Alaska Natives living on Tribal lands have access to fixed broadband services;

(B) only 69 percent of American Indian, Alaska Native, and Native Hawaiian households residing on rural Tribal lands have telephone services; and

(C) the lack of access described in subparagraphs (A) and (B) is in stark contrast with the national average of 98 percent of households that have access to telephone services, and 92 percent of individuals living outside of Tribal lands that have access to fixed broadband services;

(7) approximately 1,500,000 people living on Tribal lands lack access to broadband;

(8) 75 percent of rural Indian Health Service facilities still lack reliable broadband networks for American Indians and Alaska Natives to access telehealth or clinical health care services, which is a critical need in the most geographically isolated
areas of the United States, furthering economic inequities on Tribal lands;

(9) according to the Bureau of Indian Education, up to 95 percent of Native American students at some Bureau of Indian Education schools cannot access internet services at home;

(10) lack of internet access negatively affects the ability to conduct business online, which took on increased importance since the beginning of the Coronavirus Disease 2019 (COVID–19) pandemic; and

(11) very few Indian tribes have established telecommunications companies to provide residential phone and internet services.

SEC. 502. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) Congress should determine and provide the funding needed to meet the essential utilities and core infrastructure needs on Tribal lands, such as electricity, water, telecommunications, and roads;

(2) Congress should—

(A) provide direct, mandatory funding to Indian tribes and the Department of Hawaiian Home Lands; and
(B) allow Indian tribes and the Department of Hawaiian Home Lands to leverage Federal funding;

(3) in cases in which Federal infrastructure projects occur on or affect Tribal lands or Tribal or Native Hawaiian communities, the Federal Government should engage in, as applicable—

(A) consistent, transparent, and deferential consultation with Indian tribes; and

(B) consistent, transparent, and deferential collaboration with the Department of Hawaiian Home Lands and Native Hawaiian organizations;

(4) the Federal Government should include Tribal sovereignty principles for Indian tribes to manage and self-govern natural resources, including electromagnetic spectrum over Tribal lands, in accordance with the Federal trust responsibility and acknowledgment of their sovereignty, to promote economic development and self-management of those modern natural resources;

(5) the Federal Government should clarify the inherent ownership by Indian tribes and Native Hawaiian organizations of spectrum licenses and spectrum over Tribal lands and Hawaiians, and preserve
that ownership, in furtherance of the Federal trust responsibility over, and Indian and Native Hawaiian self-governance of their own modern natural resources;

(6) the Federal Government should—

(A) diminish the effect of the Tribal priority filing windows, auctions for spectrum licenses over Tribal lands, and assignment and leasing of spectrum over Tribal lands carried out by the Federal Communication Commission;

(B) ensure the competitive bidding authority of the Federal Communication Commission does not apply to licenses or construction permits issued by the Commission over Tribal lands and Hawaiian home lands; and

(C) permanently eliminate the public availability of spectrum over Tribal lands and Hawaiian home lands; and

(7) legislation to address the lack of spectrum access by Indian tribes over Tribal lands and to deploy wireless broadband services, in furtherance of Tribal sovereignty (known as the “DIGITAL Reservations Act” or the “Deploying the Internet by Guaranteeing Indian Tribes Autonomy over Licensing on Reservations Act”, S. 4331 and H.R. 7774,
116th Congress, as introduced on July 27, 2020, and July 24, 2020, respectively), should be enacted without delay.

**Subtitle A—Economic Development, Infrastructure, and Investments**

**SEC. 511. TRIBAL TRANSPORTATION PROGRAM.**

(a) **In General.**—There are authorized to be appropriated to carry out the tribal transportation program under section 202 of title 23, United States Code, and there are appropriated, out of any monies in the Treasury not otherwise appropriated—

(1) for each of fiscal years 2023 through 2025, $1,000,000,000; and

(2) for fiscal year 2026 and each fiscal year thereafter, $800,000,000.

(b) **Adjustment for Inflation.**—The amounts made available under subsection (a) for fiscal year 2027 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(c) **Obligation Limitation.**—The limitation on obligations for Federal-aid highway and highway safety con-
struction programs for each fiscal year shall not apply to
the amounts made available under subsection (a).

(d) **TREATMENT.**—Amounts made available under
subsection (a) shall be available for obligation in accord-
ance with section 201 of title 23, United States Code.

**SEC. 512. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

Section 1123(h) of MAP–21 (23 U.S.C. 202 note;
Public Law 112–141) is amended by striking paragraph
(2) and inserting the following:

“(2) **APPROPRIATION.**—There is authorized to
be appropriated, and there is appropriated, out of
any monies in the Treasury not otherwise appro-
priated, to carry out the program $50,000,000 for
fiscal year 2023 and each fiscal year thereafter.”.

**SEC. 513. BUREAU OF INDIAN AFFAIRS ROAD MAINTE-
NANCE PROGRAM.**

(a) **IN GENERAL.**—There are authorized to be appro-
priated, and there are appropriated, out of any monies in
the Treasury not otherwise appropriated, to the Director
of the Bureau of Indian Affairs to carry out the road
maintenance program of the Bureau—

(1) for each of fiscal years 2023 through 2027,
$100,000,000; and

(2) for fiscal year 2028 and each fiscal year
thereafter, $50,000,000.
(b) ADJUSTMENT FOR INFLATION.—The amounts made available under subsection (a) for fiscal year 2029 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 514. TRIBAL TRANSIT PROGRAM.

