

117TH CONGRESS
2D SESSION

S. 5186

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

DECEMBER 5, 2022

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

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Honoring Promises to Native Nations Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- 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. 8. Office of Management and Budget Office of Native Nations.
- 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. Tiwahe Initiative.
- Sec. 115. Reviews on Native Hawaiian interactions with law enforcement.

TITLE II—HEALTH CARE

- Sec. 201. Findings.
- Sec. 202. Sense of Congress.
- 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. 210. Native Hawaiian health care.
- 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.
- Sec. 414. Coordinated Environmental Review Process Workgroup.

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.

- Sec. 519. Tribal water pollution control.
 Sec. 520. Rural utilities service water and waste disposal program.
 Sec. 521. Funding for Claims Resolution Act of 2010.

Subtitle B—Spectrum Sovereignty and Broadband Deployment on Tribal
 Lands

- Sec. 531. Tribal Broadband Fund.
 Sec. 532. Office of Native Affairs and Policy, Federal Communications Commission.
 Sec. 533. Immediate deployment of broadband service on Tribal lands.
 Sec. 534. FCC Tribal spectrum market.
 Sec. 535. E-rate.
 Sec. 536. ReConnect Program.
 Sec. 537. USDA Office of Tribal Relations.
 Sec. 538. Annual reporting requirements.
 Sec. 539. Definitions.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are—

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

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

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

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

14 (3) to ensure progress toward the fulfillment of
 15 trust and treaty obligations of the Federal Govern-
 16 ment;

1 (4) to ensure progress toward adequate funding
2 for programs for American Indians, Alaska Natives,
3 Native Hawaiians, and Indian tribes;

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

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

9 (A) the failure to uphold treaty obligations;

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

13 (C) the ceded land and stolen natural re-
14 sources from Tribal lands; and

15 (D) the acts taken to extinguish Native
16 American culture and the traditions of Amer-
17 ican Indians, Alaska Natives, and Native Ha-
18 waiians.

19 **SEC. 3. FINDINGS.**

20 Congress finds that—

21 (1) in December 2018, the United States Com-
22 mission on Civil Rights issued a report entitled
23 “Broken Promises: Continuing Federal Funding
24 Shortfall for Native Americans”, which made a num-

1 ber of important findings, which are related to the
2 findings described in paragraphs (2) through (8);

3 (2) the unique government-to-government rela-
4 tionship between the Federal Government and In-
5 dian tribes, and the trust responsibility and obliga-
6 tions of the Federal Government to American Indi-
7 ans, Alaska Natives, and Indian tribes, are—

8 (A) enumerated in the United States Con-
9 stitution, Acts of Congress, Executive orders,
10 Supreme Court precedent, and Federal policies
11 and regulations; and

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

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

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

24 (A) leaves many basic obligations of the
25 Federal Government in rural and urban areas

1 with large populations of Native Americans
2 unmet; and

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

5 (5) woefully inadequate Federal funding for
6 Native American programs often comes with restric-
7 tions that hamper access to funds, including indirect
8 allocations of Federal funding to State governments
9 to be provided to Tribal governments and Native
10 American communities at the State's discretion,
11 which further diminishes the direct government-to-
12 government relationship between the Federal Gov-
13 ernment and Indian tribes and other funding mecha-
14 nisms for Native American communities;

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

21 (7) the Federal Government continues to fail to
22 keep accurate, consistent, and comprehensive records
23 of Federal spending for Native American programs,
24 either for a given fiscal year or for longer time peri-
25 ods, making monitoring of Federal spending to meet

1 the trust responsibility and obligations of the Fed-
2 eral Government difficult; and

3 (8)(A) the Federal Government continues to in-
4 sufficiently track Native American populations and
5 use outdated or incomplete data points, contributing
6 to the lack of adequate funding provided for nec-
7 essary resources;

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

12 (C) inaccurate and undercounted data can neg-
13 atively impact Federal funds and services received
14 by American Indian, Alaska Native, and Native Ha-
15 waiian communities.

16 **SEC. 4. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

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

21 (2)(A) the Federal Government has trust and
22 treaty obligations to Indian tribes that are estab-
23 lished in treaties signed by the United States and
24 enumerated in the Constitution of the United States,

1 Acts of Congress, Executive orders, Supreme Court
2 precedent, and Federal policies and regulations; and

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

7 (3)(A) the Federal Government has historically
8 failed to carry out its promises and trust and treaty
9 obligations to American Indians, Alaska Natives, In-
10 dian tribes, and, as applicable, Native Hawaiians;
11 and

12 (B) those failures—

13 (i) are ongoing, as the Federal Government
14 continually fails to adequately support the so-
15 cial and economic well-being of American Indi-
16 ans, Alaska Natives, Native Hawaiians, and In-
17 dian tribes; and

18 (ii) have created a civil rights crisis;

19 (4) the historical failures of the Federal Gov-
20 ernment described in paragraph (3) include—

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

23 (i) numerous massacres carried out by
24 the United States; and

1 (ii) the forced relocation efforts and
2 genocide practices carried out by the
3 United States;

4 (B) successive oppressive government poli-
5 cies, such as the allotment and assimilation,
6 termination, and relocation eras;

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

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

13 (5) the Federal Government must do far more
14 to live up to its trust and treaty obligations to
15 American Indians and Alaska Natives and Indian
16 tribes, for just as the United States expects all na-
17 tions to live up to their own treaty obligations, the
18 United States should live up to its own promises;

19 (6) the Federal Government can empower
20 American Indians, Alaska Natives, and Native Ha-
21 waiians to realize enormous potential by honoring its
22 promises and obligations through the enactment of
23 legislation; and

24 (7) American Indians, Alaska Natives, and Na-
25 tive Hawaiians have long demonstrated remarkable

1 strength, resilience, and revitalization despite the
2 broken promises of the Federal Government and
3 failure to acknowledge their contributions to the
4 United States.

5 **SEC. 5. DEFINITIONS.**

6 In this Act:

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

12 (2) INDIAN COUNTRY.—The term “Indian coun-
13 try” has the meaning given the term in section 1151
14 of title 18, United States Code.

15 (3) INDIAN TRIBE.—The term “Indian tribe”
16 means the governing body of any individually identi-
17 fied and federally recognized Indian or Alaska Na-
18 tive tribe, band, nation, pueblo, village, community,
19 affiliated Tribal group, or component reservation in-
20 cluded on the list published pursuant to section
21 104(a) of the Federally Recognized Indian Tribe
22 List Act of 1994 (25 U.S.C. 5131(a)).

23 (4) NATIVE HAWAIIAN ORGANIZATION.—

1 (A) IN GENERAL.—The term “Native Ha-
2 waiian organization” means any private non-
3 profit entity—

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

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

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

11 (iv) that has expertise in Native Ha-
12 waiian affairs.

13 (B) INCLUSIONS.—The term “Native Ha-
14 waiian organization” includes—

15 (i) the Native Hawaiian Health Care
16 System; and

17 (ii) the Office of Hawaiian Affairs.

18 (5) TRIBAL LANDS.—

19 (A) IN GENERAL.—The term “Tribal
20 lands” has the meaning given the term in sec-
21 tion 73.7000 of title 47, Code of Federal Regu-
22 lations (as in effect on the date of enactment of
23 this Act).

24 (B) INCLUSIONS.—The term “Tribal
25 lands” includes—

- 1 (i) Indian country;
- 2 (ii) fee simple and restricted fee land
- 3 held by an Indian tribe; and
- 4 (iii) Hawaiian home lands.

5 (6) TRIBAL ORGANIZATION.—The term “tribal

6 organization” has the meaning given the term in

7 section 4 of the Indian Self-Determination and Edu-

8 cation Assistance Act (25 U.S.C. 5304).

9 (7) URBAN INDIAN ORGANIZATION.—The term

10 “urban Indian organization” has the meaning given

11 the term in section 4 of the Indian Health Care Im-

12 provement Act (25 U.S.C. 1603).

13 **SEC. 6. ADVANCE APPROPRIATIONS.**

14 (a) ADVANCE APPROPRIATIONS.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) APPLICABLE SECRETARY.—The term

17 “applicable Secretary” means—

18 (i) with respect to actions involving

19 the covered accounts described in subpara-

20 graph (B)(i), the Secretary of the Interior;

21 and

22 (ii) with respect to actions involving

23 the covered accounts described in subpara-

24 graph (B)(ii), the Secretary of Health and

25 Human Services.

1 (B) COVERED ACCOUNT.—The term “cov-
2 ered account” means the following:

3 (i) The following accounts of the De-
4 partment of the Interior:

5 (I) Operation of Indian Pro-
6 grams.

7 (II) Operation of Indian Edu-
8 cation Programs.

9 (III) Contract Support Costs.

10 (IV) Payments for Tribal Leases.

11 (V) Bureau of Indian Affairs
12 Construction.

13 (VI) Bureau of Indian Education
14 Construction.

15 (VII) Indian Guaranteed Loan
16 Program Account.

17 (ii) The Indian Health Service ac-
18 count of the Department of Health and
19 Human Services.

20 (iii) The Native Hawaiian Health
21 Care account of the Primary Health Care
22 account of the Health Resources and Serv-
23 ices Administration of the Department of
24 Health and Human Services that provides

1 annual appropriations to the Native Ha-
2 waiian Health care program.

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

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

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

15 (B) include, for the covered account, ad-
16 vance new budget authority that first becomes
17 available for the first fiscal year after the fiscal
18 year described in subparagraph (A).

19 (3) ESTIMATES REQUIRED.—If the fiscal year
20 for which the budget of the President is submitted
21 pursuant to section 1105 of title 31, United States
22 Code, is an unfunded fiscal year with respect to a
23 covered account, the applicable Secretary shall in-
24 clude in documents submitted to Congress in sup-
25 port of the budget detailed estimates of the funds

1 necessary for the covered account for the fiscal year
 2 following the fiscal year for which the budget is sub-
 3 mitted.

4 (b) INFORMATION ON APPROPRIATIONS ESTI-
 5 MATES.—Section 1105(a) of title 31, United States Code,
 6 is amended by adding at the end the following:

7 “(40) information on estimates of appropria-
 8 tions for the fiscal year following the fiscal year for
 9 which the budget is submitted for each covered ac-
 10 count for which the fiscal year for which the budget
 11 is submitted is an unfunded fiscal year, as such
 12 terms are defined in section 6(a) of the Honoring
 13 Promises to Native Nations Act.”.

14 **SEC. 7. SEQUESTRATION EXEMPTION.**

15 (a) IN GENERAL.—Section 255 of the Balanced
 16 Budget and Emergency Deficit Control Act of 1985 (2
 17 U.S.C. 905) is amended—

18 (1) by redesignating subsection (k) as sub-
 19 section (l); and

20 (2) by inserting after subsection (j) the fol-
 21 lowing:

22 “(k) INDIAN HEALTH SERVICE AND OTHER INDIAN
 23 PROGRAMS AND ACCOUNTS.—The following programs and
 24 accounts shall be exempt from reduction under any order
 25 issued under this part:

1 “United States Department of the Interior, In-
2 dian Affairs.

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

5 “Native Hawaiian Health Care Program.

6 “Native Hawaiian Education Program.

7 “Alaska Native Education Program.

8 “Indian Education Program.

9 “All programs under the Native American
10 Housing Assistance and Self-Determination Act of
11 1996 (25 U.S.C. 4101 et seq.).

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

15 “Any account designated as significant to In-
16 dian Tribes and Native Hawaiian organizations by
17 the Administrator of the Office of Native Nations in
18 the Office of Management and Budget under section
19 8 of the Honoring Promises to Native Nations
20 Act.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 256(e) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985 (2 U.S.C. 906(e)) is amend-
24 ed—

1 (1) in the subsection heading, by striking “IN-
2 DIAN HEALTH SERVICES AND FACILITIES,”; and

3 (2) in paragraph (2)—

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

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

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

10 (a) ESTABLISHMENT.—There is established in the
11 Office of Management and Budget the Office of Native
12 Nations.

13 (b) ADMINISTRATOR.—

14 (1) IN GENERAL.—The Office of Native Na-
15 tions shall be headed by an Administrator, who shall
16 be known as the Administrator of Native Nations
17 (referred to in this section as the “Administrator”).

18 (2) CAREER POSITION.—The position of Admin-
19 istrator shall be a career position in the Office of the
20 Director of Management and Budget.

21 (3) ADMINISTRATIVE AND SUPPORT SERV-
22 ICES.—The Director of the Office of Management
23 and Budget shall provide the Administrator with
24 such administrative and support services as are nec-
25 essary to ensure that the Administrator carries out

1 the duties of the Administrator under this section in
2 an efficient and expeditious manner.

3 (c) DUTIES.—The Director of the Office of Manage-
4 ment and Budget shall delegate to the Administrator re-
5 sponsibility for—

6 (1) coordinating with the rest of the Office of
7 Management and Budget and the rest of the Execu-
8 tive branch on matters of funding for Federal pro-
9 grams and policy affecting American Indians, Alaska
10 Natives, and Native Hawaiians;

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

14 (3) ensuring that the budget requests of the In-
15 dian Health Service and the Bureau of Indian Af-
16 fairs indicate—

17 (A) how much Federal funding is needed
18 for Federal programs affecting American Indi-
19 ans, Alaska Natives, and Native Hawaiians to
20 be fully funded, including how much funding is
21 needed to perform Federal or non-divisible du-
22 ties; and

23 (B) how far the Federal Government is
24 from achieving that full funding;

1 (4) ensuring that personnel from the Office of
2 Native Nations accompany Office of Management
3 and Budget examiners to meetings with Federal
4 agencies during the budget development process;

5 (5) issuing to Federal agencies budget develop-
6 ment guidance that would fully fund Federal pro-
7 grams affecting American Indians, Alaska Natives,
8 and Native Hawaiians; and

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

11 (d) ANNUAL CROSSCUTTING DOCUMENT.—

12 (1) IN GENERAL.—Each fiscal year, the Admin-
13 istrator shall prepare a crosscutting document con-
14 taining detailed information, based on data from all
15 Federal agencies, on the amount of Federal funding
16 that is reaching Indian tribes, tribal organizations,
17 Native Hawaiian organizations, and urban Indian
18 organizations, which data shall be provided by the
19 Federal agencies at the most granular level prac-
20 ticable.

21 (2) REQUIREMENTS.—The document prepared
22 under paragraph (1) shall—

23 (A) be provided at the most granular level
24 practicable, including with respect to the alloca-
25 tion of Federal funds that are set aside for In-

1 dian tribes, tribal organizations, Native Hawai-
2 ian organizations, and urban Indian organiza-
3 tions;

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

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

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

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

22 (ii) services for the benefit of Indian
23 tribes, tribal organizations, Native Hawai-
24 ian organizations, or urban Indian organi-
25 zations; and

1 (E) specify—

2 (i) whether Indian tribes, tribal orga-
3 nizations, Native Hawaiian organizations,
4 and urban Indian organizations are com-
5 peting against States or units of local gov-
6 ernment for competitive grant funding;

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

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

13 (iv)(I) whether the grant funding re-
14 ceived by Indian tribes, tribal organiza-
15 tions, Native Hawaiian organizations, and
16 urban Indian organizations is allocated
17 from the same pool of funds from which
18 States and units of local government re-
19 ceive grant funding; and

20 (II) if so, what percentage of the pool
21 of the allocated funds were disbursed to
22 the Indian tribes, tribal organizations, Na-
23 tive Hawaiian organizations, and urban In-
24 dian organizations.

1 (3) ANNUAL IMPROVEMENT PROCESS.—In ac-
2 cordance with the Tribal consultation policy devel-
3 oped pursuant to subsection (f), the Administrator
4 shall consult with Indian tribes, collaborate with Na-
5 tive Hawaiian organizations, and confer with urban
6 Indian organizations not less frequently than annu-
7 ally to ascertain how the document prepared under
8 paragraph (1) can be modified to make the docu-
9 ment more useful to Indian tribes, Native Hawaiian
10 organizations, and urban Indian organizations.

11 (4) PUBLIC AVAILABILITY.—The document pre-
12 pared under paragraph (1) shall be made publicly
13 available.

14 (e) ADDITION TO OMB ANALYTICAL PERSPECTIVES
15 VOLUME OF BUDGET.—The Administrator shall ensure
16 that the Analytical Perspectives volume prepared by the
17 Office of Management and Budget for the budget of the
18 President each fiscal year includes provisions on the sub-
19 ject of aid to Tribal governments, which shall include the
20 information contained in the annual crosscutting docu-
21 ment required under subsection (d) for that fiscal year.

22 (f) OMB TRIBAL CONSULTATION POLICY.—

23 (1) IN GENERAL.—The Administrator, in con-
24 sultation with Indian tribes and in collaboration with
25 Native Hawaiian organizations, shall develop a Trib-

1 al consultation policy applicable to the Office of
2 Management and Budget that governs—

3 (A) the interactions of the Office of Man-
4 agement and Budget with Indian tribes and
5 Native Hawaiian organizations; and

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

9 (2) APPROVAL.—

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

14 (B) DEADLINE.—Not later than 30 days
15 after receipt of the Tribal consultation policy
16 developed under paragraph (1), the Director of
17 the Office of Management and Budget shall ap-
18 prove or disapprove the Tribal consultation pol-
19 icy.

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

23 (1) detailing what percentage of Federal fund-
24 ing for programs affecting American Indians, Alaska

1 Natives, and Native Hawaiians is provided to States
2 for pass-through funding to Indian tribes; and

3 (2) presenting options for Congress and the Ex-
4 ecutive branch to ensure that funds received by
5 States and local entities for the benefit of American
6 Indians, Alaska Natives, and Native Hawaiians are
7 used for the intended purpose of the funds, includ-
8 ing options—

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

11 (B) instead to provide direct funding to In-
12 dian tribes and Native Hawaiian organizations.