Section 5311 of title 49, United States Code, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

“(2) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—

“(A) APPROPRIATION.—For fiscal year 2023 and each fiscal year thereafter, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $75,000,000 for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary.

“(B) APPORTIONMENT.—Amounts made available under subparagraph (A) shall be apportioned as formula grants, as provided in subsection (j).
“(C) Adjustment for Inflation.—The amount made available under subparagraph (A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”; and

(2) in subsection (j)(1)(A), in the matter preceding clause (i), by striking “described in subsection (c)(2)(B)” and inserting “made available under subsection (c)(2)(A)”.

SEC. 515. TRIBAL TRANSPORTATION TECHNICAL ASSISTANCE PROGRAM.

(a) In General.—For fiscal year 2023 and each fiscal year thereafter, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $7,500,000 to carry out the tribal transportation technical assistance program under section 504(b)(2)(D)(ii) of title 23, United States Code.

(b) Adjustment for Inflation.—The amount made available under subsection (a) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All

(c) Obligation Limitation.—The limitation on obligations for Federal-aid highway and highway safety construction programs for each fiscal year shall not apply to the amounts made available under subsection (a).

(d) Treatment.—Amounts made available under subsection (a) shall be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code.

(e) Tribal Consultation.—In carrying out the tribal transportation technical assistance program under section 504(b)(2)(D)(ii) of title 23, United States Code, the Secretary of Transportation shall engage in Tribal consultation.

SEC. 516. RURAL DEVELOPMENT TRIBAL TECHNICAL ASSISTANCE PROGRAM.

(a) In General.—Subject to subsection (b), for each of fiscal years 2023 through 2032, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $2,000,000 to the Secretary of Agriculture to provide technical assistance under section 6302 of the Agriculture Improvement Act of 2018 (7 U.S.C. 2671).
(b) Adjustment for Inflation.—The amount made available under subsection (a) for each of fiscal years 2024 through 2032 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 517. NATIVE AMERICAN COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS ASSISTANCE PROGRAM.

(a) Non-Federal Share.—Section 108(e) of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4707(e)) is amended—

(1) in paragraph (1)—

(A) in the third sentence, by striking “The Fund shall provide no assistance” and inserting the following:

“(iii) Prohibition.—Subject to subparagraph (B), no assistance may be provided by the Fund”;

(B) in the second sentence, by striking “Such matching funds” and inserting the following:

“(ii) Form.—The matching funds required under clause (i)”;
(C) by striking the paragraph designation and heading and all that follows through “Assistance” in the first sentence and inserting the following:

“(1) MATCHING REQUIREMENT.—

“(A) REQUIREMENT.—

“(i) IN GENERAL.—Subject to subparagraph (B) and paragraph (2), assistance”; and

(D) by adding at the end the following:

“(B) WAIVER FOR CERTAIN INDIVIDUALS AND ENTITIES.—The requirements of subparagraph (A) shall not apply to any individual or entity using the assistance provided under this section only for the benefit of Indians, Alaska Natives, Native Hawaiians, or an Indian tribe.”; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “paragraph (1)(A)”.

(b) FUNDING.—Section 121 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4718) is amended—

(1) by redesignating subsection (c) as subsection (d); and
(2) by inserting after subsection (b) the following:

“(c) FUNDING FOR INDIANS.—

“(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of any monies in the Treasury not otherwise appropriated, to the Fund for the purpose of providing financial assistance, technical assistance, training, and outreach programs to benefit Indian tribes, primarily through Native Community Development Financial Institutions with experience and expertise in community development banking and lending in Indian country, and that are committed to working with Indian organizations, Indian tribes, tribal organizations, and other appropriate individuals and entities—

“(A) for fiscal year 2023, $55,000,000;
“(B) for fiscal year 2024, $65,000,000;
“(C) for fiscal year 2025, $70,000,000;
“(D) for fiscal year 2026, $75,000,000;

and

“(E) for fiscal year 2027 and each fiscal year thereafter, $80,000,000, subject to paragraph (2).
“(2) ADJUSTMENT FOR INFLATION.—The amounts made available under paragraph (1)(E) for fiscal year 2028 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.”.

SEC. 518. TRIBAL REVOLVING FUNDS.

(a) FEDERAL WATER POLLUTION CONTROL ACT.—Section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) is amended—

(1) in subsection (c)(2), by striking “0.5 percent and not more than 2.0 percent” and inserting “5 percent”; and

(2) in subsection (f), in the second sentence, by striking “subsection (d) of this section” and inserting “subsection (e)”.

(b) SAFE DRINKING WATER ACT.—Section 1452(i)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)(1)) is amended—

(1) in the second sentence, by striking “Except as” and inserting the following:

“(B) USE OF GRANTS.—Except as”; and

(2) by striking the paragraph designation and heading and all that follows through “may be used
by the Administrator” in the first sentence and inserting the following:

“(1) GRANTS.—

“(A) IN GENERAL.—Notwithstanding any other provision of law, not less than 5 percent of the amounts made available for each fiscal year to carry out this section shall be used by the Administrator”.

SEC. 519. TRIBAL WATER POLLUTION CONTROL.

Section 106 of the Federal Water Pollution Control Act (33 U.S.C. 1256) is amended by striking subsections (b) and (c) and inserting the following:

“(b) ALLOTMENT.—Of the amounts made available to carry out this section for each fiscal year, the Administrator shall—

“(1) subject to paragraph (2), make allotments to States and interstate agencies in accordance with such regulations as the Administrator may promulgate, based on the extent of the pollution problem in each State; and

“(2) notwithstanding any other provision of law, allot to Indian tribes not less than 20 percent.

“(c) AMOUNT.—The Administrator may pay to each State, Indian tribe, and interstate agency for each fiscal year an amount equal to the lesser of—
“(1) the allotment of the State, Indian tribe, or
interstate agency for the fiscal year under subsection
(b); and
“(2) the reasonable costs, as determined by the
Administrator, of developing and carrying out a pol-
lution program by the State, Indian tribe, or inter-
state agency during the fiscal year.”.

SEC. 520. RURAL UTILITIES SERVICE WATER AND WASTE
DISPOSAL PROGRAM.
Section 306C(e) of the Consolidated Farm and Rural
Development Act (7 U.S.C. 1926c(e)) is amended—
(1) in paragraph (1)—
(A) in the matter preceding subparagraph
(A), by striking “Subject to paragraph (2),
there” and inserting “There”; and
(B) in subparagraph (A), by adding “and”
after the semicolon at the end;
(C) in subparagraph (B), by striking “; and”
at the end and inserting a period; and
(D) by striking subparagraph (C); and
(2) in paragraph (2)—
(A) by striking “paragraph (1)(C)” and in-
serting “this paragraph”; and
(B) by striking the paragraph designation and heading and all that follows through “An entity” and inserting the following:

“(2) INDIANS AND INDIAN TRIBES.—

“(A) FUNDING.—

“(i) IN GENERAL.—Subject to subparagraph (B), for fiscal year 2023 and each fiscal year thereafter, there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated $100,000,000 to the Secretary to provide grants and loans under this section to benefit Indians and Indian tribes (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

“(ii) ADJUSTMENT FOR INFLATION.—The amount made available under clause (i) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

“(B) EXCEPTION.—An entity”.
SEC. 521. FUNDING FOR CLAIMS RESOLUTION ACT OF 2010.

Section 101(e)(1) of the Claims Resolution Act of 2010 (Public Law 111–291; 124 Stat. 3067) is amended—

(1) in subparagraph (B), by striking “Settlement” and inserting “Settlement, and during the 10-year period beginning on the date of enactment of the Honoring Promises to Native Nations Act”;

and

(2) in subparagraph (C), by adding at the end the following:

“(iii) ADDITIONAL APPROPRIATION.—

In addition to amounts deposited in the Trust Land Consolidation Fund under clause (i) and subparagraph (D), not later than 1 year after the date of enactment of the Honoring Promises to Native Nations Act, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund $1,900,000,000.”.

Subtitle B—Spectrum Sovereignty and Broadband Deployment on Tribal Lands

SEC. 531. TRIBAL BROADBAND FUND.

(a) ESTABLISHMENT.—The Commission shall estab-
mechanism under section 254 of the Communications Act of 1934 (47 U.S.C. 254), a mechanism to be known as the “Tribal Broadband Fund”.

(b) Annual Amount of Support.—

(1) Initial Amount.—The amount of Federal universal service support provided through the Tribal Broadband Fund shall be $1,000,000,000 for fiscal year 2023.

(2) Proportional Adjustment.—For fiscal year 2024 and each fiscal year thereafter, the amount specified in paragraph (1) shall be adjusted so that the amount of Federal universal service support provided through the Tribal Broadband Fund for such subsequent fiscal year bears the same proportion to the amount of Federal universal service support provided through all Federal universal service support mechanisms other than the Tribal Broadband Fund for such subsequent fiscal year as the proportion that $1,000,000,000 bears to the amount of Federal universal service support provided through all Federal universal service support mechanisms other than the Tribal Broadband Fund for fiscal year 2023.

(c) Provision of Support.—The Commission shall use the Tribal Broadband Fund to provide Federal uni-
versal service support to Indian tribes, Department of Hawaiian Home Lands, and qualifying Tribal entities to provide—

(1) technical assistance, deployment of broadband infrastructure, maintenance, planning, training, and digital literacy programs to increase broadband services and network buildout on Tribal lands, in addition to further economic development initiatives for all spectrum on Tribal lands, including radio, television, broadcast, commercial, and non-commercial uses, and current generation or better broadband services;

(2) infrastructure for middle mile and long-haul fiber buildout, adoption of digital literacy, and other related resources to expedite the immediate deployment of, and full access to, telecommunications, broadband, spectrum use and future development, and wireless services (including broadband service); and

(3) other smart infrastructure development and integration on Tribal lands, and other related activities to ensure Tribal lands have full access to high-speed broadband services, telecommunications services, and other sovereignty of communications infrastructure covering Tribal lands.
(d) Prioritization.—In allocating funds from the Tribal Broadband Fund, the Commission—

(1) shall prioritize locations where telecommunications or broadband services have left residents underserved; and

(2) may use funds in locations described in paragraph (1) for last mile fiber, middle mile fiber, backhaul transit, interconnection, and other costs and repairs to damaged infrastructure.