13 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to carry out this section
15 \$2,000,000 for fiscal year 2023 and each fiscal year there-
16 after.

17 **SEC. 9. GAO AUDIT OF CROSSCUTTING INFORMATION.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date on which the Administrator of Native Nations issues
20 the first crosscutting document under section 8(d), and
21 not less frequently than once every 3 years thereafter, the
22 Comptroller General of the United States, in consultation
23 with Indian tribes, in collaboration with Native Hawaiian
24 organizations, and in conference with urban Indian orga-
25 nizations, shall conduct, and submit to Congress a report

1 describing the results of, an audit of the extent to which
2 the processes designed and implemented by the Adminis-
3 trator of Native Nations accurately produce the informa-
4 tion contained in the crosscutting document.

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

10 **SEC. 10. WHITE HOUSE COUNCIL FOR NATIVE NATIONS.**

11 (a) IN GENERAL.—The provisions of Executive Order
12 13647 (78 Fed. Reg. 39539 (July 1, 2013)) (as in effect
13 on June 26, 2013) are enacted into law.

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

21 (c) MEMBERSHIP.—

22 (1) IN GENERAL.—The White House Council
23 on Native American Affairs (as established pursuant
24 to subsection (a)) (referred to in this section as the
25 “Council”) shall be known as the “White House

1 Council for Native Nations” and shall be composed
2 of the following members:

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

7 (B) 2 members shall be appointed by the
8 President from among persons who are rep-
9 resentatives of Native Hawaiian organizations.

10 (C) 1 member shall be appointed by the
11 President pro tempore of the Senate, on the
12 recommendation of the Majority and Minority
13 Leaders of the Senate, from among Members of
14 the Committee on Indian Affairs of the Senate,
15 which appointment shall be made, as applica-
16 ble—

17 (i) for the first appointment, not later
18 than 30 days after the date on which the
19 first new Congress after the date of enact-
20 ment of this Act convenes; and

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

24 (D) 1 member shall be appointed by the
25 Speaker of the House of Representatives, in

1 consultation with the Minority Leader of the
2 House of Representatives, from among the
3 Members of the Subcommittee for Indigenous
4 Peoples of the United States of the Committee
5 on Natural Resources of the House of Rep-
6 resentatives, which appointment shall be made,
7 as applicable—

8 (i) for the first appointment, not later
9 than 30 days after the date on which the
10 first new Congress after the date of enact-
11 ment of this Act convenes; and

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

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

19 (F) 1 member from each of the following:

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

23 (ii) The Office of the Assistant Sec-
24 retary of Indian Affairs of the Department
25 of the Interior.

- 1 (iii) The Office of Justice Services of
2 the Bureau of Indian Affairs.
- 3 (iv) The Indian Health Service.
- 4 (v) The Office of Tribal Justice of the
5 Department of Justice.
- 6 (vi) The Office of Justice Programs of
7 the Department of Justice.
- 8 (vii) The Indian Resources Section of
9 the Environment and Natural Resource
10 Division of the Department of Justice.
- 11 (viii) The Administration for Native
12 Americans of the Department of Health
13 and Human Services.
- 14 (ix) The Office of Native Affairs and
15 Policy of the Federal Communications
16 Commission.
- 17 (x) The Federal Bureau of Investiga-
18 tion.
- 19 (xi) The Office on Violence Against
20 Women of the Department of Justice.
- 21 (xii) The Office of Insular Affairs of
22 the Department of the Interior.
- 23 (xiii) The Department of the Navy.
- 24 (xiv) The Department of the Army.

1 (xv) The Administration for Children
2 and Families of the Department of Health
3 and Human Services.

4 (xvi) The Health Resources and Serv-
5 ices Administration for the Department of
6 Health and Human Services.

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

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

12 (xix) A Commissioner of the Federal
13 Communications Commission.

14 (G) The heads of such other Executive de-
15 partments, agencies, and offices as the Chair-
16 person may from time to time designate.

17 (2) CHAIRPERSON.—The Secretary of the Inte-
18 rior shall serve as Chairperson of the Council.

19 (d) ADDITIONAL SUBCOMMITTEES.—The Council
20 shall establish the following additional subcommittees re-
21 lating to Native American affairs:

22 (1) A subcommittee on sacred land.

23 (2) A subcommittee on children, youth, families,
24 education, and housing.

1 (3) A subcommittee on health care, mental
2 health care, and suicide prevention.

3 (4) A subcommittee on energy, economic devel-
4 opment, and jobs.

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

7 (6) A subcommittee on environment.

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

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

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

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

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

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

22 (b) **DUTIES.**—The Secretary of the Interior shall del-
23 egate to the Deputy Secretary for Native Nations respon-
24 sibility for—

1 (1) honoring Indian treaty obligations and the
2 trust responsibility of the United States to American
3 Indians and Alaska Natives, supporting self-deter-
4 mination, promoting self-sufficiency, and overseeing
5 all affairs related to American Indians, Alaska Na-
6 tives, Native Hawaiians, and Indian tribes under the
7 jurisdiction of the Department;

8 (2) coordinating with Cabinet-level officials to
9 ensure the effective provision of Federal support for
10 Tribal self-government and programs for American
11 Indians, Alaska Natives, Native Hawaiians, and In-
12 dian tribes and services under the Department; and

13 (3) implementing Indian treaties, statutes, reg-
14 ulations, Executive and Secretarial orders, pro-
15 grams, policies, and other powers related to Amer-
16 ican Indians, Alaska Natives, Native Hawaiians, and
17 Indian tribes.

18 (c) AUTHORITY.—

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

22 (A) Assistant Secretary for Indian Affairs.

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

25 (C) Bureau of Indian Education.

1 (D) Office of the Special Trustee for
2 American Indians.

3 (E) Office of Self-Governance.

4 (2) ADDITIONAL AUTHORITY.—The Deputy
5 Secretary for Native Nations shall coordinate the
6 Native Nations affairs and activities of the White
7 House Council on Native Nations for the President,
8 Vice President, and Cabinet-level officials, subject to
9 the immediate direction of the Secretary of the Inte-
10 rior.

11 (3) AUTHORIZATION OF APPROPRIATIONS.—
12 There are authorized to be appropriated to the Dep-
13 uty Secretary for Native Nations to carry out the re-
14 sponsibilities of the Deputy Secretary for Native Na-
15 tions under this section such sums as are necessary.

16 **SEC. 12. TRIBAL CONSULTATION BY FEDERAL AGENCIES.**

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

18 (1) to enumerate a non-exhaustive set of prin-
19 ciples to inform a codification of how Federal agen-
20 cies should engage in meaningful and timely Tribal
21 consultation;

22 (2) to underscore the importance of Tribal con-
23 sultation in the fulfilment of the trust and treaty ob-
24 ligations of the Federal Government;

1 (3) to affirm Tribal consultation and the prin-
2 ciple of free, prior, and informed consent as rights
3 of Indian tribes, predicated on Tribal sovereignty
4 and self-determination; and

5 (4) to affirm the need for the entire Federal
6 Government to recognize the importance of “regular
7 and meaningful consultation and collaboration with
8 tribal officials in the development of Federal policies
9 that have tribal implications, to strengthen the
10 United States government-to-government relation-
11 ships with Indian tribes, and to reduce the imposi-
12 tion of unfunded mandates upon Indian tribes,” as
13 quoted in Executive Order 13175 and elaborated in
14 the Presidential Memorandum of January 26, 2021.

15 (b) FINDINGS.—Congress finds that—

16 (1) as of January 2021, there existed more
17 than 27 directives, handbooks, plans, policies, or-
18 ders, and similar documents implementing various
19 Tribal consultation policies, totaling more than 300
20 pages;

21 (2) the current lack of centralization in Federal
22 agencies’ Tribal consultation policies results in a
23 large number of policies with which Indian tribes are
24 expected to be familiar in order to engage in con-
25 sultation;

1 (3) the current lack of centralization in Federal
2 agencies' Tribal consultations—

3 (A) results in a number of challenges, in-
4 cluding scheduling conflicts and unsustainable
5 drains on the resources of Indian tribes and the
6 time of Tribal leaders; and

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

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

14 (5) history demonstrates that the Federal Gov-
15 ernment best serves Native American communities
16 when Tribal governments are empowered to lead
17 their own communities.

18 (c) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

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

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

1 (3) Tribal consultation—

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

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

9 (C) requires dialogue, which should often
10 take place through formal face-to-face meetings,
11 but may also occur through telephonic, elec-
12 tronic, or printed means;

13 (D) should be used to empower Tribal gov-
14 ernments to lead their own communities;

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

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

18 (iii) should promote enhanced communica-
19 tion that emphasizes trust, respect, and shared
20 responsibility;

21 (F) should involve individuals with deci-
22 sion-making authority; and

23 (G) in its current form is inadequate and
24 requires far more from the Federal Govern-
25 ment;

1 (4) the records resulting from consultations be-
2 tween the Federal Government and Tribal govern-
3 ments should be maintained and published, subject
4 to the condition that sensitive Tribal information
5 should be protected;

6 (5) for Tribal consultation to be effective, both
7 Indian tribes and the Federal Government should
8 have the capacity to engage effectively in the con-
9 sultation process;

10 (6) any legislation or policy attempting to pre-
11 scribe the conditions of Tribal consultation should be
12 preceded by the gathering of Tribal input with the
13 goal of reaching a consensus on the proposed legisla-
14 tion; and

15 (7) Indian tribes—

16 (A) should be involved in the Tribal con-
17 sultation process on their request or as early as
18 practicable;

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

21 (C) should be entitled to a codified, formal
22 dispute resolution process to provide the Indian
23 tribes with a potential remedy when their rights
24 as sovereigns are violated by the Federal Gov-
25 ernment; and

1 (D) should receive adequate notice, and
2 sufficient information, about any Tribal con-
3 sultation sessions.

4 **SEC. 13. INTERAGENCY WORKING GROUP ON DATA COL-**
5 **LECTION.**

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

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

17 (c) CHAIRPERSON; MEMBERSHIP.—

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

21 (2) MEMBERSHIP.—

22 (A) IN GENERAL.—After engaging in Trib-
23 al consultation, the Deputy Secretary for Native
24 Nations, in collaboration with the Director of
25 the Bureau of the Census, shall appoint the

1 members of the Working Group in accordance
2 with subparagraph (B).

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

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

11 (ii) Tribal data experts;

12 (iii) representatives of urban Indian
13 organizations;

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

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

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

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

22 (1) Provide a public report at least every 2
23 years, and more often if the Working Group decides
24 it is necessary, which shall be published on a pub-

1 licly available website established by the Working
2 Group, on the following:

3 (A) How to improve the quality and accu-
4 racy of data relied on by Federal agencies re-
5 garding American Indian, Alaska Native, and
6 Native Hawaiian populations, including how to
7 achieve appropriate disaggregation from other
8 populations.

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

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

17 (2) To receive input from Indian tribes, tribal
18 organizations, urban Indian organizations, Native
19 Hawaiian organizations, and Federal agencies, on an
20 ongoing basis, about instances in which the accuracy
21 and quality of the data described in paragraph
22 (1)(B) requires improvement, to research how to
23 achieve those improvements, and to make rec-
24 ommendations based on the findings of that re-
25 search.

1 (f) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Chairperson of the Working
3 Group shall submit an initial report to the Committees
4 on the Budget, Health, Education, Labor, and Pensions,
5 and Indian Affairs of the Senate and the Committee on
6 the Budget, the Subcommittee on Health of the Com-
7 mittee on Energy and Commerce, and the Subcommittee
8 for Indigenous Peoples of the United States of the Com-
9 mittee on Natural Resources of the House of Representa-
10 tives.

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

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

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

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

24 **SEC. 101. FINDINGS.**

25 Congress finds that—

1 (1) Tribal law enforcement agencies in Amer-
2 ican Indian and Alaska Native communities have
3 fewer officers per capita than other law enforcement
4 agencies nationwide, leaving residents of Indian
5 country and Alaska Native Villages less safe and
6 subject to higher rates of crime;

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

9 (3) Native Americans suffer as victims of vio-
10 lent crime at a rate that is 2.5 times the national
11 average;

12 (4) Native American women are 10 times more
13 likely to be murdered and 2 times more likely to ex-
14 perience rape or experience sexual assault crimes;

15 (5) the criminal justice system in its current
16 form creates structural barriers and fails to recog-
17 nize Tribal sovereignty and inherent Tribal criminal
18 jurisdiction on Tribal lands;

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

21 (7) for example, the Cherokee Nation opened its
22 Supreme Court in 1822, 23 years before the State
23 of Georgia opened its own Supreme Court;

1 (8) Indian tribes historically exercised criminal
2 jurisdiction over non-Indians who committed crimes
3 on Tribal lands;

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

10 (10) the history of inadequate Federal funding
11 for public safety on Tribal lands and complex legal
12 jurisdiction on Tribal lands negatively impacts ac-
13 cess to counsel in Tribal courts;

14 (11) in *Oliphant v. Suquamish Indian Tribe*,
15 435 U.S. 191, 212 (1978), the Supreme Court con-
16 cluded that whether Indian tribes should “be author-
17 ized to try non-Indians” is a consideration “for Con-
18 gress to weigh”;

19 (12) the Supreme Court recently affirmed this
20 holding in June 2021, in *United States v. Cooley*,
21 141 S. Ct. 1638, 1643 (2021), concluding once
22 again that “tribal authority remains subject to the
23 plenary authority of Congress”;

24 (13) existing successful Federal and Tribal self-
25 governance programs working to combat the inequi-

1 ties described in this section face chronic under-
2 funding; and

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

8 **SEC. 102. SENSE OF CONGRESS.**

9 It is the sense of Congress that—

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

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

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

23 (A) within the sovereign territory of the
24 Indian tribe; and

1 (B) who commit a violation of Tribal
2 criminal law;

3 (4) the Supreme Court of the United States, in
4 *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191
5 (1978), violated the inherent sovereign authority of
6 Indian tribes by wrongly limiting tribal criminal ju-
7 risdiction and removing Tribal authority to pros-
8 ecute non-Indians unless authorized by Congress;

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

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

22 (7) the Violence Against Women Reauthoriza-
23 tion Act of 2022 (Public Law 117–103; 136 Stat.
24 840) recognized and affirmed the inherent criminal
25 jurisdiction of Indian tribes over non-Indians who

1 commit crimes of assaults on Tribal justice per-
2 sonnel, child violence, obstruction of justice, sexual
3 violence, sex trafficking, and stalking;

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

7 (9) the exercise of special Tribal criminal juris-
8 diction has allowed many Indian tribes to begin to
9 address the crisis of violence against American In-
10 dian and Alaska Native women by holding offenders
11 accountable and pursuing justice for victims;

12 (10) the Indian tribes that have chosen to im-
13 plement special domestic violence criminal jurisdic-
14 tion under the Violence Against Women Reauthor-
15 ization Act of 2013 (Public Law 113–4; 127 Stat.
16 54) have successfully upheld the rights of defendants
17 under that Act and complied with the requirements
18 of that Act, including due process protections, but
19 this partial restoration of Tribal jurisdiction has
20 proven insufficient to address the range of serious
21 crimes committed by non-Indians in Indian country
22 and Alaska Native Villages and in violation of Tribal
23 criminal law, and as a result, a large number of vio-
24 lent crimes committed against Native victims go
25 unprosecuted; and

1 (11) Congress has a trust duty and responsi-
 2 bility, stemming from both the treaties signed with
 3 Indian tribes and the Constitution of the United
 4 States, to fund and support strong Tribal govern-
 5 ments, which necessarily includes the funding of
 6 Tribal courts, Tribal law enforcement, and victim
 7 services.

8 **SEC. 103. FULL TRIBAL CRIMINAL JURISDICTION.**

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

13 **“SEC. 205. FULL TRIBAL CRIMINAL JURISDICTION.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) ALASKA NATIVE VILLAGE.—The term
 16 ‘Alaska Native Village’ means an Alaska Native Vil-
 17 lage Statistical Area covering all or any portion of
 18 a Native village (as defined in section 3 of the Alas-
 19 ka Native Claims Settlement Act (43 U.S.C. 1602)),
 20 as depicted on the applicable Tribal Statistical Area
 21 Program Verification map of the Bureau of the Cen-
 22 sus.

23 “(2) FULL CRIMINAL JURISDICTION.—The term
 24 ‘full criminal jurisdiction’ means the criminal juris-

1 diction that a participating tribe may exercise under
2 this section.

3 “(3) INDIAN COUNTRY.—The term ‘Indian
4 country’ has the meaning given the term in section
5 1151 of title 18, United States Code.

6 “(4) PARTICIPATING TRIBE.—The term ‘partici-
7 pating tribe’ means an Indian tribe that elects to ex-
8 ercise full criminal jurisdiction over the Indian coun-
9 try or Alaska Native Village of that Indian tribe.

10 “(5) PROTECTION ORDER.—The term ‘protec-
11 tion order’—

12 “(A) means any injunction, restraining
13 order, or other order issued by a civil or crimi-
14 nal court for the purpose of preventing violent
15 or threatening acts or harassment against, sex-
16 ual violence against, contact or communication
17 with, or physical proximity to, another person;
18 and

19 “(B) includes any temporary or final order
20 issued by a civil or criminal court, whether ob-
21 tained by filing an independent action or as a
22 pendent lite order in another proceeding, if the
23 civil or criminal order was issued in response to
24 a complaint, petition, or motion filed by or on
25 behalf of a person seeking protection.

1 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, in addition to all powers of self-gov-
4 ernment recognized and affirmed by sections 201
5 and 203, the powers of self-government of a partici-
6 pating tribe include the inherent power of that tribe,
7 which is hereby recognized and affirmed, to exercise
8 full criminal jurisdiction over any person who—

9 “(A) commits a violation of tribal criminal
10 law in the Indian country or Alaska Native Vil-
11 lage of that participating tribe;

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

14 “(C) commits a violation of tribal law out-
15 side of the Indian country or Alaska Native Vil-
16 lage of the participating tribe but within the in-
17 herent extraterritorial jurisdiction of the par-
18 ticipating tribe.