(e) Technical Assistance.—The Commission shall provide requested technical assistance, training programs, and grants to assist Indian tribes, qualifying Tribal entities, the Department of Hawaiian Home Lands, inter-Tribal government organizations, and Tribal Colleges and Universities for the purpose of immediate deployment of telecommunications or broadband services or infrastructure development over Tribal lands.

(f) Final Order.—Not later than 18 months after the date of enactment of this Act, the Commission shall release a final order adopting rules and policies associated with the establishment, implementation, and administration of the Tribal Broadband Fund.

(g) Rule of Construction.—Nothing in this section shall be construed to limit or prevent an Indian tribe, the Department of Hawaiian Home Lands, or a qualifying
Tribal entity from accessing existing or additional funding through the Commission or any other Federal agency.

SEC. 532. OFFICE OF NATIVE AFFAIRS AND POLICY, FEDERAL COMMUNICATIONS COMMISSION.

(a) Technical Assistance.—

(1) In general.—The Commission, acting through the Office of Native Affairs and Policy and at the request of an Indian tribe, the Department of Hawaiian Home Lands, or a qualifying Tribal entity, shall provide technical assistance to apply for and participate in—

(A) the Tribal Broadband Fund;

(B) other Federal universal service support mechanisms;

(C) other Federal funding opportunities for broadband or infrastructure development; and

(D) the Tribal Spectrum Market established under section 534.

(2) Priority.—A request for technical assistance made under this subsection from an Indian tribe, the Department of Hawaiian Home Lands, or a qualifying Tribal entity shall receive priority where telecommunications or broadband services on Tribal lands—
(A) have not been deployed; or

(B) have been inadequately deployed to provide broadband services over those Tribal lands, resulting in unserved and underserved Tribal residents.

(3) ADDITIONAL ASSISTANCE.—The assistance under this subsection includes assistance for associated backhaul, repairs to damaged infrastructure, or new infrastructure to deploy broadband service.

(b) ADDITIONAL TECHNICAL ASSISTANCE.—In addition to the technical assistance provided under subsection (a), the Commission shall provide technical assistance that includes training programs and grant assistance to Indian tribes, qualifying Tribal entities, the Department of Hawaiian Home Lands, inter-Tribal government organizations, Tribal Colleges and Universities, and colleges and universities with Tribal-serving institutions with expertise on Tribal broadband policy for the purpose of immediate deployment of telecommunications or broadband services and infrastructure over Tribal lands.

(c) ENGAGEMENT WITH THE DEPARTMENT OF THE INTERIOR, DEPARTMENT OF COMMERCE, AND COMMISSION.—The Secretary of the Interior, the Secretary of Commerce, and the Commission shall provide technical assistance to Indian tribes, the Department of Hawaiian
Home Lands, and qualifying Tribal entities (and, if located on Tribal lands, to schools, libraries, health care facilities, public safety entities, Tribal chapter houses, community centers, government buildings of an Indian tribe, and locations where Tribal, State, and Federal elections and census activities are carried out) to resolve barriers to the deployment and adoption of broadband service and other services provided using spectrum, including the following:

(1) Classes or other education related to computer literacy.

(2) Acquisition of computers and related hardware and software.

(3) Use of broadband service and computers for public safety and emergency communications services and interoperability.

(4) Use of spectrum and wireless broadband service and computers where Tribal, State, and Federal elections and census activities are carried out.

(5) Use of spectrum and broadband service and computers to respond to public emergencies, including health and biohazard threats and natural disasters.

(6) Such other areas as the Commission, or a relevant Federal agency that has a role conducting
activities on Tribal lands, determines to be advisable
to increase the deployment and adoption of
broadband service and other services provided using
spectrum on Tribal lands, or where an Indian tribe,
the Department of Hawaiian Home Lands, or a
qualifying Tribal entity holds a valid and active
spectrum license or right of way access.
(d) RULE OF CONSTRUCTION.—Nothing in this sec-
tion may be construed to limit or supersede—
   (1) the responsibilities of the Commission or
   another Federal agency; or
   (2) the engagement with Indian tribes, the De-
   partment of Hawaiian Home Lands or Native Ha-
waiian communities, and qualifying Tribal entities
   by the Commission or any other Federal agency.
(e) APPROPRIATIONS AMENDMENT.—Section 6 of the
Communications Act of 1934 (47 U.S.C. 156) is amend-
ed—
   (1) in the section heading, by inserting “; AP-
PROPRIATIONS” after “AUTHORIZATION OF AP-
PROPRIATIONS”; and
   (2) by adding at the end the following:
   “(e) OFFICE OF NATIVE AFFAIRS AND POLICY.—
   “(1) IN GENERAL.—For necessary expenses of
the Office of Native Affairs and Policy of the Com-
mission, there is authorized to be appropriated to the Commission, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, $950,000 for each of fiscal years 2023 through 2031.

“(2) ONAP FEDERAL FUNDING DIRECTOR.—

“(A) ESTABLISHMENT.—The Commission shall use 20 percent of the funding appropriated pursuant to paragraph (1) to establish within the Office of Native Affairs and Policy of the Commission a position of Federal Funding Director.

“(B) DUTIES.—The Federal Funding Director shall have the following duties:

“(i) Coordinate with Indian tribes, the Department of Hawaiian Home Lands, and interested qualifying Tribal entities to access the funding opportunities of the Commission or other funding opportunities that may be available through another Federal agency, and assist with the application processes for the Tribal Broadband Fund and other universal service contributions or accounts, auctions proceeds, or any other accounts or reserve funds avail-
able to the Commission, for the purpose of providing a source of support for infrastructure deployment, ‘middle mile’ and long-haul fiber buildout, adoption of digital literacy, and other related resources for the deployment of and full access to telecommunications, broadband, spectrum use and future development, and wireless services (including wireless broadband service) for effective and efficient use on Tribal lands.

“(ii) Coordinate with other Federal agencies that provide telecommunications and infrastructure funding to Indian tribes, the Department of Hawaiian Home Lands, or interested qualifying Tribal entities to assist with expedited broadband service and other telecommunications deployment over Tribal lands.

“(3) ADJUSTMENT FOR INFLATION.—The amount made available under paragraph (1) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.
“(4) DEFINITIONS.—In this subsection, the terms defined in section 539 of the Honoring Promises to Native Nations Act shall have the meanings given those terms in that section.”.

SEC. 533. IMMEDIATE DEPLOYMENT OF BROADBAND SERVICE ON TRIBAL LANDS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) an Indian tribe;

(B) a qualifying Tribal entity; and

(C) the Department of Hawaiian Home Lands.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) GRANTS.—

(1) COMMUNITY FACILITIES GRANT PROGRAM.—

(A) IN GENERAL.—The Secretary shall use amounts appropriated under subsection (c)(1)(A) to provide grants under the community facilities grant program under section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) to eligible entities for the deployment of broadband...
service on Tribal lands, if the eligible entity would be eligible for a grant under that section for the deployment.

(B) **ELIGIBLE COSTS.**—An eligible entity that receives a grant under subparagraph (A) may use the grant amount for costs for the immediate deployment of broadband service on Tribal lands, including—

(i) backhaul costs; and

(ii) costs of repairs to damaged infrastructure, if the cost of the repairs would be less than the cost of new infrastructure.

(C) **PRIORITIZATION.**—In making grants under subparagraph (A), the Secretary shall give priority to the deployment of telecommunications or broadband services on Tribal lands on which the services have not been deployed or have been inadequately deployed, including—

(i) middle mile fiber;

(ii) backhaul transit, interconnection, and other costs; and

(iii) repairs to damaged infrastructure, the cost of the repairs to which would be less than the cost of new infrastructure.
(D) FEDERAL SHARE.—Notwithstanding section 306(a)(19)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(B)), the Federal share of the cost of a project carried out using a grant under subparagraph (A) shall be 100 percent.

(2) ESSENTIAL COMMUNITY FACILITIES TECHNICAL ASSISTANCE AND TRAINING.—

(A) IN GENERAL.—The Secretary shall use amounts appropriated under subsection (e)(1)(B) to provide grants to eligible recipients described in subparagraph (C) under the community facilities technical assistance and training grant program under section 306(a)(26) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(26)) to assist eligible entities in—

(i) preparing applications for grants under paragraph (1)(A); and

(ii) receiving technical assistance and training from an entity to which a community facilities technical assistance and training grant has been made under that section.
(B) APPLICABILITY.—Subparagraph (A) shall be carried out without regard to—

(i) subparagraphs (B) and (C) of section 306(a)(26) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(26)); and

(ii) any requirements described in subparagraph (A) of that section relating to eligibility to receive—

(I) a grant under that section; or

(II) technical assistance and training from an entity receiving a grant under that section.

(C) ELIGIBLE RECIPIENTS.—An entity shall be eligible to receive a grant under subparagraph (A) if the entity is—

(i) eligible for a grant under the community facilities technical assistance and training grant program under section 306(a)(26) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(26)), without regard to subparagraphs (B) and (C) of that section, to assist an eligible entity in preparing an application for a grant under that section; or
(ii) an inter-Tribal government organization, a Tribal College or University, or a university or college with a Tribal-serving institution with expertise in Tribal broadband policy.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated, and there are appropriated, out of amounts in the Treasury not otherwise appropriated, to the Secretary for each of fiscal years 2023 through 2031—

(A) $300,000,000 to provide grants under subsection (b)(1); and

(B) $5,000,000 to provide grants under subsection (b)(2).

(2) ADJUSTMENT FOR INFLATION.—The amount made available under each of subparagraphs (A) and (B) of paragraph (1) for each of fiscal years 2024 through 2031 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(3) AVAILABILITY.—The amounts made available under paragraph (1) shall remain available until expended.
SEC. 534. FCC TRIBAL SPECTRUM MARKET.

(a) Establishment.—

(1) In general.—The Commission shall conduct a rulemaking proceeding to establish a new Tribal Spectrum Market.

(2) Purpose.—The Tribal Spectrum Market shall be an optional forum solely for the participation of Indian tribes, qualifying Tribal entities, and the Department of Hawaiian Home Lands to engage with other Indian tribes, other qualifying Tribal entities, and the Department of Hawaiian Home Lands (as applicable) for leasing and assignment opportunities for the purpose of economic and business development on Tribal lands for participants that choose to participate.