19 “(2) APPLICABILITY.—Nothing in this sec-
20 tion—

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

24 “(B) affects the authority of the United
25 States or any State that has been delegated au-

1 thority by the United States to investigate and
2 prosecute a criminal violation in Indian country
3 or in an Alaska Native Village.

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

9 “(c) REMOVAL OF LIMITATIONS ON SENTENCING.—
10 Subparagraphs (B) through (D) of section 202(a)(7), sec-
11 tion 202(b), and section 202(d) shall not apply to a par-
12 ticipating tribe exercising full criminal jurisdiction under
13 this section.

14 “(d) RIGHTS OF DEFENDANTS.—In a criminal pro-
15 ceeding in which a participating tribe exercises full crimi-
16 nal jurisdiction over a non-Indian, the participating tribe
17 shall provide the defendant—

18 “(1) all applicable rights under this Act;

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

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

23 “(A) reflect a fair cross section of the com-
24 munity; and

1 “(B) do not systemically exclude any dis-
2 tinctive group in the community, including non-
3 Indians; and

4 “(4) all other rights whose protection is nec-
5 essary under the Constitution of the United States
6 in order for Congress to recognize and affirm the in-
7 herent power of the participating tribe to exercise
8 full criminal jurisdiction over the defendant.

9 “(e) GRANTS TO TRIBAL GOVERNMENTS.—The At-
10 torney General may award grants to the governments of
11 Indian tribes (or to authorized designees of those govern-
12 ments)—

13 “(1) to strengthen tribal criminal justice sys-
14 tems to assist Indian tribes in exercising full crimi-
15 nal jurisdiction, including—

16 “(A) law enforcement, including the capac-
17 ity of law enforcement or court personnel to
18 enter information into and obtain information
19 from national crime information databases;

20 “(B) prosecution;

21 “(C) trial and appellate courts;

22 “(D) probation systems;

23 “(E) detention and correctional facilities,
24 including medical services and health care for
25 inmates;

1 “(F) alternative rehabilitation centers and
2 reentry programs;

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

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

8 “(2) to provide indigent criminal defendants
9 with the effective assistance of licensed defense
10 counsel, at no cost to the defendant, in criminal pro-
11 ceedings in which a participating tribe prosecutes a
12 crime; and

13 “(3) to ensure that, in criminal proceedings in
14 which a participating tribe exercises full criminal ju-
15 risdiction, jurors are summoned, selected, and in-
16 structed in a manner consistent with all applicable
17 requirements.

18 “(f) SUPPLEMENT, NOT SUPPLANT.—Amounts made
19 available under this section shall supplement and not sup-
20 plant any other Federal, State, tribal, or local government
21 amounts made available to carry out activities described
22 in this section.

23 “(g) AUTHORIZATION OF APPROPRIATIONS.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 there is authorized to be appropriated to carry out

1 subsection (e), and to provide training, technical as-
2 sistance, data collection, and evaluation of the crimi-
3 nal justice systems of participating tribes, and there
4 is appropriated, out of any monies in the Treasury
5 not otherwise appropriated, \$25,000,000 for each of
6 fiscal years 2023 through 2032.

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

13 (b) EFFECTIVE DATE; PILOT PROJECT.—

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

20 (2) PILOT PROJECT.—

21 (A) REQUESTS TO PARTICIPATE.—

22 (i) IN GENERAL.—Except as provided
23 in subparagraph (B), at any time during
24 the 5-year period beginning on the date of
25 enactment of this Act, an Indian tribe (as

1 defined in section 201 of Public Law 90–
2 284 (25 U.S.C. 1301) (commonly known
3 as the “Indian Civil Rights Act of 1968”))
4 may ask the Attorney General to designate
5 the Indian tribe as a participating tribe
6 under section 205 of Public Law 90–284
7 (commonly known as the “Indian Civil
8 Rights Act of 1968”) on an accelerated
9 basis.

10 (ii) PROCEDURE.—The Attorney Gen-
11 eral may grant a request under clause (i)
12 after coordinating with the Secretary of
13 the Interior, consulting with affected In-
14 dian tribes, and concluding that the crimi-
15 nal justice system of the requesting Indian
16 tribe has adequate safeguards in place to
17 protect the rights of defendants, consistent
18 with section 205 of Public Law 90–284
19 (commonly known as the “Indian Civil
20 Rights Act of 1968”).

21 (B) TRIBES EXERCISING SPECIAL DOMES-
22 TIC VIOLENCE CRIMINAL JURISDICTION.—

23 (i) IN GENERAL.—At any time during
24 the 5-year period beginning on the date of
25 enactment of this Act, a participating tribe

1 (as defined in section 204(a) of Public
2 Law 90–284 (25 U.S.C. 1304(a)) (com-
3 monly known as the “Indian Civil Rights
4 Act of 1968’’) (referred to in this sub-
5 paragraph as a “tribe”)—

6 (I) may elect to exercise full
7 criminal jurisdiction under section
8 205 of that Act; and

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

11 (ii) PROCEDURE.—On notification by
12 a tribe under clause (i)(II), the Attorney
13 General shall designate the tribe as a par-
14 ticipating tribe under section 205 of Public
15 Law 90–284 (commonly known as the “In-
16 dian Civil Rights Act of 1968’’).

17 (C) EFFECTIVE DATES FOR PILOT
18 PROJECTS.—An Indian tribe designated as a
19 participating tribe under subparagraph (A)(ii)
20 or (B)(ii) may commence exercising full crimi-
21 nal jurisdiction pursuant to subsections (b)
22 through (d) of section 205 of Public Law 90–
23 284 (commonly known as the “Indian Civil
24 Rights Act of 1968’’) on a date chosen by the

1 Indian tribe, on the condition that the date
2 shall be—

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

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

11 (c) PETITIONS TO STAY DETENTION.—Section
12 204(e) of Public Law 90–284 (25 U.S.C. 1304(e)) (com-
13 monly known as the “Indian Civil Rights Act of 1968”)
14 is amended—

15 (1) in paragraph (2)—

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

19 (B) in the matter preceding clause (ii) (as
20 so redesignated), by striking “A court” and in-
21 serting the following:

22 “(A) IN GENERAL.—A court”;

23 (C) in subparagraph (A) (as so des-
24 ignated), by inserting before clause (ii) (as so
25 redesignated) the following:

1 “(i) finds that the person has ex-
2 hausted all tribal court remedies;” and

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

4 “(B) VICTIMLESS CRIMES.—If the crime
5 committed by a defendant petitioning for a stay
6 under paragraph (1) is a victimless crime, the
7 court shall not be required to make a finding
8 described in subparagraph (A)(iii).”; and

9 (2) by adding at the end the following:

10 “(3) NOTICE.—An Indian tribe that has or-
11 dered the detention of any person has a duty to
12 timely notify the person of the rights and privileges
13 the person has under this subsection and under sec-
14 tion 203.”.

15 **SEC. 104. BUREAU OF PRISONS TRIBAL PRISONER PRO-**
16 **GRAM.**

17 Section 234(c) of the Tribal Law and Order Act of
18 2010 (25 U.S.C. 1302a) is amended—

19 (1) in paragraph (2)—

20 (A) in subparagraph (B), by striking
21 “(comparable to the” and all that follows
22 through “United States Code”); and

23 (B) by striking subparagraph (D); and

24 (2) by striking paragraph (4).

1 **SEC. 105. TRIBAL JUSTICE SYSTEMS.**

2 (a) IN GENERAL.—Section 103(a) of the Indian Trib-
3 al Justice Act (25 U.S.C. 3613(a)) is amended—

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

7 “(a) AUTHORIZATION.—

8 “(1) IN GENERAL.—Pursuant to”; and

9 (2) by adding at the end the following:

10 “(2) REQUIREMENT.—The Secretary shall enter
11 into contracts, grants, or agreements with Indian
12 tribes under paragraph (1) without regard to wheth-
13 er the Indian tribe is located in a State listed in sec-
14 tion 1162(a) of title 18, United States Code, or sec-
15 tion 1360(a) of title 28, United States Code.”.

16 (b) FUNDING.—Section 201 of the Indian Tribal Jus-
17 tice Act (25 U.S.C. 3621) is amended—

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

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

23 “(b) BASE SUPPORT FUNDING FOR TRIBAL JUSTICE
24 SYSTEMS.—

25 “(1) IN GENERAL.—There are authorized to be
26 appropriated to carry out section 103, and there are

1 appropriated, out of any monies in the Treasury not
2 otherwise appropriated—

3 “(A) \$83,000,000 for fiscal year 2023;

4 “(B) \$140,000,000 for fiscal year 2024;

5 “(C) \$200,000,000 for fiscal year 2025;

6 “(D) \$259,000,000 for fiscal year 2026;

7 and

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

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

15 **SEC. 106. GRANTS TO INDIAN TRIBES UNDER PUBLIC SAFE-**
16 **TY AND COMMUNITY POLICING GRANT PRO-**
17 **GRAM.**

18 Section 1701(j) of the Omnibus Crime Control and
19 Safe Streets Act of 1968 (34 U.S.C. 10381(j)) is amend-
20 ed—

21 (1) in paragraph (2)—

22 (A) by striking “In providing” and insert-
23 ing the following:

24 “(A) IN GENERAL.—In providing”; and

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

1 “(B) REQUIREMENT.—The Attorney Gen-
2 eral shall provide grants to Indian tribal gov-
3 ernments under this subsection without regard
4 to whether the Indian tribe of the Indian tribal
5 government is located in a State listed in sec-
6 tion 1162(a) of title 18, United States Code, or
7 section 1360(a) of title 28, United States
8 Code.”; and

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

11 “(4) FUNDING.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), there is authorized to be appro-
14 priated to carry out this subsection, and there
15 is appropriated, out of any monies in the Treas-
16 ury not otherwise appropriated, \$52,000,000
17 for fiscal year 2023 and each fiscal year there-
18 after.

19 “(B) ADJUSTMENT FOR INFLATION.—The
20 amount made available under subparagraph (A)
21 for fiscal year 2024 and each fiscal year there-
22 after shall be adjusted annually to reflect the
23 change in the Consumer Price Index for All
24 Urban Consumers published by the Bureau of
25 Labor Statistics.”.

1 **SEC. 107. BUREAU OF INDIAN AFFAIRS LAW ENFORCEMENT**
2 **AND DETENTION.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated to the Director of the Bureau of Indian Affairs
5 to carry out the law enforcement and detention activities
6 of the Bureau of Indian Affairs, and there is appropriated,
7 out of any monies in the Treasury not otherwise appro-
8 priated, \$1,200,000,000 for fiscal year 2023 and each fis-
9 cal year thereafter.

10 (b) ADJUSTMENT FOR INFLATION.—The amount
11 made available under subsection (a) for fiscal year 2024
12 and each fiscal year thereafter shall be adjusted annually
13 to reflect the change in the Consumer Price Index for All
14 Urban Consumers published by the Bureau of Labor Sta-
15 tistics.

16 (c) REQUIREMENT.—The Director of the Bureau of
17 Indian Affairs shall provide law enforcement and deten-
18 tion services to Tribal communities without regard to
19 whether the Tribal community is located in a State listed
20 in section 1162(a) of title 18, United States Code, or sec-
21 tion 1360(a) of title 28, United States Code.

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

25 Section 3598 of title 18, United States Code, is
26 amended—

1 (1) by striking “under this chapter for any of-
2 fense the Federal jurisdiction for” and inserting the
3 following: “under this chapter for—

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

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

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

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

16 “unless the governing body”.

17 **SEC. 109. INDIAN VICTIMS OF CRIME.**

18 (a) GRANT PROGRAM FOR INDIAN CRIME VICTIM
19 SERVICES.—The Victims of Crime Act of 1984 (34 U.S.C.
20 20101 et seq.) is amended by inserting after section
21 1404F the following:

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

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE INDIAN TRIBE.—The term ‘eligi-
2 ble Indian tribe’ means an Indian tribe that submits
3 a written proposal for a covered grant to the Direc-
4 tor in accordance with subsection (c)(2).

5 “(2) IMMEDIATE FAMILY MEMBER.—The term
6 ‘immediate family member’ has the meaning given
7 the term in section 115(c) of title 18, United States
8 Code.

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

13 “(4) PERSONALLY IDENTIFYING INFORMA-
14 TION.—The term ‘personally identifying information’
15 has the meaning given the term in section 40002(a)
16 of the Violence Against Women Act of 1994 (34
17 U.S.C. 12291(a)).

18 “(5) SERVICES TO VICTIMS OF CRIME.—The
19 term ‘services to victims of crime’—

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

22 “(B) includes efforts that—

23 “(i) respond to the emotional, psycho-
24 logical, or physical needs of a victim of
25 crime;

1 “(ii) assist a victim of crime in stabi-
2 lizing his or her life after victimization;

3 “(iii) assist a victim of crime in un-
4 derstanding and participating in the crimi-
5 nal justice system; or

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

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

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

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

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

18 “(3) coordinate with the Office of Tribal Jus-
19 tice, the Indian Health Service, and the Bureau of
20 Indian Affairs in implementing the grant program
21 described in subsection (c).

22 “(c) GRANT PROGRAM.—

23 “(1) IN GENERAL.—On an annual basis, the
24 Director shall make grants to eligible Indian tribes
25 for the purposes of funding—

1 “(A) a program, administered by one or
2 more Indian tribes, that provides services to
3 victims of crime, which may be provided in tra-
4 ditional form or through electronic, digital, or
5 other technological formats, including—

6 “(i) services to victims of crime pro-
7 vided through subgrants to agencies or de-
8 partments of Tribal governments or non-
9 profit organizations;

10 “(ii) domestic violence shelters, rape
11 crisis centers, child abuse programs, child
12 advocacy centers, and elder abuse pro-
13 grams providing services to victims of
14 crime;

15 “(iii) medical care, equipment, treat-
16 ment, and related evaluations arising from
17 the victimization, including—

18 “(I) emergency medical care and
19 evaluation, nonemergency medical
20 care and evaluation, psychological and
21 psychiatric care and evaluation, and
22 other forms of medical assistance,
23 treatment, or therapy, regardless of
24 the setting in which the services are
25 delivered;

1 “(II) mental and behavioral
2 health and crisis counseling, evalua-
3 tion, and assistance, including out-
4 patient therapy, counseling services,
5 substance abuse treatment, and other
6 forms of specialized treatment, includ-
7 ing intervention and prevention serv-
8 ices;

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

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

16 “(aa) to the extent that
17 other funding sources are un-
18 available or insufficient; and

19 “(bb) on the condition that,
20 to the extent practicable, the ex-
21 aminers and interviewers follow
22 relevant guidelines or protocols
23 issued by the State, unit of local
24 government, or Indian tribe with
25 jurisdiction over the area in

1 which the examination or inter-
2 view is conducted;

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

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

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

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

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

23 “(B) the development or implementation of
24 training, technical assistance, or professional
25 development that improves or enhances the

1 quality of services to victims of crime, including
2 coordination between healthcare, education, and
3 justice systems;

4 “(C) the transportation of victims of
5 crime—

6 “(i) to receive services; or

7 “(ii) to participate in criminal justice
8 proceedings;

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

11 “(E) the supervision of direct service pro-
12 viders and contracts for professional or special-
13 ized services that are related directly to pro-
14 viding services to victims of crime;

15 “(F) the repair and replacement of essen-
16 tial items used during the provision of services
17 to victims of crime to contribute to and main-
18 tain a healthy and safe environment for the vic-
19 tims;

20 “(G) transitional housing for victims of
21 crime, particularly victims who have a par-
22 ticular need for such housing and cannot safely
23 return to previous housing, including travel,
24 rental assistance, security deposits, utilities,

1 and other related costs that are incidental to
2 the relocation to transitional housing;

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

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

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

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

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

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

24 “(d) PROTECTION OF CRIME VICTIM CONFIDEN-
25 TIALITY AND PRIVACY.—

1 “(1) ANNUAL REPORTS.—In order to ensure
2 the safety of victims of crime and immediate family
3 members of victims of crime, recipients and sub-
4 recipients of covered grants shall protect the con-
5 fidentiality and privacy of individuals receiving serv-
6 ices from the recipient or subrecipient.

7 “(2) NONDISCLOSURE.—

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

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

21 “(ii) subject to subparagraph (B) and
22 the condition that consent for release may
23 not be given by an abuser of the minor, an
24 abuser of a parent or guardian of a minor,
25 or an incapacitated individual, absent the

1 informed, written, reasonably time-limited
2 consent of—

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

5 “(II) in the case of an emanci-
6 pated minor, the minor, and the par-
7 ent or guardian; or

8 “(III) in the case of legal inca-
9 pacity, a court-appointed guardian.

10 “(B) CERTAIN MINORS AND OTHER INDI-
11 VIDUALS.—If a minor or individual with a le-
12 gally appointed guardian may lawfully receive
13 services without the consent of a parent or
14 guardian, that minor or individual may consent
15 to the release of information under subpara-
16 graph (A)(ii) without the additional consent of
17 a parent or guardian.

18 “(3) RELEASE.—If the release of information
19 described in paragraph (2) is compelled by a statu-
20 tory or court mandate, a recipient or subrecipient of
21 a covered grant shall—

22 “(A) make reasonable attempts to provide
23 notice to victims of crime affected by the disclo-
24 sure of information; and

1 “(B) take steps necessary to protect the
2 privacy and safety of the individuals affected by
3 the release of the information.

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

6 “(A) data in the aggregate that is not per-
7 sonally identifying information regarding serv-
8 ices to clients and demographics in order to
9 comply with Federal, State, Tribal, or terri-
10 torial reporting, evaluation, or data collection
11 requirements;

12 “(B) court-generated and law enforcement-
13 generated information contained in secure gov-
14 ernmental registries for protection order en-
15 forcement purposes; and

16 “(C) law enforcement-generated and pros-
17 ecution-generated information necessary for law
18 enforcement and prosecution purposes.

19 “(e) AVAILABILITY OF GRANT FUNDS.—Any amount
20 awarded under a covered grant that remains unobligated
21 at the end of the fiscal year in which the grant is made
22 may be expended for the purpose for which the grant was
23 made at any time during the 10 succeeding fiscal years,
24 at the end of which period, any unobligated sums shall

1 remain available to the Director for award under this sec-
2 tion in the following fiscal year.

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

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

7 “(2) multiple Indian tribes or Tribal organiza-
8 tions from forming a consortium for any of the pur-
9 poses described in this section.

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

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

16 (b) FUNDING FOR GRANTS FOR TRIBAL VICTIMS OF
17 CRIME.—Section 1402(d) of the Victims of Crime Act of
18 1984 (34 U.S.C. 20101(d)) is amended—

19 (1) by inserting before paragraph (2) the fol-
20 lowing:

21 “(1) For each of the first 10 fiscal years begin-
22 ning after the date of enactment of the Honoring
23 Promises to Native Nations Act, 5 percent of the
24 total amount in the Fund available for obligation

1 during a fiscal year shall be made available to the
2 Director to make grants under section 1404G.”;

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

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

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

11 (c) REGULATIONS REGARDING INDIAN TRIBES.—

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

18 (2) NEGOTIATED RULEMAKING.—

19 (A) IN GENERAL.—Not later than 1 year
20 after the date of enactment of this Act, the Di-
21 rector of the Office for Victims of Crime, in
22 consultation with the Secretary of the Interior
23 and Indian tribes (as defined in section
24 1404G(a) of the Victims of Crime Act of 1984)
25 and through notice and comment negotiated

1 rulemaking, following the provisions of sub-
2 chapter III of chapter 5 of title 5, United
3 States Code (commonly known as the ‘Negotiated Rulemaking Act of 1990’), shall promul-
4 gate final regulations carrying out section
5 1404G of the Victims of Crime Act of 1984.
6

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

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

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

14 **SEC. 110. VICTIM ADVOCATES FOR NATIVE AMERICANS.**

15 Section 2001(b)(23) title I of the Omnibus Crime
16 Control and Safe Streets Act of 1968 (34 U.S.C.
17 10441(b)(23)) is amended by striking “domestic violence,
18 dating violence, sexual assault, and stalking” and insert-
19 ing “crime”.

20 **SEC. 111. SPECIAL TRIBAL CRIMINAL JURISDICTION.**

21 Section 204(j)(1) of Public Law 90–284 (25 U.S.C.
22 1304(j)(1)) (commonly known as the “Indian Civil Rights
23 Act of 1968”) is amended, in the matter preceding sub-
24 paragraph (A), by striking “There is authorized to be ap-
25 propriated \$25,000,000” and inserting “There is author-

1 ized to be appropriated, and there is appropriated, out of
2 any monies in the Treasury not otherwise appropriated,
3 \$50,000,000”.

4 **SEC. 112. NATIONAL INDIAN COUNTRY CLEARINGHOUSE**
5 **ON SEXUAL ASSAULT.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated, and there is appropriated, out of any monies in
8 the Treasury not otherwise appropriated, \$1,000,000 for
9 fiscal year 2023 and each fiscal year thereafter for grants,
10 contracts, cooperative agreements, and other assistance
11 for a national clearinghouse that provides training and
12 technical assistance on issues relating to sexual assault of
13 Indian and Alaska Native women.

14 (b) ADJUSTMENT FOR INFLATION.—The amount
15 made available under subsection (a) for fiscal year 2024
16 and each fiscal year thereafter shall be adjusted annually
17 to reflect the change in the Consumer Price Index for All
18 Urban Consumers published by the Bureau of Labor Sta-
19 tistics.

20 **SEC. 113. TRIBAL ACCESS PROGRAM.**

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

23 (1) in paragraph (1), in the matter preceding
24 subparagraph (A), by inserting “(including entities
25 designated by an Indian tribe as maintaining public

1 safety within the territorial jurisdiction of the Indian
2 tribe)” after “law enforcement agencies”; and

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

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

12 **SEC. 114. TIWAHE INITIATIVE.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated to carry out the Tiwahe Initiative of the Bureau
15 of Indian Affairs, and there is appropriated, out of any
16 monies in the Treasury not otherwise appropriated,
17 \$1,000,000,000 for fiscal year 2023 and each fiscal year
18 thereafter.

19 (b) ADJUSTMENT FOR INFLATION.—The amount
20 made available under subsection (a) for fiscal year 2024
21 and each fiscal year thereafter shall be adjusted annually
22 to reflect the change in the Consumer Price Index for All
23 Urban Consumers published by the Bureau of Labor Sta-
24 tistics.

1 **SEC. 115. REVIEWS ON NATIVE HAWAIIAN INTERACTIONS**
2 **WITH LAW ENFORCEMENT.**

3 (a) PUBLIC SAFETY AND CRIMINAL JUSTICE.—

4 (1) REVIEW ON LAW ENFORCEMENT AFFECT-
5 ING NATIVE HAWAIIANS.—

6 (A) IN GENERAL.—The Department of
7 Justice shall conduct a comprehensive review of
8 law enforcement and other crime prevention
9 programs for various crimes affecting Native
10 Hawaiian populations, including child sexual ex-
11 ploitation, child abuse, intimate partner vio-
12 lence, human trafficking, and substance abuse.

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

23 (2) REVIEW OF NATIVE HAWAIIAN VICTIMS OF
24 VARIOUS CRIMES.—

25 (A) IN GENERAL.—The Department of
26 Justice shall conduct a comprehensive review of

1 programs that provide services to victims of
2 various crimes affecting Native Hawaiian popu-
3 lations, including child sexual exploitation, child
4 abuse, intimate partner violence, human traf-
5 ficking, and substance abuse.

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

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

18 (A) IN GENERAL.—The National Institute
19 of Justice, in coordination with the Bureau of
20 Justice Statistics, shall conduct a comprehen-
21 sive review on the Native Hawaiian population
22 involved in the criminal justice system, includ-
23 ing—

24 (i) arrests;

- 1 (ii) detention in Federal, State, and
2 local jails;
3 (iii) pretrial supervision;
4 (iv) post-conviction supervision;
5 (v) incarceration in Federal and State
6 prisons; and
7 (vi) post-release supervision.

8 (B) REPORT.—Not later than 1 year after
9 the date of enactment of this Act, the National
10 Institute of Justice, in coordination with the
11 Bureau of Justice Statistics, shall submit to
12 Congress a report summarizing the review re-
13 quired under subparagraph (A), which shall in-
14 clude—

- 15 (i) the Native Hawaiian population as
16 a percentage of the total population of the
17 United States that is involved in the crimi-
18 nal justice system;
19 (ii) information on the programs and
20 services available to, and used by, Native
21 Hawaiians in various jurisdictions, includ-
22 ing diversion programs, in-prison education
23 programs, and reentry services; and

1 (iii) the number of culturally relevant
2 programs available to justice-involved Na-
3 tive Hawaiians.

4 **TITLE II—HEALTH CARE**

5 **SEC. 201. FINDINGS.**

6 Congress finds that—

7 (1) funding for the Indian Health Service and
8 health care for American Indians and Alaska Na-
9 tives is inequitable and unequal;

10 (2) Indian Health Service expenditures per cap-
11 ita are well below other Federal healthcare pro-
12 grams, which results in—

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

15 (B) American Indians and Alaska Natives
16 living sicker and dying younger than other indi-
17 viduals in the United States;

18 (3) the urban Indian health care budget has
19 failed to keep pace with urban Indian population
20 growth or inflation, and that severe underfunding
21 impedes fulfillment of the trust and treaty obliga-
22 tions of the Federal Government;

23 (4) due to chronic underfunding to healthcare
24 programs that serve American Indians and Alaska
25 Natives, American Indians and Alaska Natives face

1 overwhelming health disparities compared to other
2 populations, including—

3 (A) having lower life expectancies and ex-
4 periencing a disproportionate number of dis-
5 eases; and

6 (B) dying at higher rates than other indi-
7 viduals in the United States from chronic liver
8 disease, cirrhosis, diabetes mellitus, uninten-
9 tional injuries, intentional self-harm and sui-
10 cide, and chronic lower respiratory diseases;

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

16 (A) reduces the amount that Tribal health
17 facilities can bill Medicare, Medicaid, or other
18 private insurances for reimbursement of serv-
19 ices; and

20 (B) poses a threat to the continuity of op-
21 erations of those facilities;

22 (6)(A) section 10221 of the Patient Protection
23 and Affordable Care Act (Public Law 111–148; 124
24 Stat. 935) permanently reauthorized the Indian
25 Health Care Improvement Act (25 U.S.C. 1601 et

1 seq.) in the hope of reducing health disparities faced
2 by Native Americans; but

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

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

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

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

14 **SEC. 202. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

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

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

24 (3) Congress should allocate funding to job
25 training and tuition reimbursement programs to in-

1 crease the number of clinicians and non-medical
2 health care staff serving American Indians, Alaska
3 Natives, Native Hawaiians, and Indian tribes;

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

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

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

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

22 (i) to ensure the highest possible health
23 status for Indians and to provide all resources
24 necessary to effect that policy;

1 (ii) to raise the health status of Indians to
2 at least the levels set forth in the goals con-
3 tained within the Healthy People 2010 initiative
4 or successor objectives;

5 (iii) to ensure maximum Indian participa-
6 tion in the direction of health care services so
7 as to render the persons administering such
8 services and the services themselves more re-
9 sponsive to the needs and desires of Indian
10 communities;

11 (iv) to increase the proportion of all de-
12 grees in the health professions and allied and
13 associated health professions awarded to Indi-
14 ans so that the proportion of Indian health pro-
15 fessionals in each Indian Health Service area is
16 raised to at least the level of that of the general
17 population;

18 (v) to require that all actions under that
19 Act shall be carried out with active and mean-
20 ingful consultation with Indian tribes, and con-
21 ference with tribal organizations and urban In-
22 dian organizations, to implement that Act and
23 the national policy of Indian self-determination;

24 (vi) to ensure that the United States and
25 Indian tribes work in a government-to-govern-

1 ment relationship to ensure quality health care
2 for all Tribal members; and

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

8 (6) legal challenges to that Act and the Patient
9 Protection and Affordable Care Act (Public Law
10 111–148; 124 Stat. 119) are harmful;

11 (7) legislation to address the opioid and sub-
12 stance use epidemic facing American Indian, Alaska
13 Native, and Native Hawaiian communities (known
14 as the “Comprehensive Addiction Resources Emer-
15 gency Act of 2021”, S. 3418 and H.R. 6311, 117th
16 Congress, as introduced on December 16, 2021)
17 should be enacted without delay; and

18 (8) legislation to provide significant resources
19 to Indian tribes to combat child abuse and neglect
20 (known as the “American Indian and Alaska Native
21 Child Abuse Prevention and Treatment Act”, S.
22 1868 and H.R. 1566, 117th Congress, as introduced
23 on May 26, 2021, and March 3, 2021, respectively)
24 should be enacted without delay.

1 **SEC. 203. MANDATORY FUNDING FOR INDIAN HEALTH**
2 **SERVICE.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Treasury an account, to be known as the “Indian Health
5 Services Operations Account”, into which shall be depos-
6 ited all amounts appropriated or otherwise made available
7 according to the recommendations of the national Tribal
8 Budget Formulation Workgroup, as of the date of enact-
9 ment of this Act, to carry out the Indian Health Care Im-
10 provement Act (25 U.S.C. 1601 et seq.) and any other
11 program relating to or operated by the Indian Health
12 Service.

13 (b) **APPROPRIATION.**—There are authorized to be ap-
14 propriated, and there are appropriated, out of any monies
15 in the Treasury not otherwise appropriated, the following
16 amounts, which shall be deposited in the Indian Health
17 Services Operations Account:

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

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

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

22 (A) the amount appropriated for the pre-
23 vious fiscal year, as adjusted annually to reflect
24 the change in the medical care component of
25 the consumer price index for all urban con-
26 sumers (U.S. city average); and

1 (B) as applicable—

2 (i) 1.8 percent of the amount appro-
3 priated for the previous fiscal year; or

4 (ii) the percentage of the amount ap-
5 propriated for the previous fiscal year de-
6 termined under subsection (c)(2).

7 (c) ADJUSTMENTS AFTER FISCAL YEAR 2024.—

8 (1) STUDY.—Not later than September 30,
9 2024, and not less frequently than once every 10
10 years thereafter, the Comptroller General of the
11 United States shall conduct a study, in consultation
12 with Indian tribes, to determine whether the popu-
13 lation served by the Indian Health Service has con-
14 tinued to grow by 1.8 percent per year.

15 (2) ADJUSTMENT.—If the Comptroller General
16 determines under the study conducted under para-
17 graph (1) that the actual rate of growth of the popu-
18 lation described in that paragraph is higher than 1.8
19 percent, for purposes of subsection (b)(3)(B)(ii), the
20 percentage by which the amount appropriated for
21 the previous fiscal year shall be adjusted to reflect
22 the actual rate of growth determined by the study.

23 (d) SHORTFALLS AND REPORT.—

24 (1) IN GENERAL.—Not later than the end of
25 fiscal year 2023, the Secretary of Health and

1 Human Services shall submit to the Committees on
2 the Budget, Health, Education, Labor, and Pen-
3 sions, and Indian Affairs of the Senate and the
4 Committee on the Budget, the Subcommittee on
5 Health of the Committee on Energy and Commerce,
6 and the Subcommittee for Indigenous Peoples of the
7 United States of the Committee on Natural Re-
8 sources of the House of Representatives a publicly
9 available report, developed in consultation with In-
10 dian tribes, that proposes an item of appropriation,
11 according to the recommendations of the national
12 Tribal Budget Formulation Workgroup, for short-
13 falls for funds related to the lease of a facility used
14 for administration and delivery of Indian Health
15 Service programs pursuant to section 105(l) of the
16 Indian Self-Determination Act (25 U.S.C. 5324(l)),
17 including supporting documentation on the methods
18 used by the Secretary of Health and Human Serv-
19 ices to determine the amount of shortfalls.

20 (2) ADDITIONAL APPROPRIATIONS.—

21 (A) FACILITY LEASING.—

22 (i) IN GENERAL.—In addition to the
23 amount appropriated for a fiscal year for
24 the Indian Health Services Operations Ac-
25 count, there is authorized to be appro-

1 appropriated for fiscal year 2023, and each fis-
2 cal year thereafter, and there is appro-
3 priated, out of any monies in the Treasury
4 not otherwise appropriated, the amount re-
5 quested by the report under paragraph (1).

6 (ii) ADJUSTMENT FOR INFLATION.—

7 The amount made available under clause
8 (i) for fiscal year 2024 and each fiscal year
9 thereafter shall be adjusted annually to re-
10 flect the change in the medical care compo-
11 nent of the consumer price index for all
12 urban consumers (U.S. city average).

13 (B) CONTRACT SUPPORT COSTS.—In addi-
14 tion to the amount appropriated for a fiscal
15 year for the Indian Health Services Operations
16 Account, there is authorized to be appropriated
17 for fiscal year 2023, and each fiscal year there-
18 after, for contract support costs described in
19 section 106 of the Indian Self-Determination
20 Act (25 U.S.C. 5325) an amount determined by
21 the Secretary of the Interior to cover any short-
22 falls for the operation of the programs and por-
23 tions for periods covered by the contract sup-
24 port costs.

1 **SEC. 204. SANITATION FACILITIES CONSTRUCTION PRO-**
 2 **GRAM.**

3 Section 7 of the Act of August 5, 1954 (42 U.S.C.
 4 2004a), is amended by adding at the end the following:

5 “(d) FUNDING.—

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

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

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

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

20 **SEC. 205. SPECIAL DIABETES PROGRAMS FOR INDIANS.**

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

23 (1) in subsection (c)(2)—

24 (A) by redesignating subparagraphs (A)
 25 through (D) as clauses (i) through (iv), respec-
 26 tively, and indenting appropriately;

1 (B) in the matter preceding clause (i) (as
2 so redesignated), by striking “For the purpose”
3 and inserting the following:

4 “(A) IN GENERAL.—For the purpose”;

5 (C) in subparagraph (A) (as so redesign-
6 nated)—

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

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

13 (iii) by adding at the end the fol-
14 lowing:

15 “(v) subject to subparagraph (B),
16 \$300,000,000 for each of fiscal years 2023
17 through 2032, to remain available until ex-
18 pended.”; and

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

20 “(B) ADJUSTMENT FOR INFLATION.—The
21 amount authorized to be appropriated under
22 subparagraph (A)(v) for each of fiscal years
23 2024 through 2032 shall be adjusted annually
24 to reflect the change in the medical care compo-

1 ment of the consumer price index for all urban
2 consumers (U.S. city average).”;

3 (2) by redesignating subsection (c) as sub-
4 section (d); and

5 (3) by inserting after subsection (b) the fol-
6 lowing:

7 “(c) REQUIREMENT.—Grants provided under sub-
8 section (a) shall be subject to the requirements of section
9 7(b) of the Indian Self-Determination and Education As-
10 sistance Act (25 U.S.C. 5307(b)).”.

11 **SEC. 206. SPECIAL DIABETES PROGRAM FOR NATIVE HA-**
12 **WAIANS.**

13 Section 6 of the Native Hawaiian Health Care Im-
14 provement Act (42 U.S.C. 11705) is amended by adding
15 at the end the following:

16 “(i) SPECIAL DIABETES PROGRAM FOR NATIVE HA-
17 WAIANS.—

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

22 “(2) SERVICES THROUGH NATIVE HAWAIIAN
23 HEALTH CARE SYSTEMS FACILITIES.—For purposes
24 of subsection (a), services under such subsection are
25 provided in accordance with this subsection if these

1 services are provided through the Native Hawaiian
2 Health Care Systems.