(3) No affect on participation in other forums or markets.—Participation in the Tribal Spectrum Market shall not prevent an Indian tribe, the Department of Hawaiian Home Lands, or a qualifying Tribal entity from participating in any other auction forum or secondary spectrum market.

(b) Availability of spectrum.—In furtherance of the Federal trust responsibility and Tribal self-governance, and to develop robust economic resources on Tribal lands, the Commission shall—
(1) make all unused and newly allocated spectrum over Tribal lands available to other Indian tribes, the Department of Hawaiian Home Lands, and qualifying Tribal entities through the Tribal Spectrum Market; and

(2) notify other Indian tribes, the Department of Hawaiian Home Lands, and other qualifying Tribal entities of the availability of unused and newly allocated spectrum under paragraph (1).

(c) CONSENT REQUIREMENT.—Participants shall provide written consent to the Commission to make their unused spectrum over Tribal lands available to other Indian tribes, the Department of Hawaiian Home Lands, or other qualifying Tribal entities, as applicable, through the Tribal Spectrum Market.

SEC. 535. E-RATE.

Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended—

(1) in subsection (h)(4), by inserting “, except as provided in subsection (m),” before “is a library or library consortium”; and

(2) by adding at the end the following:

“(m) E-rate Support for Indian Tribes.—

“(1) Definitions.—In this subsection—
“(A) the term ‘E-rate program’ means the universal service program for schools and libraries authorized under subsection (h)(1)(B), the rules of which are set forth under subpart F of part 54 of title 47, Code of Federal Regulations (or any successor regulation), as authorized under subsection (h)(2)(A);

“(B) the term ‘E-rate support’ means universal service discounts on eligible services in accordance with subpart F of part 54 of title 47, Code of Federal Regulations (or any successor regulation), as authorized under subsection (h)(2)(A);

“(C) the term ‘Indian tribe’ has the meaning given the term in section 5 of the Honoring Promises to Native Nations Act; and

“(D) the term ‘qualifying anchor institution’ means a facility owned by an Indian tribe, including a Tribal Government building, chapter house, longhouse, community center, senior center, or other similar public building.

“(2) Eligibility of tribal libraries and qualifying anchor institutions for E-rate support.—
“(A) DESIGNATION OF TRIBAL LIBRARIES AS LIBRARIES ELIGIBLE FOR E-RATE SUPPORT.—

“(i) IN GENERAL.—An Indian tribe that is eligible for support under section 261 of the Library Services and Technology Act (20 U.S.C. 9161) may designate a Tribal library or Tribal library consortium as a library or consortium that is eligible for E-rate support, without regard to whether the library or library consortium is eligible for assistance from a State Library Administrative Agency under the Library Services and Technology Act (20 U.S.C. 9121 et seq.), if the library or library consortium is eligible for support from an Indian tribe under such section 261.

“(ii) RULE OF CONSTRUCTION.—Nothing in clause (i) shall be construed to exempt a Tribal library from any requirement under the E-rate program not described in that clause, including the other requirements relating to eligible recipients under section 54.501 of title 47, Code of
Federal Regulations (or any successor regulation).

“(B) Tribal anchor institution program.—

“(i) In general.—The Commission, in consultation with the Institute of Museum and Library Services and any other agency with relevant responsibilities, shall establish a program to be known as the ‘Tribal Anchor Institution Program’, under which the Commission shall provide E-rate support to Indian tribes for qualifying anchor institutions designated by the Indian tribes.

“(ii) Eligibility.—

“(I) In general.—To be eligible to obtain E-rate support under this subparagraph, a Tribal Government may not have a Tribal library eligible for the E-rate program within the Tribal community.

“(II) Requirements.—E-rate support obtained under this subparagraph shall only be available for an Indian tribe if—
“(aa) the proposed qualifying anchor institution is exclusively owned by the Indian tribe; and

“(bb) the proposed qualifying anchor institution intends to deliver publicly available internet access to students, teachers, librarians, and members of the community for educational purposes.

“(III) Rule of construction.—Nothing in this clause shall be construed to provide the Commission with the authority to modify the eligibility requirements described in this clause.

“(3) Set-aside for Indian tribes.—Of the amount made available for the E-rate program in any fiscal year beginning after the date of enactment of this subsection, 5 percent shall be used for E-rate support for Tribal elementary and secondary schools (as defined in subsection (h)(7)), Tribal libraries and Tribal library consortia, and qualifying anchor institutions.”.
SEC. 536. RECONNECT PROGRAM.

(a) TRIBAL SET-ASIDE.—Section 779 of division A of the Consolidated Appropriations Act, 2018 (Public Law 115–141; 132 Stat. 399), is amended by inserting “: Provided further, That 15 percent of such amount shall be reserved for loans and grants to Indian tribes under the pilot program, and a requirement to match part or all of any such loan or grant shall not be imposed on an Indian tribe” before the period at the end.

(b) TRIBAL CONNECTIVITY FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the “Tribal Connectivity Fund”.

(2) APPROPRIATION.—

(A) IN GENERAL.—There is authorized to be appropriated, and there is appropriated, out of amounts in the Treasury not otherwise appropriated, to the Tribal Connectivity Fund $100,000,000 for each of fiscal years 2023 through 2031, to remain available until expended.

(B) ADJUSTMENT FOR INFLATION.—The amount made available under subparagraph (A) for each of fiscal years 2024 through 2031 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Con-

(3) USE OF FUNDS.—

(A) IN GENERAL.—Amounts in the Tribal Connectivity Fund shall be available to the Secretary of Agriculture to provide funding for laptops, Wi-Fi hotspots, and other connectivity devices for students attending schools funded by the Bureau of Indian Education, tribally operated schools, or Tribal colleges.

(B) DEFINITIONS.—In this paragraph:

(i) WI-FI.—The term “Wi-Fi” means a wireless networking protocol based on Institute of Electrical and Electronics Engineers standard 802.11 (or any successor standard).

(ii) WI-FI HOTSPOT.—The term “Wi-Fi hotspot” means a device that is capable of—

(I) receiving mobile advanced telecommunications and information services (based upon Wi-Fi and other wireless standards); and

(II) sharing the services with another device.
(c) **Funding for Bureau of Indian Education Information Technology Infrastructure.**

(1) **Appropriation.**

(A) **In General.**—Subject to subparagraph (B), there is authorized to be appropriated, out of any monies in the Treasury not otherwise appropriated, and there is appropriated $50,000,000 for each of fiscal years 2023 through 2031, which shall be deposited in the Bureau of Indian Education, Operation of Indian Education Programs, Education Management, Education IT account, to remain available until expended.

(B) **Adjustment for Inflation.**—The amount made available under subparagraph (A) for fiscal year 2024 and each fiscal year thereafter shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

(2) **Use of Funds.**—The amounts made available under paragraph (1) shall be available to the Secretary of the Interior to provide funding for information technology infrastructure of the Bureau of Indian Education.
SEC. 537. USDA OFFICE OF TRIBAL RELATIONS.

(a) APPROPRIATION.—Subject to subsection (b), there is authorized to be appropriated, and there is appropriated, out of any monies in the Treasury not otherwise appropriated, to the Secretary of Agriculture $2,500,000 for each of fiscal years 2023 through 2031—

(1) for the provision to Indian tribes, qualifying Tribal entities, and the Department of Hawaiian Home Lands of services, technical assistance, and expansion of programs for the deployment and build-out of wireless broadband services on Tribal lands; and

(2) to ensure that services, technical assistance, and programs described in paragraph (1) and related policies are efficient, easy to understand, accessible, and developed in consultation with affected Indian tribes and the Department of Hawaiian Home Lands.

(b) ADJUSTMENT FOR INFLATION.—The amount made available under subsection (a) for each of fiscal years 2024 through 2031 shall be adjusted annually to reflect the change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.

SEC. 538. ANNUAL REPORTING REQUIREMENTS.

(a) ANNUAL REPORT.—
(1) In general.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Commission shall make publicly available and submit to the entities described in subsection (b)—

(A) a report on the deployment of broadband on Tribal lands;

(B) a household-level mapping of actual broadband speeds adopted by Tribal residents; and

(C) an inventory of Tribal spectrum licenses.

(2) Contents.—

(A) Collaboration with tribes and tribal entities.—The report under paragraph (1) shall include the following information:

(i)(I) The work of the Commission with Indian tribes, the Department of Hawaiian Homelands, qualifying Tribal entities, and associated tribal organizations on spectrum-related matters.

(II) The efforts of the Commission to bolster Tribal outreach through individual consultation, funding access, expansion of
access to broadband or other full use of spectrum over Tribal lands, activities executed through the Office of Native Affairs and Policy, rulemakings that have been executed related to such matters under this Act.

(III) General updates.

(B) Applicants and license holders.—

(i) In general.—The report under paragraph (1) shall include data collected by the Commission on whether applicants for licenses, and holders of licenses, for spectrum over Tribal lands are—

(I) Indian tribes;

(II) the Department of Hawaiian Homelands;

(III) qualifying Tribal entities; or

(IV) third-party licensees.

(ii) Recording requirement.—The Commission shall require an Indian tribe, the Department of Hawaiian Home Lands, or a qualifying Tribal entity to record the ownership classification of all licenses or other agreements for the use of spectrum
over Tribal lands that take effect on or after the date of enactment of this Act.

(C) Notification of Relevant Indian Tribe or Qualifying Tribal Entity, or the Department of Hawaiian Home Lands.—The Commission shall include in the report submitted under paragraph (1) a verification that the Commission has provided information about assigned and unassigned licenses and license holders to the Indian tribe, the Department of Hawaiian Home Lands, or the qualifying Tribal entity where the licenses are geographically located, including a detailed description of the licenses, the license holders, and the entity to which the information was provided.

(D) Accessible Contact Information.—The Commission shall include in the report submitted under paragraph (1) a verification that the Commission has made contact information easily accessible for Indian tribes, the Department of Hawaiian Home Lands, and qualifying Tribal entities to learn about participation in any opportunities to obtain licenses for spectrum over Tribal lands or
secondary market opportunities, including the respective processes.