3 “(3) APPROPRIATIONS.—For the purpose of
4 making grants under this section, there is appro-
5 priated, out of any money in the Treasury not other-
6 wise appropriated, \$9,000,000 for each fiscal year.”.

7 **SEC. 207. PERMANENT EXTENSION OF FULL FEDERAL MED-**
8 **ICAL ASSISTANCE PERCENTAGE TO URBAN**
9 **INDIAN ORGANIZATIONS.**

10 Section 1905(b) of the Social Security Act (42 U.S.C.
11 1396d(b)) is amended, in the third sentence, by striking
12 “for the 8 fiscal year quarters beginning with the first
13 fiscal year quarter beginning after the date of the enact-
14 ment of the American Rescue Plan Act of 2021” and in-
15 serting “for each fiscal quarter beginning on or after April
16 1, 2021”.

17 **SEC. 208. QUALIFIED INDIAN PROVIDER SERVICES.**

18 Section 1905 of the Social Security Act (42 U.S.C.
19 1396d) is amended—

20 (1) in subsection (a)(2)—

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

23 (B) by inserting “, and (D) qualified In-
24 dian provider services (as defined in subsection
25 (l)(4))” after “included in the plan”; and

1 (2) in subsection (1), by adding at the end the
2 following:

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

5 “(i) for which medical assistance is other-
6 wise available under the State plan (or a waiver
7 of such plan); and

8 “(ii) that are furnished by an Indian
9 health care provider (as defined in subpara-
10 graph (B)) to an individual who—

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

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

15 “(B) The term ‘Indian health care provider’
16 means a health program operated by the Indian
17 Health Service or by an Indian tribe or Tribal orga-
18 nization (as defined in section 4 of the Indian
19 Health Care Improvement Act (25 U.S.C. 1603)) or
20 inter-tribal consortium (as defined in section 501(a)
21 of the Indian Self-Determination and Education As-
22 sistance Act (25 U.S.C. 5381(a))) or through an
23 urban Indian organization (as defined in section 4 of
24 the Indian Health Care Improvement Act (25 U.S.C.
25 1603)) operating pursuant to a grant or contract

1 with the Indian Health Service under title V of the
 2 Indian Health Care Improvement Act or as a perma-
 3 nent program within the Indian Health Services di-
 4 rect care program.

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

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

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

19 **SEC. 210. NATIVE HAWAIIAN HEALTH CARE.**

20 (a) **EXTENSION OF FEDERAL TORT CLAIMS ACT**
 21 **COVERAGE TO NATIVE HAWAIIAN HEALTH CARE SYS-**
 22 **TEMS.**—Section 6 of the Native Hawaiian Health Care
 23 Improvement Act (42 U.S.C. 11705) is amended—

1 (1) by redesignating subsections (h) and (i) (as
2 added by section 206) as subsections (i) and (j), re-
3 spectively;

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

6 “(h) FEDERAL TORT CLAIMS ACT COVERAGE.—

7 “(1) NATIVE HAWAIIAN HEALTH CARE SYS-
8 TEMS.—A Native Hawaiian health care system shall
9 be considered to be a Federal agency for purposes
10 of claims under sections 1346(b) and 2672 of title
11 28, United States Code, for money damages for per-
12 sonal injury, including death, resulting from the per-
13 formance of functions by the Native Hawaiian
14 health care system.

15 “(2) OFFICERS AND EMPLOYEES.—An indi-
16 vidual who is an officer or employee of a Native Ha-
17 waiian health care system shall—

18 “(A) be considered to be an employee of
19 the Department of Health and Human Services
20 for purposes of claims under sections 1346(b)
21 and 2672 of title 28, United States Code, for
22 money damages for personal injury, including
23 death, resulting from the performance of func-
24 tions within the scope of employment of the in-
25 dividual; and

1 “(B) be considered to be an employee of
2 the Public Health Service performing medical,
3 surgical, dental, or related functions for pur-
4 poses of ensuring that the remedy provided by
5 sections 1346(b) and 2672 of title 28, United
6 States Code, is exclusive of any other civil ac-
7 tion or proceeding by reason of the same sub-
8 ject matter against—

9 “(i) that individual; or

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

11 and

12 (3) by striking subsection (i) (as so redesign-
13 nated) and inserting the following:

14 “(i) FUNDING.—

15 “(1) IN GENERAL.—Subject to paragraph (2),
16 there are authorized to be appropriated to carry out
17 this section, and there are appropriated, out of any
18 monies in the Treasury not otherwise appropriated,
19 \$47,000,000 for fiscal year 2023, an additional
20 \$9,000,000 per year for each fiscal year until fiscal
21 year 2035, and \$155,000,000 each fiscal year there-
22 after.

23 “(2) ADJUSTMENT FOR INFLATION.—The
24 amount made available under paragraph (1) for fis-
25 cal year 2036 and each fiscal year thereafter shall

1 be adjusted annually to reflect the change in the
 2 Consumer Price Index for All Urban Consumers
 3 published by the Bureau of Labor Statistics.”.

4 (b) EXTENSION OF FULL FEDERAL MEDICAL AS-
 5 SISTANCE PERCENTAGE TO SERVICES FURNISHED BY NA-
 6 TIVE HAWAIIAN HEALTH CARE SYSTEMS.—Section
 7 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))
 8 is amended, in the third sentence, by striking “for such
 9 8 fiscal year quarters,” and inserting “for each fiscal
 10 quarter beginning on or after April 1, 2021,”.

11 (c) PERMANENT REMOVAL OF MATCHING REQUIRE-
 12 MENTS.—Section 6 of the Native Hawaiian Health Care
 13 Improvement Act (42 U.S.C. 11705) is amended—

14 (1) by striking subsection (e); and

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

17 **SEC. 211. FUNDING FOR TRIBAL EPIDEMIOLOGY CENTERS.**

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

21 “(f) FUNDING.—

22 “(1) IN GENERAL.—There is authorized to be
 23 appropriated, and there is appropriated, out of any
 24 monies in the Treasury not otherwise appropriated,
 25 \$60,000,000 for fiscal year 2023 and each fiscal

1 year thereafter for epidemiology centers established
2 under this section.

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

9 **SEC. 212. STATE OPTION TO PROVIDE MEDICAL ASSIST-**
10 **ANCE FOR RESIDENTIAL ADDICTION TREAT-**
11 **MENT FACILITY SERVICES.**

12 (a) IN GENERAL.—Section 1905 of the Social Secu-
13 rity Act (42 U.S.C. 1396d) is amended—

14 (1) in subsection (a)(16)—

15 (A) by striking “as defined in subsection
16 (h), and, (B)” and inserting “as defined in sub-
17 section (h)(1), (B)”; and

18 (B) by inserting “, and (C) residential ad-
19 diction treatment facility services (as defined in
20 subsection (h)(3)), if offered as part of a full
21 continuum of evidence-based treatment services
22 provided under the State plan, including resi-
23 dential, outpatient, and community-based care,
24 for individuals with substance use disorders”
25 before the semicolon; and

1 (2) in subsection (h)—

2 (A) in paragraph (1), by striking “para-
3 graph (16) of subsection (a)” and inserting
4 “subsection (a)(16)(A)”; and

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

6 “(3)(A) For purposes of subsection (a)(16)(C),
7 the term ‘residential addiction treatment facility
8 services’ means, subject to subparagraph (B), inpa-
9 tient services provided—

10 “(i) to an individual for the purpose of
11 treating a substance use disorder that are fur-
12 nished to an individual in the State for not
13 more than 60 consecutive days (on a statewide
14 average basis), provided that upon completion
15 of each period of 30 consecutive days of treat-
16 ment, the individual is assessed and determined
17 to have progressed through the clinical con-
18 tinuum of care, in accordance with criteria es-
19 tablished by the Secretary, in consultation with
20 the American Society of Addiction Medicine,
21 and requires continued medically necessary
22 treatment and social support services to pro-
23 mote recovery, stable transition to ongoing
24 treatment, and discharge; and

1 “(ii) in a facility that is accredited for the
2 treatment of substance use disorders by the
3 Joint Commission on Accreditation of
4 Healthcare Organizations, the Commission on
5 Accreditation of Rehabilitation Facilities, the
6 Council on Accreditation, or any other accred-
7 iting agency that the Secretary deems appro-
8 priate as necessary to ensure nationwide appli-
9 cability, including qualified national organiza-
10 tions and State-level accrediting agencies.

11 “(B) The State agency responsible for admin-
12 istering the State plan under this title shall establish
13 procedures to ensure that, with respect to any facil-
14 ity providing residential addiction treatment facility
15 services in a fiscal year, the number of beds used by
16 the facility to provide such services during such year
17 is consistent with State licensure standards.

18 “(C) The provision of medical assistance for
19 residential addiction treatment facility services to an
20 individual shall not prohibit Federal financial par-
21 ticipation for medical assistance for items or services
22 that are provided to the individual in or away from
23 the residential addiction treatment facility during
24 any 30-day period in which the individual is receiv-
25 ing residential addiction treatment facility services.

1 “(D) A woman who is eligible for medical as-
2 sistance on the basis of being pregnant and who is
3 furnished residential addiction treatment facility
4 services during any 30-day period may remain eligi-
5 ble for, and continue to be furnished with, such serv-
6 ices for additional 30-day periods without regard to
7 any eligibility limit that would otherwise apply to the
8 woman as a result of her pregnancy ending, subject
9 to assessment by the facility and a determination
10 based on medical necessity related to substance use
11 disorder and the impact of substance use disorder on
12 birth outcomes.”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 this section shall apply to items and services furnished on
15 or after January 1, 2023.

16 **SEC. 213. CONFERRING WITH URBAN INDIAN ORGANIZA-**
17 **TIONS.**

18 (a) **DEFINITION OF CONFER.**—In this section, the
19 term “confer” means to engage in an open and free ex-
20 change of information and opinions that—

21 (1) leads to mutual understanding and com-
22 prehension; and

23 (2) emphasizes trust, respect, and shared re-
24 sponsibility.

1 (b) REQUIREMENT.—The Secretary of Health and
 2 Human Services, to the maximum extent practicable, shall
 3 confer with urban Indian organizations in carrying out
 4 health services of the Department of Health and Human
 5 Services.

6 **SEC. 214. MEDICAID WORK REQUIREMENT EXEMPTION.**

7 Section 1902 of the Social Security Act (42 U.S.C.
 8 1396a) is amended by adding at the end the following new
 9 subsection:

10 “(tt) NONAPPLICATION OF WORK REQUIREMENTS TO
 11 MEMBERS OF INDIAN TRIBES.—In the case of a State
 12 that conditions an individual’s eligibility for medical as-
 13 sistance upon such individual’s satisfaction of a require-
 14 ment that the individual be employed, enrolled in school,
 15 participate in a work activity (as defined in section 407(d)
 16 or otherwise by the State), or participate in other commu-
 17 nity engagement activity, the State shall not apply such
 18 condition to an individual who is a member of a Federally
 19 recognized Indian tribe.”.

20 **SEC. 215. MEDICAID PROGRAM POLICIES FOR MEMBERS OF**
 21 **INDIAN TRIBES.**

22 The Secretary of Health and Human Services—

23 (1) may waive compliance with any requirement
 24 of title XIX of the Social Security Act (42 U.S.C.
 25 1396 et seq.) in a manner that is specific to—

1 (A) persons who are Indian (as defined in
2 section 4 of the Indian Health Care Improve-
3 ment Act (25 U.S.C. 1603)); and

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

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

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

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

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

20 **TITLE III—EDUCATION**

21 **SEC. 301. FINDINGS.**

22 Congress finds that—

23 (1)(A) Native American students experience
24 discernible disparities in access to educational oppor-

1 tunities compared to their non-Native-American
2 peers; and

3 (B) those disparities in educational opportuni-
4 ties—

5 (i) have a profound impact on the social
6 and economic opportunities and well-being of
7 Native American students and Native American
8 communities; and

9 (ii) mean that Native American students
10 are likely to experience disproportionate levels
11 of discipline while in school that leads to those
12 students being suspended or expelled, increas-
13 ing the likelihood of those students to be in-
14 volved in the school-to-prison pipeline;

15 (2) the Federal Government has failed in its
16 trust obligation to provide educational services that
17 address the unique situation of Native American stu-
18 dents;

19 (3)(A) a majority of Native American students
20 attend public schools, many of which lack curricula
21 that provide historically accurate and culturally com-
22 petent representation or discussion of Native Ameri-
23 cans and their history in the United States; and

24 (B) the failure to include historically accurate
25 and culturally competent curricula leads to a lack of

1 understanding for all students of the history and
2 contributions of Native Americans;

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

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

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

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

19 (5)(A) the enactment of the Indian Self-Deter-
20 mination and Education Assistance Act (25 U.S.C.
21 5301 et seq.) allowed federally recognized Indian
22 tribes to contract with the Bureau-funded schools
23 and provide education programs;

24 (B) with 183 Bureau-funded schools, the Bu-
25 reau of Indian Education is obligated to provide cul-

1 turally relevant, high-quality education opportunities
2 to Native American students; and

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

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

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

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

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

23 (ii) the inability to grow endowments; and

24 (iii) a disproportionate number of students
25 living in poverty, suffering food and housing in-

1 security, and unprepared for post-secondary
2 education.

3 **SEC. 302. SENSE OF CONGRESS.**

4 It is the sense of Congress that Congress should—

5 (1) provide full funding for Tribal Colleges and
6 Universities and Bureau-funded schools, including
7 increased funding to develop lessons and curricula
8 that provide culturally competent and historically ac-
9 curate information;

10 (2) provide increased funding to recruit and re-
11 tain teachers at schools that serve a high proportion
12 of Native students, including Bureau-funded schools,
13 in order to address the educational disparities faced
14 by Native American students described in section
15 301;

16 (3) provide full funding for school construction
17 and repairs at Bureau-funded schools, which have
18 lacked longstanding adequate funding and
19 prioritization, to correct facilities operations ineffi-
20 ciencies that contribute to the chronic poor edu-
21 cational outcomes and performance of students at
22 those schools; and

23 (4) increase and make permanent pro-
24 grammatic funding for Native American language
25 programs to restore the elimination of traditional

1 languages that colonial education forced on Native
2 American students during the Assimilation Era.

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

5 Section 371(b) of the Higher Education Act of 1965
6 (20 U.S.C. 1067q(b)) is amended—

7 (1) in paragraph (1)—

8 (A) by striking subparagraph (A) and in-
9 serting the following:

10 “(A) PROVISION OF FUNDS.—There shall
11 be available to the Secretary to carry out this
12 section, from funds in the Treasury not other-
13 wise appropriated, \$300,000,000 for fiscal year
14 2023 and each fiscal year thereafter.”; and

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

16 “(C) ADJUSTMENT FOR INFLATION.—The
17 amount made available under paragraph (1)(A)
18 for fiscal year 2024 and each fiscal year there-
19 after shall be adjusted annually to reflect the
20 change in the Consumer Price Index for All
21 Urban Consumers published by the Bureau of
22 Labor Statistics.”; and

23 (2) in paragraph (2)—

24 (A) in subparagraph (A)—

1 (i) in each of clauses (i) and (ii), by
 2 striking “\$100,000,000” and inserting
 3 “\$117,500,000”; and

4 (ii) in clause (iii), by striking
 5 “\$55,000,000” and inserting
 6 “\$65,000,000”; and

7 (B) in subparagraph (D)—

8 (i) in clause (i), by striking
 9 “\$30,000,000” each place the term ap-
 10 pears and inserting “\$35,000,000”;

11 (ii) in clause (ii), by striking
 12 “\$15,000,000” each place the term ap-
 13 pears and inserting “\$18,000,000”; and

14 (iii) in each of clauses (iii) and (iv),
 15 by striking “\$5,000,000” and inserting
 16 “\$6,000,000”.

17 **SEC. 304. EXPANDING INSTRUCTION AND OUTREACH BY**
 18 **TRIBAL COLLEGES AND UNIVERSITIES AND**
 19 **OTHER AMENDMENTS.**

20 (a) SECTION HEADING.—Section 316 of the Higher
 21 Education Act of 1965 (20 U.S.C. 1059c) is amended, in
 22 the section heading, by striking “**AMERICAN INDIAN**
 23 **TRIBALLY CONTROLLED COLLEGES AND UNIVER-**
 24 **SITIES**” and inserting “**TRIBAL COLLEGES AND UNI-**
 25 **VERSITIES**”.

1 (b) AUTHORIZED ACTIVITIES.—Section 316(c)(2) of
2 the Higher Education Act of 1965 (20 U.S.C.
3 1059c(c)(2)) is amended—

4 (1) in subparagraph (D), by striking “Indians”
5 and all that follows through “policy” and inserting
6 the following: “American Indians and Alaska Na-
7 tives are underrepresented, instruction in Native
8 American languages, and instruction and programs
9 to support Tribal governance, Tribal public policy,
10 and Tribal history and sovereignty”; and

11 (2) in subparagraph (L), by striking “outreach”
12 and all that follows through “education;” and insert-
13 ing the following: “outreach and recruitment activi-
14 ties and programs that encourage American Indian
15 and Alaska Native elementary school students, sec-
16 ondary school students, and community members to
17 develop the academic skills and the interest to pur-
18 sue and succeed in postsecondary education;”.

19 (c) APPLICATION, PLAN, ALLOCATION.—Section
20 316(d) of the Higher Education Act of 1965 (20 U.S.C.
21 1059c(d)) is amended—

22 (1) by striking paragraph (1);

23 (2) by redesignating paragraphs (2) through

24 (4) as paragraphs (1) through (3), respectively; and

1 (3) in paragraph (3) (as so redesignated), by
2 adding at the end the following:

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

13 (d) DEFINITION.—Section 2(a)(4) of the Tribally
14 Controlled Colleges and Universities Assistance Act of
15 1978 (25 U.S.C. 1801(a)(4)) is amended by striking “an
16 institution” and inserting “a public institution”.

17 **SEC. 305. ENDOWMENT FUNDS OF TRIBAL COLLEGES AND**
18 **UNIVERSITIES.**

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

21 (1) by striking subparagraph (B);

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

24 (3) by adding at the end the following:

1 “(C) SCHOLARSHIPS.—A Tribal College or
2 University that uses grant funds provided under
3 this section to establish or increase an endow-
4 ment fund may use the interest proceeds from
5 such endowment to provide scholarships to stu-
6 dents for the purposes of attending such Tribal
7 College or University.”.

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

10 (a) INDIAN SCHOOL EQUALIZATION PROGRAM.—
11 There is authorized to be appropriated to carry out the
12 Indian School Equalization Program of the Bureau of In-
13 dian Affairs, and there is appropriated, out of any monies
14 in the Treasury not otherwise appropriated, \$500,000,000
15 for fiscal year 2023 and each fiscal year thereafter.

16 (b) TRIBAL COLLEGES AND UNIVERSITIES OPER-
17 ATIONS.—There is authorized to be appropriated to fund
18 operations at Tribal Colleges or Universities that are au-
19 thorized under titles I and V of the Tribally Controlled
20 Colleges and Universities Assistance Act of 1978 (25
21 U.S.C. 1802 et seq., 1861 et seq.) and the Navajo Com-
22 munity College Act (25 U.S.C. 640a note; Public Law 92–
23 189), and that originally were authorized under the Act
24 of November 2, 1921 (25 U.S.C. 13) (commonly known
25 as the “Snyder Act”), and there is appropriated, out of

1 any monies in the Treasury not otherwise appropriated,
2 \$150,000,000 for fiscal year 2023 and each fiscal year
3 thereafter.

4 (c) ADJUSTMENT FOR INFLATION.—The amount
5 made available under subsections (a) and (b) for fiscal
6 year 2024 and each fiscal year thereafter shall be adjusted
7 annually to reflect the change in the Consumer Price
8 Index for All Urban Consumers published by the Bureau
9 of Labor Statistics.

10 (d) SPECIAL PROGRAMS AND PROJECTS TO IMPROVE
11 EDUCATIONAL OPPORTUNITIES FOR INDIAN CHIL-
12 DREN.—Subpart 2 of part A of title VI of the Elementary
13 and Secondary Education Act of 1965 (20 U.S.C. 7441
14 et seq.) is amended by adding at the end the following:
15 **“SEC. 6123. FUNDING.**

16 “(a) IN GENERAL.—Subject to subsection (b), there
17 is authorized to be appropriated to carry out this subpart,
18 and there is appropriated, out of any monies in the Treas-
19 ury not otherwise appropriated, \$68,000,000 for fiscal
20 year 2023 and each fiscal year thereafter.

21 “(b) ADJUSTMENT FOR INFLATION.—The amount
22 made available under subsection (a) for fiscal year 2024
23 and each fiscal year thereafter shall be adjusted annually
24 to reflect the change in the Consumer Price Index for All

1 Urban Consumers published by the Bureau of Labor Sta-
2 tistics.”.

3 (e) BUREAU OF INDIAN EDUCATION FACILITIES OP-
4 ERATIONS.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 there is authorized to be appropriated for Bureau of
7 Indian Education facilities operations costs, includ-
8 ing costs for electricity, heating fuels, communica-
9 tions, custodial services, and other operation ex-
10 penses, and there is appropriated, out of any monies
11 in the Treasury not otherwise appropriated,
12 \$109,000,000 for fiscal year 2023 and each fiscal
13 year thereafter.

14 (2) ADJUSTMENT FOR INFLATION.—The
15 amount made available under paragraph (1) for fis-
16 cal year 2024 and each fiscal year thereafter shall
17 be adjusted annually to reflect the change in the
18 Consumer Price Index for All Urban Consumers
19 published by the Bureau of Labor Statistics.

20 (f) STUDENT TRANSPORTATION.—

21 (1) IN GENERAL.—Subject to paragraph (2),
22 there is authorized to be appropriated for the costs
23 of transportation of students to Bureau-funded
24 schools, and there is appropriated, out of any monies
25 in the Treasury not otherwise appropriated,

1 \$73,000,000 for fiscal year 2023 and each fiscal
2 year thereafter.

3 (2) ADJUSTMENT FOR INFLATION.—The
4 amount made available under paragraph (1) for fis-
5 cal year 2024 and each fiscal year thereafter shall
6 be adjusted annually to reflect the change in the
7 Consumer Price Index for All Urban Consumers
8 published by the Bureau of Labor Statistics.

9 **SEC. 307. BUREAU OF INDIAN EDUCATION SCHOOL CON-**
10 **STRUCTION, MODERNIZATION, AND REPAIR.**

11 (a) IN GENERAL.—Subject to subsection (b), there
12 are authorized to be appropriated for the costs of con-
13 struction, facilities improvement, modernization, repair,
14 and replacement school construction for Bureau-funded
15 schools, including sanitation, non-mechanical heating, ven-
16 tilation, and air conditioning system repair and replace-
17 ment, and there are appropriated, out of any monies in
18 the Treasury not otherwise appropriated—

19 (1) \$1,000,000,000 for each of fiscal years
20 2023 through 2027; and

21 (2) \$264,300,000 for fiscal year 2028 and each
22 fiscal year thereafter.

23 (b) ADJUSTMENT FOR INFLATION.—The amount
24 made available under subsection (a)(2) for fiscal year
25 2029 and each fiscal year thereafter shall be adjusted an-

1 nually to reflect the change in the Consumer Price Index
2 for All Urban Consumers published by the Bureau of
3 Labor Statistics.

4 **SEC. 308. TRIBAL COLLEGE AND UNIVERSITY CONSTRU-**
5 **CTION, MODERNIZATION, AND REPAIR.**

6 (a) IN GENERAL.—Section 112 of the Tribally Con-
7 trolled Colleges and Universities Assistance Act of 1978
8 (25 U.S.C. 1812) is amended to read as follows:

9 **“SEC. 112. TRIBAL COLLEGE AND UNIVERSITY CONSTRU-**
10 **CTION, MODERNIZATION, AND REPAIR.**

11 “(a) STUDY.—

12 “(1) IN GENERAL.—The Secretary shall con-
13 duct a study on the condition of facilities of tribally
14 controlled colleges or universities, including facilities
15 of Tribal Colleges or Universities (as defined in sec-
16 tion 316(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1059c(b))).

18 “(2) REQUIREMENT.—The study under para-
19 graph (1) shall identify the need for new construc-
20 tion, renovation, and infrastructure enhancements of
21 the Tribal Colleges and Universities.

22 “(3) CONTRACT.—The Secretary may conduct
23 the study required in subsection (a) directly or by
24 contract.

1 “(b) REPORT.—Not later than 18 months after the
2 date of enactment of the Honoring Promises to Native Na-
3 tions Act, the Secretary shall submit a report describing
4 the results of the study under subsection (a) to—

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

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

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

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

14 (b) INFRASTRUCTURE IMPROVEMENT.—Section 113
15 of the Tribally Controlled Colleges and Universities Assist-
16 ance Act of 1978 (25 U.S.C. 1813) is amended to read
17 as follows:

18 **“SEC. 113. INFRASTRUCTURE IMPROVEMENT.**

19 “(a) DEFINITIONS.—In this section:

20 “(1) CONSTRUCTION.—The term ‘construction’
21 includes any measure to address a facility construc-
22 tion, maintenance, renovation, reconstruction, or re-
23 placement need of a Tribal College or University.

24 “(2) TRIBAL COLLEGE OR UNIVERSITY.—The
25 term ‘Tribal College or University’ means a Tribal

1 College or University (as defined in section 316(b)
2 of the Higher Education Act of 1965 (20 U.S.C.
3 1059e(b))) that was in operation as such a Tribal
4 College or University—

5 “(A) during fiscal year 2022; or

6 “(B) for a period of not fewer than 4 con-
7 secutive fiscal years through an affiliation with
8 a tribally controlled college or university that
9 received assistance under this title during fiscal
10 year 2022.

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

16 “(c) APPLICATION.—

17 “(1) IN GENERAL.—To be eligible to receive a
18 grant under this section, a Tribal College or Univer-
19 sity shall submit to the Secretary an application at
20 such time, in such manner, and containing such in-
21 formation as the Secretary may reasonably require.

22 “(2) APPROVAL.—The Secretary shall approve
23 an application submitted under paragraph (1) if the
24 Secretary determines that—

1 “(A) the application meets all applicable
2 requirements established by the Secretary; and

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

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

8 “(1) construction of new facilities, including—

9 “(A) classrooms;

10 “(B) administrative offices;

11 “(C) libraries;

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

13 “(E) child care centers;

14 “(F) technology centers;

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

17 “(H) other facilities necessary to an insti-
18 tution of higher education;

19 “(2) renovating or expanding an existing or ac-
20 quired facility;

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

23 “(A) laboratory equipment;

24 “(B) computer infrastructure and equip-
25 ment;

1 “(C) broadband infrastructure and equip-
2 ment;

3 “(D) library books; and

4 “(E) furniture; and

5 “(4) property acquisition.

6 “(e) NO MATCH REQUIREMENT.—A Tribal College
7 or University that receives a grant under this section shall
8 not be required to make a matching contribution for any
9 Federal amounts received.

10 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$525,000,000 for each of fiscal years 2023 through
13 2025.”.

14 (c) CONFORMING AMENDMENT.—Section 110(a)(3)
15 of the Tribally Controlled Colleges and Universities Assist-
16 ance Act of 1978 (25 U.S.C. 1810(a)(3)) is amended by
17 striking “sections 112(b) and 113” and inserting “section
18 112(b)”.

19 **SEC. 309. SUPPORT FOR NATIVE STUDENTS AND EDU-**
20 **CATORS IN NATIVE-SERVING SCHOOLS.**

21 (a) PURPOSE.—The purpose of this section is to ad-
22 dress the shortage of qualified teachers serving American
23 Indian, Alaska Native, and Native Hawaiian elementary
24 school and secondary school students by attracting, and
25 retaining, quality teachers to Native-serving schools, while

1 also increasing the number of American Indian, Alaska
 2 Native, and Native Hawaiian teachers in those schools.

3 (b) SUPPORT FOR NATIVE STUDENTS AND EDU-
 4 CATORS IN NATIVE-SERVING SCHOOLS.—Part B of title
 5 II of the Higher Education Act of 1965 (20 U.S.C. 1031
 6 et seq.) is amended by adding at the end the following:

7 **“Subpart 6—Support for Native Students and**
 8 **Educators in Native-Serving Schools**

9 **“SEC. 259A. DEFINITIONS.**

10 “In this subpart:

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

15 “(2) BUREAU OF INDIAN EDUCATION EARLY
 16 CHILDHOOD DEVELOPMENT PROGRAM.—The term
 17 ‘Bureau of Indian Education early childhood devel-
 18 opment program’ means a program operating under
 19 a grant authorized by section 1139 of the Education
 20 Amendments of 1978 (25 U.S.C. 2019).

21 “(3) ELIGIBLE EDUCATOR.—The term ‘eligible
 22 educator’ means an individual who—

23 “(A) received a stipend and mentoring
 24 under section 259B;

1 “(B) completed the individual’s program of
2 study and earned an undergraduate or graduate
3 degree in early childhood education, elementary
4 or secondary education, or school administra-
5 tion from an institution of higher education;
6 and

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

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

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

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

17 “(C) in the case of an undergraduate stu-
18 dent, has completed not less than 2 years of
19 study toward the degree described in subpara-
20 graph (B).

21 “(5) INDIAN.—The term ‘Indian’ has the mean-
22 ing given such term in section 316(b).

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

1 6207 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7517).

3 “(7) NATIVE-SERVING SCHOOL.—The term ‘Na-
4 tive-serving school’ means—

5 “(A) a Bureau-funded school, including a
6 Bureau of Indian Education early childhood de-
7 velopment program;

8 “(B) a public elementary school or sec-
9 ondary school that, for the school year during
10 which an eligible student or eligible educator is
11 employed at such school for purposes of section
12 259B(d)(2)(B) or 259C, respectively—

13 “(i) has a student enrollment of 25
14 percent or more Indian or Native Hawai-
15 ian students; and

16 “(ii) is located in the school district of
17 a local educational agency eligible for as-
18 sistance under part A of title I of the Ele-
19 mentary and Secondary Education Act of
20 1965;

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

23 “(D) a federally funded early childhood
24 education program that serves a significant
25 number of Native students, as determined by

1 the Secretary in consultation with Indian tribes
2 and in collaboration with a Native Hawaiian or-
3 ganization.

4 “(8) TRIBAL EARLY CHILDHOOD EDUCATION
5 PROGRAM.—The term ‘tribal early childhood edu-
6 cation program’ means any of the following pro-
7 grams:

8 “(A) A Head Start or Early Head Start
9 program carried out under the Head Start Act
10 (42 U.S.C. 9831 et seq.) that is located in
11 Head Start region IX or XI.

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

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

18 “(i) receives funding support from the
19 Native American language preservation
20 and maintenance program carried out
21 under section 803C of the Native Amer-
22 ican Programs Act of 1974 (42 U.S.C.
23 2991b–3);

24 “(ii) is a tribal prekindergarten pro-
25 gram;

1 “(iii) is a program authorized under
2 section 619 or part C of the Individuals
3 with Disabilities Education Act with a stu-
4 dent enrollment of 25 percent or more In-
5 dian or Native Hawaiian students; or

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

12 “(9) TRIBAL EDUCATIONAL AGENCY.—The
13 term ‘tribal educational agency’ has the meaning
14 given the term in section 6132(b) of the Elementary
15 and Secondary Education Act of 1965.

16 **“SEC. 259B. STIPENDS AND MENTORING TO NATIVE STU-**
17 **DENTS PURSUING EDUCATION DEGREES.**

18 “(a) PROGRAM AUTHORIZED.—From amounts made
19 available to carry out this section, the Secretary shall
20 carry out a program under which the Secretary provides
21 stipends under subsection (b) and mentoring through
22 grants under subsection (c) to eligible students, in order
23 to increase the number of Native teachers in Native-serv-
24 ing schools.

1 “(b) STIPENDS.—A stipend provided under this sec-
2 tion shall be in an amount equal to \$1,500 a month, for
3 each month during the period in which the student is en-
4 rolled, on a full-time or part-time basis, in a program lead-
5 ing to an undergraduate or graduate degree in early child-
6 hood education, elementary or secondary education, or
7 school administration from an institution of higher edu-
8 cation and until the eligible student obtains the degree.

9 “(c) MENTORING.—The Secretary shall award
10 grants, on a competitive basis, to institutions of higher
11 education serving American Indian, Alaska Native, or Na-
12 tive Hawaiian students, to enable the institution to estab-
13 lish programs that provide mentoring to all eligible stu-
14 dents receiving a stipend under this section.

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

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

20 “(2) that includes—

21 “(A) a commitment to continue pursuing
22 an undergraduate or graduate degree in early
23 childhood education, elementary or secondary
24 education, or school administration at an insti-
25 tution of higher education during the period for

1 which the eligible student receives a stipend;
2 and

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

7 “(e) REPORTING.—The Secretary shall annually pre-
8 pare and submit to Congress a report regarding the pro-
9 gram carried out under this section, which shall include
10 the numbers and percentages of—

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

14 “(2) such students who begin teaching in a Na-
15 tive-serving school upon completion of the degree;
16 and

17 “(3) such students who teach in a Native-serv-
18 ing school for 3 years or more.

19 **“SEC. 259C. BONUSES AND MENTORING FOR NEW EDU-**
20 **CATORS.**

21 “(a) PROGRAM AUTHORIZED.—The Secretary shall
22 carry out a program through which the Secretary provides
23 bonuses described in subsection (b) and mentoring
24 through grants under subsection (c) to eligible educators
25 employed in Native-serving schools, in order to address—

1 “(1) the compensation gap between teaching
2 and other professions; and

3 “(2) the additional living expenses that eligible
4 educators face in order to work in Native-serving
5 schools.

6 “(b) BONUSES.—The amount of a bonus under this
7 section shall be—

8 “(1) not less than \$10,000 for each year of full-
9 time teaching; and

10 “(2) increased by \$2,000 for each year that the
11 eligible educator is employed in a Native-serving
12 school.

13 “(c) MENTORING.—The Secretary shall award
14 grants, on a competitive basis, to local educational agen-
15 cies serving Native-serving schools to enable the local edu-
16 cational agencies to establish teacher mentorship pro-
17 grams that provide mentoring to all eligible educators re-
18 ceiving a bonus under this section for the first 3 years
19 of the eligible educator’s employment in a Native-serving
20 school.

21 “(d) APPLICATIONS.—An eligible educator desiring a
22 bonus and mentoring under this section shall submit an
23 application—

24 “(1) at such time and in such manner as the
25 Secretary shall determine; and

1 “(2) identifying the Native-serving school in
2 which the eligible educator is employed.

3 “(e) REPORTING.—The Secretary shall annually pre-
4 pare and submit to Congress a report regarding the pro-
5 gram carried out under this section, which shall include
6 the numbers and percentages of eligible educators receiv-
7 ing bonuses under this section who teach in Native-serving
8 schools for not less than 3 years.”.