(E) UNSERVED LOCATIONS.—The Commission shall include in the report submitted under paragraph (1) geographic locations on Tribal lands where wireline broadband or wireless telecommunications services have not been built out or deployed.

(F) FEDERAL FUNDING AVAILABILITY.—The Commission shall include in the report submitted under paragraph (1) a description of available Federal funding across all agencies for which Indian tribes, the Department of Hawaiian Home Lands, and qualifying Tribal entities are eligible to apply to further support deployment of broadband and telecommunications services on Tribal lands.

(b) SUBMISSION OF RECOMMENDATIONS.—The entities described in this subsection are—

(1) Indian tribes, the Department of Hawaiian Home Lands, and Native Hawaiian organizations;

(2) the Department of the Interior;

(3) the Committee on Indian Affairs of the Senate;
(4) the Committee on Natural Resources of the House of Representatives;
(5) the Committee on Commerce, Science, and Transportation of the Senate;
(6) the Committee on Energy and Commerce of the House of Representatives;
(7) the Native Nations Communications Task Force of the Commission;
(8) Tribal organizations with telecommunications expertise; and
(9) requesting qualifying Tribal entities.

SEC. 539. DEFINITIONS.

In this subtitle:

(1) BROADBAND SERVICE.—The term “broadband service” means internet access service that is delivered—

(A) with—

(i) except as provided in clause (ii)—

(I) a download speed of not less than 100 megabits per second; and

(II) an upload speed of not less than 20 megabits per second; or

(ii) minimum download and upload speeds established by the Commission after the date of enactment of this Act, if those
minimum speeds are higher than the minimum speeds required under clause (i);
(B) without any data caps or other service limitations;
(C) through—
   (i) mobile service;
   (ii) fixed point-to-point multipoint service;
   (iii) fixed point-to-point service;
   (iv) broadcast service; or
   (v) wireline service; and
(D) meet the latency requirement set by the Commission to enable real-time video and other streaming services.

(2) COMMISSION.—The term “Commission” means the Federal Communications Commission.

(3) DIGITAL LITERACY.—The term “digital literacy” means information and communications for the purpose of developing support for technological deployment and understanding of issues, including infrastructure deployment, fiber buildout, network connectivity, spectrum market opportunities, associated programs and funding opportunities of the Commission, and other related resources, to expedite the immediate deployment of, and full access to,
telecommunications, broadband, spectrum, and wireless services available for effective and efficient use on Tribal lands.

(4) ENTITY THAT IS MORE THAN 50 PERCENT OWNED AND CONTROLLED BY 1 OR MORE INDIAN TRIBES.—

(A) IN GENERAL.—The term “entity that is more than 50 percent owned and controlled by 1 or more Indian tribes” means an entity of which 1 or more Indian tribes have both de facto and de jure control.

(B) DE JURE CONTROL.—For purposes of subparagraph (A), de jure control of an entity shall be evidenced by ownership of greater than 50 percent of the voting stock of a corporation, or in the case of a partnership, general partnership interests.

(C) DE FACTO CONTROL.—

(i) IN GENERAL.—For purposes of subparagraph (A), de facto control of an entity shall be determined on a case-by-case basis.

(ii) INDICIA OF CONTROL.—For purposes of clause (i), an Indian tribe or Indian tribes shall demonstrate indicia of
control to establish that the Indian tribe or Indian tribes retain de facto control of the entity, including the following:

(I) The Indian tribe or Indian tribes constitute or appoint more than 50 percent of the board of directors or management committee of the entity.

(II) The Indian tribe or Indian tribes have authority to appoint, promote, demote, and fire senior executives who control the day-to-day activities of the entity.

(III) The Indian tribe or Indian tribes play an integral role in the management decisions of the entity.

(IV) The Indian tribe or Indian tribes have the authority to make decisions or otherwise engage in practices or activities that determine or significantly influence—

(aa) the nature or types of services offered by the entity;

(bb) the terms upon which such services are offered; or
(cc) the prices charged for such services.

(5) QUALIFYING TRIBAL ENTITY.—

(A) IN GENERAL.—The term “qualifying Tribal entity” means an entity designated by the Indian tribe with jurisdiction over particular Tribal lands for which the spectrum access is sought.

(B) ELIGIBLE ENTITIES.—The following entities may be designated as a qualifying Tribal entity:

(i) An Indian tribe.

(ii) A Tribal consortia that consists of—

(I) not less than 2 Indian tribes;

or

(II) not less than 1 Indian tribe and 1 entity that is more than 50 percent owned and controlled by 1 or more Indian tribes.

(iii) A federally chartered Tribal corporation established under—

(I) section 17 of the Act of June 18, 1934 (commonly known as the “Indian Reorganization Act”) (48
Stat. 988, chapter 576; 25 U.S.C. 5124); or


(iv) An entity that is more than 50 percent owned and controlled by 1 or more Indian tribes.

(6) SPECTRUM OVER TRIBAL LANDS.—The term “spectrum over Tribal lands” means all spectrum on Tribal lands, including wireless, radio, television, broadcast, commercial and noncommercial uses, and current generation or better wireless broadband services.

(7) TRIBAL BROADBAND FUND.—The term “Tribal Broadband Fund” means the permanent Federal universal service support mechanism established by the Commission under section 531.