9 (c) NATIONAL BOARD CERTIFICATION INCENTIVE
10 PROGRAM.—

11 (1) IN GENERAL.—Title VI of the Elementary
12 and Secondary Education Act of 1965 (20 U.S.C.
13 7401 et seq.) is amended by adding at the end the
14 following:

15 **“PART D—NATIONAL BOARD CERTIFICATION**
16 **INCENTIVE PROGRAM**

17 **“SEC. 6401. NATIONAL BOARD CERTIFICATION INCENTIVE**
18 **PROGRAM.**

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

20 “(1) to improve the skills of qualified individ-
21 uals who are Indian or Native Hawaiian or who
22 teach Indian or Native Hawaiian people;

23 “(2) to provide an incentive for qualified edu-
24 cators to continue to utilize their enhanced skills in

1 elementary schools and secondary schools serving In-
2 dian or Native Hawaiian communities; and

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

8 “(b) DEFINITIONS.—In this section:

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

13 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
14 tity’ means—

15 “(A) a State educational agency in consor-
16 tium with an institution of higher education;

17 “(B) a local educational agency in consor-
18 tium with an institution of higher education;

19 “(C) an Indian tribe or organization or a
20 Native Hawaiian organization, in consortium
21 with a local educational agency and an institu-
22 tion of higher education;

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

1 “(E) a Bureau-funded school in consor-
2 tium with an institution of higher education.

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

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

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

12 “(4) INDIAN.—The term ‘Indian’ has the mean-
13 ing given the term in section 6151.

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

18 “(6) NATIVE HAWAIIAN.—The term ‘Native
19 Hawaiian’ has the meaning given the term in section
20 6207.

21 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
22 thorized to award grants to eligible entities having applica-
23 tions approved under this section to enable such eligible
24 entities to—

1 “(1) reimburse eligible educators for out-of-
2 pocket costs associated with obtaining teacher cer-
3 tification or credentialing by the National Board for
4 Professional Teaching Standards; and

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

11 “(d) APPLICATION.—

12 “(1) IN GENERAL.—Each eligible entity desir-
13 ing a grant under this section shall submit an appli-
14 cation to the Secretary at such time, in such man-
15 ner, and accompanied by such information, as the
16 Secretary may reasonably require.

17 “(2) SPECIAL RULE.—In the case of an eligible
18 entity desiring to utilize all or a portion of a grant
19 under this section for eligible educators identified in
20 subparagraph (B) of subsection (b)(3) who would
21 not also qualify as an eligible educator under sub-
22 paragraph (A) of such subsection, the eligible entity
23 shall provide an assurance that grant funds will sup-
24 port only those educators who are Native Hawaiian
25 or tribally enrolled or affiliated with an Indian tribe.

1 “(e) AWARDING OF GRANTS.—In awarding grants
2 under this section, the Secretary shall determine the
3 amount and duration of each grant, which shall not exceed
4 5 years.

5 “(f) RESTRICTIONS ON COMPENSATION IN-
6 CREASES.—The Secretary shall require and ensure that
7 individuals who obtain a certification from the National
8 Board for Professional Teaching Standards under this
9 section continue to teach at a school served by the eligible
10 entity through which funding for such certification was ob-
11 tained as a condition of receiving annual compensation in-
12 creases provided for in this section.

13 “(g) PROGRESS REPORTS.—

14 “(1) IN GENERAL.—For every year for which
15 Congress allocates funds for grants under this sec-
16 tion, the Secretary shall provide a report on the
17 progress of the eligible entities receiving grants
18 under this section in meeting applicable progress
19 standards, as determined by the Secretary.

20 “(2) DISSEMINATION.—The Secretary shall dis-
21 seminate each report described in this subsection to
22 each of the following:

23 “(A) The Committee on Health, Edu-
24 cation, Labor, and Pensions of the Senate.

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

3 “(C) The Subcommittee for Indigenous
4 Peoples of the United States of the Committee
5 on Natural Resources of the House of Rep-
6 resentatives.

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

9 (2) TABLE OF CONTENTS.—The table of con-
10 tents for the Elementary and Secondary Education
11 Act of 1965 is amended by inserting after the item
12 relating to section 6306 the following:

“PART D—NATIONAL BOARD CERTIFICATION INCENTIVE PROGRAM

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

13 (d) NATIVE LANGUAGE VITALIZATION AND TRAIN-
14 ING PROGRAM FOR TRIBAL COLLEGES OR UNIVERSITIES
15 AND OTHER INSTITUTIONS OF HIGHER EDUCATION
16 SERVING SIGNIFICANT NUMBERS OF NATIVE STU-
17 DENTS.—

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

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

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE INSTITUTION.—Notwithstanding
2 section 312(b), the term ‘eligible institution’
3 means—

4 “(A) a Tribal College or University;

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

7 “(C) a Native Hawaiian-serving institu-
8 tion, as defined in section 317(b).

9 “(2) NATIVE AMERICAN LANGUAGE.—The term
10 ‘Native American language’ has the meaning given
11 the term in section 103 of the Native American Lan-
12 guages Act (25 U.S.C. 2902).

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

16 “(b) PURPOSE.—The purpose of this section is to
17 support eligible institutions in preserving and revitalizing
18 endangered Native American languages through cur-
19 riculum development, instruction, student support, and in-
20 novative early childhood education programs and commu-
21 nity-based partnerships.

22 “(c) PROGRAM AUTHORIZED.—The Secretary shall
23 establish a program, to be known as the ‘Tribal College
24 or University Native American Language Vitalization and
25 Training Program’, to award grants, on a competitive

1 basis, to eligible institutions to enable the eligible institu-
2 tions to carry out the authorized activities described in
3 subsection (d).

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

7 “(1) Native American language-oriented cur-
8 riculum development and academic and community-
9 based instruction, including educational activities,
10 programs, and partnerships relating to students in
11 early childhood education programs and in kinder-
12 garten through grade 12.

13 “(2) Native American language-oriented profes-
14 sional development for faculty of eligible institutions,
15 and Native American language-oriented in-service
16 training programs for instructors and administrators
17 of early childhood education programs, elementary
18 schools, and secondary schools.

19 “(3) Innovative Native American language pro-
20 grams for students in early childhood education pro-
21 grams and in kindergarten through grade 12, includ-
22 ing language immersion programs.

23 “(4) Other activities proposed in the application
24 submitted under subsection (e) that—

1 “(A) contribute to carrying out the pur-
2 poses of this section; and

3 “(B) are approved by the Secretary in the
4 review and acceptance of such application.

5 “(e) APPLICATION AND OTHER PROVISIONS.—

6 “(1) APPLICATION.—An eligible institution de-
7 siring a grant under this section shall submit an ap-
8 plication to the Secretary at such time and in such
9 manner as the Secretary may require, consistent
10 with the purpose of this section.

11 “(2) STREAMLINED PROCESS.—Notwith-
12 standing section 393, the Secretary shall establish
13 application requirements in such a manner as to
14 simplify and streamline the process for applying for
15 grants under this section.

16 “(3) INCLUSIONS.—An application under this
17 subsection shall include a plan for the program pro-
18 posed by the eligible institution receiving the grant,
19 including—

20 “(A) a description of a 5-year strategy of
21 the eligible institution for meeting the needs of
22 American Indians, Alaska Natives, Native Ha-
23 waiians, or Native American Pacific Islanders,
24 as appropriate, in the area served by the insti-

1 tution, and how such plan is consistent with the
2 purpose described in subsection (b);

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

5 “(ii) an identification of the status of Na-
6 tive American language understanding and use
7 within that population; and

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

11 “(C) a description of the services to be
12 provided under the program, including the man-
13 ner in which the services will be integrated with
14 other appropriate activities of the relevant com-
15 munity; and

16 “(D) a description, to be prepared in con-
17 sultation with the Secretary, of the performance
18 measures to be used to assess the performance
19 of the eligible institution in carrying out the
20 program.

21 “(4) PRIORITY.—In awarding grants under this
22 section with funds described in section
23 399(a)(1)(G)(i), the Secretary shall give priority to
24 eligible institutions that received funding under sec-
25 tion 316 in fiscal year 2022.

1 “(5) CONCURRENT FUNDING.—

2 “(A) TRIBAL COLLEGE OR UNIVERSITY.—

3 An eligible institution that is a Tribal College
4 or University may, concurrently, receive a grant
5 under this section and funds under section 316.

6 “(B) ALASKA NATIVE-SERVING INSTITU-
7 TION OR NATIVE HAWAIIAN-SERVING INSTITU-
8 TION.—An eligible institution that is an Alaska
9 Native-serving institution or Native Hawaiian-
10 serving institution may, concurrently, receive a
11 grant under this section and funds under sec-
12 tion 317.

13 “(6) EXEMPTIONS.—Sections 311(d), 313(d),
14 314, 315, 316(d)(3), 317(d)(3), 318(i), 319(d)(3),
15 320(d)(3), and 391 shall not apply with respect to
16 a grant awarded under this section.”.

17 (2) APPROPRIATIONS.—Section 399(a)(1) of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1068h(a)(1)) is amended—

20 (A) in subparagraph (A), by striking
21 “320” and inserting “320B”; and

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

23 “(G) There is authorized to be appropriated to
24 carry out section 320A, and there is appropriated,
25 out of any monies in the Treasury not otherwise ap-

1 appropriated, \$40,000,000 for each of fiscal years
2 2023 through 2028, of which, for each fiscal year—

3 “(i) \$35,000,000 shall be available for eli-
4 gible institutions that are Tribal Colleges or
5 Universities, as described in section
6 320A(a)(1)(A); and

7 “(ii) \$5,000,000 shall be available for eligi-
8 ble institutions described in subparagraph (B)
9 or (C) of section 320A(a)(1).

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

15 **SEC. 310. JOHNSON-O'MALLEY FUNDING.**

16 (a) IN GENERAL.—There is authorized to be appro-
17 priated to the Secretary of the Interior to carry out the
18 Act of April 16, 1934 (48 Stat. 596, chapter 147; 25
19 U.S.C. 5342 et seq.) (commonly known as the “Johnson-
20 O'Malley Act”), and there is appropriated, out of any
21 monies in the Treasury not otherwise appropriated,
22 \$240,086,800 for fiscal year 2023 and each fiscal year
23 thereafter.

24 (b) ADJUSTMENT.—The amount made available
25 under subsection (a) for fiscal year 2024 and each fiscal

1 year thereafter shall be increased annually to reflect
 2 whichever of the following changes would result in a great-
 3 er amount:

4 (1) The change in the number of eligible stu-
 5 dents who are served or potentially served by a con-
 6 tracting party (as defined in subsection (a) of sec-
 7 tion 7 of the Act of April 16, 1934 (48 Stat. 596,
 8 chapter 147; 25 U.S.C. 5348)), as determined under
 9 subsection (b) of that section.

10 (2) An annual increase of 6 percent.

11 **SEC. 311. NATIVE LANGUAGES.**

12 (a) NATIVE AMERICAN LANGUAGES GRANT PRO-
 13 GRAM.—Section 816(e) of the Native American Programs
 14 Act of 1974 (42 U.S.C. 2992d(e)) is amended—

15 (1) by striking “(e) There are authorized to be
 16 appropriated” and inserting the following:

17 “(e) FUNDING FOR NATIVE AMERICAN LANGUAGES
 18 GRANT PROGRAM.—

19 “(1) FUNDING FOR FISCAL YEARS 2020
 20 THROUGH 2024.—There is authorized to be appro-
 21 priated, and there is appropriated, out of any monies
 22 in the Treasury not otherwise appropriated,”; and

23 (2) by adding at the end the following:

24 “(2) FUNDING FOR FISCAL YEARS 2025
 25 THROUGH 2037.—

1 “(A) IN GENERAL.—There is authorized to
2 be appropriated, and there is appropriated, out
3 of any monies in the Treasury not otherwise ap-
4 propriated, to carry out section 803C
5 \$20,000,000 for each of fiscal years 2025
6 through 2037.

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

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

18 **“SEC. 6134. FUNDING.**

19 “(a) IN GENERAL.—There is authorized to be appro-
20 priated to carry out this subpart, and there is appro-
21 priated, out of any monies in the Treasury not otherwise
22 appropriated, \$13,000,000 for each of fiscal years 2023
23 through 2031.

1 “(b) RESERVATION.—From the amount made avail-
2 able under subsection (a), \$5,000,000 shall be reserved
3 to carry out section 6133.”.

4 (c) NATIVE AMERICAN LANGUAGE RESOURCE CEN-
5 TER.—Section 603 of the Higher Education Act of 1965
6 (20 U.S.C. 1123) is amended—

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

9 (2) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) NATIVE AMERICAN LANGUAGE RESOURCE CEN-
12 TER AUTHORIZED.—

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

18 “(A) establishing, strengthening, and oper-
19 ating a Native American language resource and
20 training center as described in paragraph (2);
21 and

22 “(B) staffing the center with individuals
23 who have high-level fluency in American Indian,
24 Alaska Native, and Native Hawaiian languages
25 and are experienced with Native American lan-

1 guage education in preschool, elementary
2 school, secondary school, adult education, and
3 higher education programs.

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

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

10 “(B) preserve, protect, and promote the
11 rights and freedom of Native Americans to use,
12 practice, and develop Native American lan-
13 guages;

14 “(C) allow the United States to fulfill its
15 trust responsibility to Native American commu-
16 nities and address the effects of past discrimi-
17 nation against Native American language
18 speakers;

19 “(D) support revitalization of Native
20 American languages;

21 “(E) encourage and support the use of Na-
22 tive American languages as a medium of in-
23 struction, including use as a medium of edu-
24 cation in schools operated by Indian tribes,

1 States, the Federal Government, and Native
2 American language educational organizations;

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

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

12 “(H) identify barriers to Native American
13 language education and learning within Federal
14 laws and actions needed for alignment with the
15 Native American Languages Act (25 U.S.C.
16 2901 et seq.);

17 “(I) encourage and support elementary
18 schools, secondary schools, and institutions of
19 higher education to include Native American
20 languages in the curriculum in the same man-
21 ner as other world languages, including through
22 cooperative agreements and distance education,
23 and to grant proficiency in Native American
24 languages the same full academic credit as pro-
25 ficiency in other world languages;

1 “(J) encourage and support the develop-
2 ment of appropriate teacher preparation pro-
3 gramming for the teaching of, and through, Na-
4 tive American languages, including appropriate
5 alternative pathways to teacher certification;

6 “(K) provide a resource base to provide in-
7 formation to Federal, Tribal, State, and local
8 governments and Native American educational
9 organizations to allow the spread of best prac-
10 tices in the use, practice, and development of
11 Native American languages in Native American
12 communities, including use in educational insti-
13 tutions;

14 “(L) provide a resource base for the use of
15 technology in intensive community-, land-, and
16 archive-based programs, as well as hybrid and
17 collaborative programs in supporting the reten-
18 tion, use, development, and teaching of Native
19 American languages by government and private
20 entities;

21 “(M) support the acquisition of distance
22 learning technologies and training for parents,
23 students, teachers, and learning support staff,
24 including the compilation and curation of dig-
25 ital libraries and other online resources in tar-

1 get Native American languages, the develop-
2 ment of distance learning curricula appropriate
3 for preschool, elementary school, secondary
4 school, adult education, and postsecondary edu-
5 cation, the pedagogical training for teachers,
6 and other efforts necessary to continue Native
7 American language acquisition through distance
8 learning;

9 “(N) provide a developmental base from
10 which interested Tribal Colleges and Univer-
11 sities and other Native American entities might
12 develop fully functioning Native American lan-
13 guage medium education systems that include
14 associated preschool, elementary school, sec-
15 ondary school, and adult education programs
16 conducted through the medium of Native Amer-
17 ican languages;

18 “(O) provide a means to further collabora-
19 tion among formal government, institutional,
20 and community-based Native American lan-
21 guage programs, resources, and research efforts
22 with additional access to international best
23 practices in indigenous language revitalization;

24 “(P) develop a support center system for
25 Native American language participants to gath-

1 er and share helpful information and experi-
2 ences; and

3 “(Q) address any of the purposes of for-
4 eign language centers included under this sec-
5 tion if, in doing so, the Native American lan-
6 guage resource and training center—

7 “(i) does so as a subsidiary activity;

8 “(ii) focuses benefits on Native Amer-
9 icans living in Native American commu-
10 nities, or closely tied to such communities;
11 and

12 “(iii) ensures that one of the out-
13 comes being strengthened through this
14 subparagraph is the use of one or more
15 Native American languages in a Native
16 American community.

17 “(3) DEFINITIONS.—In this subsection:

18 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
19 ble entity’ means—

20 “(i) an institution of higher education;

21 “(ii) an entity within an institution of
22 higher education with dedicated responsi-
23 bility for Native American language and
24 culture education;

1 “(iii) a consortium of such institu-
2 tions;

3 “(iv) a consortium of such institutions
4 and other entities with unique responsibil-
5 ities for Native American languages;

6 “(v) an Indian tribe;

7 “(vi) a consortium of Indian tribes; or

8 “(vii) a Native Hawaiian organization.

9 “(B) INDIAN TRIBE.—The term ‘Indian
10 tribe’ has the meaning given the term in section
11 5 of the Honoring Promises to Native Nations
12 Act.

13 “(C) NATIVE AMERICAN; NATIVE AMER-
14 ICAN LANGUAGE.—The terms ‘Native Amer-
15 ican’ and ‘Native American language’ have the
16 meanings given those terms in section 103 of
17 the Native American Languages Act (25 U.S.C.
18 2902).

19 “(D) NATIVE HAWAIIAN ORGANIZATION.—
20 The term ‘Native Hawaiian organization’ has
21 the meaning given the term in section 5 of the
22 Honoring Promises to Native Nations Act.”;
23 and

24 (3) in the matter preceding paragraph (1) of
25 subsection (c), as redesignated by paragraph (1), by

1 striking “subsection (a)” and inserting “this sec-
2 tion”.

3 **SEC. 312. CULTURALLY INCLUSIVE EDUCATION.**

4 (a) DEFINITIONS.—In this section:

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

7 (2) ELIGIBLE PROGRAM PARTICIPANT.—The
8 term “eligible program participant” means—

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

15 (B) an educational leader or expert who is
16 not employed by a local educational agency (as
17 defined in section 8101 of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C.
19 7801)) or an elementary school or secondary
20 school (as such terms are so defined) that is
21 independent of any local educational agency; or

22 (C) a prospective teacher enrolled in a pro-
23 gram of postsecondary education coursework or
24 preservice clinical education.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (b) PROGRAM AUTHORIZED; APPROPRIATION.—

4 (1) FUNDING.—There is authorized to be ap-
5 propriated to carry out this section, and there is ap-
6 propriated, out of any monies in the Treasury not
7 otherwise appropriated, \$15,000,000.

8 (2) DONATIONS, GIFTS, BEQUESTS, AND DE-
9 VISES OF PROPERTY.—In accordance with chapter
10 23 of title 36, United States Code, and in further-
11 ance of the purposes of this section, the Director
12 and Secretary are authorized to solicit, accept, hold,
13 administer, invest, and use donated funds and gifts,
14 bequests, and devises of property, both real and per-
15 sonal.

16 (3) USE OF FUNDS.—The Director, in coordina-
17 tion with the Secretary, using funds appropriated
18 under paragraph (1) and resources received under
19 paragraph (2), and including through the engage-
20 ment of eligible program participants as appro-
21 priate—

22 (A) shall develop and nationally dissemi-
23 nate accurate, relevant, and accessible resources
24 to promote understanding about Native Amer-
25 ican history, the Native American experience,

1 and the legal responsibility of the Federal Gov-
2 ernment to Indian tribes and Native Hawaiian
3 people, which shall include digital resources and
4 may include other types of resources, such as
5 print resources and traveling exhibitions, with
6 the goal of helping educators overcome barriers
7 to accessing reliable, quality, and accurate re-
8 sources that will improve awareness and under-
9 standing of those subjects; and

10 (B) may carry out one or more of the fol-
11 lowing Native American education program ac-
12 tivities:

13 (i) Development, dissemination, and
14 implementation of principles of sound ped-
15 agogy for teaching about Native American
16 history.

17 (ii) Provision of professional develop-
18 ment for eligible program participants,
19 such as through—

20 (I) local, regional, and national
21 workshops;

22 (II) teacher trainings in conjunc-
23 tion with Native American history
24 education centers and other appro-
25 priate partners;

1 (III) engagement with—

2 (aa) local educational agen-
3 cies (as defined in section 8101
4 of the Elementary and Secondary
5 Education Act of 1965 (20
6 U.S.C. 7801)); and

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

12 (IV) operation and expansion of
13 a teacher fellowship program to cul-
14 tivate and support leaders in Native
15 American history education.

16 (iii) Engagement with State and local
17 education leaders to encourage the adop-
18 tion of resources supported under this sec-
19 tion into curricula across diverse dis-
20 ciplines.

21 (iv) Evaluation and research to assess
22 the effectiveness and impact of Native
23 American history education programs,
24 which may include completion of the report
25 required under subsection (e).

1 (4) APPLICATIONS.—The Director, in coordina-
2 tion with the Secretary, may seek the engagement of
3 an eligible program participant under paragraph (3)
4 by requiring submission of an application to the Di-
5 rector at such time, in such manner, and based on
6 such competitive criteria as the Director may re-
7 quire.

8 (c) ONLINE NATIVE AMERICAN EDUCATION RE-
9 SOURCES.—

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

23 (2) INFORMATION DISTRIBUTION.—The Direc-
24 tor shall distribute information about the activities
25 funded under this section through the website of the

1 Department of the Interior, and shall respond to in-
2 quires for supplementary information concerning
3 such activities.

4 (3) BEST PRACTICES.—The information distrib-
5 uted by the Director shall include best practices for
6 educators.

7 (d) ENGAGEMENT OF ELIGIBLE PROGRAM PARTICI-
8 PANTS.—

9 (1) IN GENERAL.—An eligible program partici-
10 pant shall be engaged at the discretion of the Direc-
11 tor to participate in Native American history edu-
12 cation program activities authorized under this sec-
13 tion and approved by the Director pursuant to an
14 application described in subsection (b)(4).

15 (2) ENGAGEMENT PERIOD.—Engagement of eli-
16 gible program participants under this section shall
17 be for a period determined by the Director.

18 (3) PRIORITY.—In engaging eligible program
19 participants under subsection (b), the Director shall
20 give priority to applications from such participants
21 who work for or with a local educational agency, or
22 a school that is independent of any local educational
23 agency, that works with an Indian tribe within the
24 territorial boundaries of the State in which the agen-

1 cy or school provides educational services, to develop
2 the appropriate curriculum for the agency or school.

3 (e) ANNUAL REPORT.—Not later than February 1 of
4 each year, the Director shall submit to Congress a report
5 describing the activities carried out under this section.

6 **SEC. 313. ALASKA NATIVE EDUCATION PROGRAMS.**

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

10 **“SEC. 6307. FUNDING.**

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

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

22 **SEC. 314. EVERY STUDENT SUCCEEDS ACT IMPLEMENTA-**
23 **TION.**

24 (a) STUDENT ASSESSMENT SYSTEMS.—Section 8204
25 of the Elementary and Secondary Education Act of 1965

1 (20 U.S.C. 7824) is amended by adding at the end the
2 following:

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

6 “(1) \$35,000,000 for fiscal year 2023 to de-
7 velop assessments consistent with section 1111 for
8 Bureau-funded schools; and

9 “(2) \$20,000,000 for fiscal year 2024 and each
10 succeeding fiscal year to carry out the assessments
11 consistent with section 1111 for Bureau-funded
12 schools.”.

13 (b) INDIAN EDUCATION FORMULA GRANTS.—Sub-
14 part 1 of part A of title VI of the Elementary and Sec-
15 ondary Education Act of 1965 (20 U.S.C. 7521 et seq.)
16 is amended by adding at the end the following:

17 **“SEC. 6120. FUNDING.**

18 “(a) IN GENERAL.—Subject to subsection (b), there
19 is authorized to be appropriated to carry out this subpart,
20 and there is appropriated, out of any monies in the Treas-
21 ury not otherwise appropriated, \$198,000,000 for fiscal
22 year 2023 and each fiscal year thereafter.

23 “(b) ADJUSTMENT FOR INFLATION.—The amount
24 made available under subsection (a) for fiscal year 2024
25 and each fiscal year thereafter shall be adjusted annually

1 to reflect the change in the Consumer Price Index for All
2 Urban Consumers published by the Bureau of Labor Sta-
3 tistics.”.

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

6 (a) DEFINITION OF TRIBAL EDUCATIONAL AGEN-
7 CY.—In this section, the term “Tribal educational agency”
8 means the agency, department, or instrumentality of an
9 Indian tribe (as defined in section 6132(b) of the Elemen-
10 tary and Secondary Education Act of 1965 (20 U.S.C.
11 7452(b))) that is primarily responsible for supporting the
12 elementary and secondary education of students who are
13 members of the Indian tribe.

14 (b) FUNDING.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 there are authorized to be appropriated to make
17 grants to Tribal educational agencies, and there are
18 appropriated, out of any monies in the Treasury not
19 otherwise appropriated, for fiscal year 2023 and
20 each fiscal year thereafter—

21 (A) to the Secretary of Education,
22 \$10,000,000; and

23 (B) to the Secretary of the Interior,
24 \$10,000,000.

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

8 **SEC. 316. GRADUATE OPPORTUNITIES AT TRIBAL COL-**
 9 **LEGES AND UNIVERSITIES.**

10 Part A of title III of the Higher Education Act of
 11 1965 (20 U.S.C. 1057 et seq.) is amended by adding at
 12 the end the following:

13 **“SEC. 320B. STRENGTHENING PROFESSIONAL AND GRAD-**
 14 **UATE OPPORTUNITIES AT TRIBAL COLLEGES**
 15 **AND UNIVERSITIES.**

16 “(a) DEFINITIONS.—In this section:

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

20 “(A) is a Tribal College or University; and

21 “(B) offers a professional certificate or
 22 graduate degree program.

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

1 “(b) PURPOSES.—The purposes of this section are
2 to—

3 “(1) expand professional and graduate edu-
4 cational opportunities for, and improve the academic
5 attainment of, American Indians and Alaska Natives
6 in high-demand fields and fields in which American
7 Indians and Alaska Natives are underrepresented;
8 and

9 “(2) strengthen and enhance the quality of pro-
10 fessional and graduate programs at Tribal Colleges
11 and Universities.

12 “(c) PROGRAM AUTHORIZED.—

13 “(1) IN GENERAL.—The Secretary shall award
14 grants, on a competitive basis, to eligible institutions
15 to enable the eligible institutions to carry out the au-
16 thorized activities described in subsection (e).

17 “(2) DURATION.—A grant awarded under this
18 section shall be for a period of not more than 5
19 years.

20 “(d) APPLICATION AND AWARD BASIS.—

21 “(1) APPLICATION.—An eligible institution de-
22 siring a grant under this section shall submit an ap-
23 plication to the Secretary at such time and in such
24 manner as the Secretary may require. Such applica-
25 tion shall demonstrate how the grant funds will be

1 used to strengthen graduate and professional oppor-
2 tunities for American Indian and Alaska Native stu-
3 dents at Tribal Colleges and Universities.

4 “(2) STREAMLINED PROCESS.—The Secretary
5 shall establish application requirements in such a
6 manner as to simplify and streamline the process for
7 applying for grants under this section.

8 “(3) PRIORITY.—Notwithstanding section
9 313(b), in awarding grants under this section, the
10 Secretary shall give priority to institutions receiving
11 funding under section 316 for fiscal year 2022.

12 “(e) AUTHORIZED ACTIVITIES.—Grants awarded
13 under this section shall be used for 1 or more of the fol-
14 lowing activities:

15 “(1) Purchase, rental, or lease of scientific or
16 laboratory equipment for educational purposes, in-
17 cluding instructional and research purposes.

18 “(2) Construction, maintenance, renovation,
19 and improvement of classrooms, libraries, labora-
20 tories, and other instructional facilities, including
21 purchase or rental of telecommunications technology
22 equipment or services.

23 “(3) Purchase of library books, periodicals,
24 technical and other scientific journals, microfilm,

1 microfiche, and other educational materials, includ-
2 ing telecommunications program materials.

3 “(4) Support for American Indian and Alaska
4 Native students including outreach, academic sup-
5 port services, mentoring, scholarships, fellowships,
6 and other financial assistance to permit the enroll-
7 ment of such students in professional certificate pro-
8 grams and graduate degree programs.

9 “(5) Establishment or improvement of a devel-
10 opment office to strengthen and increase contribu-
11 tions from professional and graduate alumni and the
12 private sector.

13 “(6) Assistance in the establishment or mainte-
14 nance of an institutional endowment to facilitate fi-
15 nancial independence pursuant to section 331.

16 “(7) Professional and graduate program funds
17 management and administrative management, and
18 the acquisition of equipment, including software, for
19 use in strengthening such funds management and
20 management information systems.

21 “(8) Acquisition of real property that is adja-
22 cent to the campus in connection with the construc-
23 tion, renovation, or improvement of, or an addition
24 to, a campus facility essential to a professional cer-
25 tificate program or graduate degree program.

1 “(9) Education or financial information de-
2 signed to improve the financial literacy and economic
3 literacy of professional and graduate students, espe-
4 cially with regard to student indebtedness and stu-
5 dent assistance programs under title IV.

6 “(10) Tutoring, counseling, and student service
7 programs designed to improve academic success.

8 “(11) Support of faculty exchanges, faculty de-
9 velopment, faculty research, research publication and
10 dissemination, curriculum development, academic in-
11 struction, and student research mentoring.

12 “(12) Creation and improvement of a facility
13 for broadband or other distance education tech-
14 nology, including purchase or rental of telecommuni-
15 cations technology equipment or services.

16 “(13) Collaboration with other institutions of
17 higher education to expand graduate degree pro-
18 grams and professional certificates.

19 “(14) Other activities proposed in the applica-
20 tion submitted pursuant to subsection (d) that—

21 “(A) contribute to carrying out the pur-
22 poses of this section; and

23 “(B) are approved by the Secretary in the
24 review and acceptance of such application.

25 “(f) SPECIAL RULES.—

1 “(1) CONCURRENT FUNDING.—An eligible insti-
2 tution that receives a grant under this section may
3 concurrently receive funds under section 316.

4 “(2) LIMIT ON NUMBER OF GRANTS.—An eligi-
5 ble institution shall not receive more than 1 grant
6 under this section in any fiscal year.

7 “(3) EXEMPTION.—Section 313(d) shall not
8 apply to an eligible institution that receives a grant
9 under this section.”.

10 **TITLE IV—HOUSING**

11 **SEC. 401. FINDINGS.**

12 Congress finds that—

13 (1) there is a housing crisis in Indian country
14 that has worsened over the 20-year period preceding
15 the date of introduction of this Act;

16 (2) the trust obligations of the Federal Govern-
17 ment include providing housing opportunities for
18 Native Americans;

19 (3) funding for the block grant programs under
20 titles I and VIII of the Native American Housing
21 Assistance and Self-Determination Act of 1996 (25
22 U.S.C. 4111 et seq., 25 U.S.C. 4221 et seq.)—

23 (A) has not matched inflation; and

1 (B) fails to cover the growing construction
2 costs and demand for housing in Indian coun-
3 try;

4 (4) due in part to a lack of affordable housing,
5 many Native Americans live in overcrowded condi-
6 tions, resulting in—

7 (A) the average household size for Native
8 Americans exceeding that of the overall average
9 household size in the United States; and

10 (B) overcrowding rates in Tribal areas ex-
11 ceeding that of the overall overcrowding rate in
12 other areas in the United States;

13 (5) lack of access to water is a substantially
14 larger problem in Indian country than in the United
15 States as a whole; and

16 (6) the historical displacement by the Federal
17 Government of Native American communities to re-
18 mote locations and the ongoing failure of the Fed-
19 eral Government to support the development of ade-
20 quate infrastructure, including access to water,
21 roads, and other basic utilities, continues to exacer-
22 bate housing inequities in Indian country.

23 **SEC. 402. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) the Federal Government should provide
2 steady, equitable, noncompetitive, and nondis-
3 cretionary funding directly to Indian tribes, Tribal
4 governments, tribal organizations, and Native Ha-
5 waiian organizations to support the development of
6 housing;

7 (2) legislation to address the housing needs in
8 Native American, Alaska Native, and Native Hawai-
9 ian communities (known as the “American Housing
10 and Economic Mobility Act of 2021”, S. 1368 and
11 H.R. 2768, 117th Congress, as introduced in April
12 2021 and previously supported in a resolution adopt-
13 ed by the National American Indian Housing Coun-
14 cil) should be enacted without delay; and

15 (3) the Secretary of Housing and Urban Devel-
16 opment should continue to consult with Indian
17 tribes, confer with tribal organizations, and collabo-
18 rate with Native Hawaiian organizations to ensure
19 that Indian tribes, tribal organizations, and Native
20 Hawaiian organizations are maximizing their capac-
21 ity and technical expertise to provide for increased
22 housing and infrastructure in their communities.

1 **SEC. 403. INDIAN HOUSING BLOCK GRANT PROGRAM.**

2 Section 108 of the Native American Housing Assist-
3 ance and Self-Determination Act of 1996 (25 U.S.C.
4 4117) is amended to read as follows:

5 **“SEC. 108. FUNDING.**

6 “(a) **AUTHORIZATION OF APPROPRIATIONS.**—There
7 are authorized to be appropriated to the Secretary such
8 sums as are necessary to provide grants under this title
9 for fiscal year 2023 and each fiscal year thereafter.

10 “(b) **MANDATORY FUNDING.**—

11 “(1) **IN GENERAL.**—On October 1, 2023, and
12 on each October 1 thereafter, out of any funds in
13 the Treasury not otherwise appropriated, the Sec-
14 retary of the Treasury shall transfer to the Sec-
15 retary to provide grants under this title
16 \$2,500,000,000, to remain available until expended.

17 “(2) **INFLATION ADJUSTMENT.**—The amount
18 made available under paragraph (1) for fiscal year
19 2024 and each fiscal year thereafter shall be ad-
20 justed annually to reflect the change in the Con-
21 sumer Price Index for All Urban Consumers pub-
22 lished by the Bureau of Labor Statistics.

23 “(3) **RECEIPT AND ACCEPTANCE.**—The Sec-
24 retary shall be entitled to receive, shall accept, and
25 shall use to provide grants under this title the funds

1 transferred under paragraph (1), without further ap-
2 propriation.”.

3 **SEC. 404. NATIVE HAWAIIAN HOUSING BLOCK GRANT PRO-**
4 **GRAM.**

5 Section 824 of the Native American Housing Assist-
6 ance and Self-Determination Act of 1996 (25 U.S.C.
7 4243) is amended—

8 (1) by striking “are authorized” and inserting
9 “is authorized”; and

10 (2) by striking “such sums as may be necessary
11 for each of fiscal years 2001, 2002, 2003, 2004, and
12 2005” and inserting “\$47,000,000 for fiscal year
13 2023 and each fiscal year thereafter”.

14 **SEC. 405. SET-ASIDE OF USDA RURAL HOUSING FUNDING**
15 **FOR INDIAN TRIBES.**

16 Section 509 of the Housing Act of 1949 (42 U.S.C.
17 1479) is amended by adding at the end the following:

18 “(g) SET-ASIDE FOR INDIAN TRIBES.—

19 “(1) IN GENERAL.—For each fiscal year, the
20 Secretary shall set aside and reserve for assistance
21 for Indian tribes (as defined in section 4 of the Na-
22 tive American Housing Assistance and Self-Deter-
23 mination Act of 1996 (25 U.S.C. 4103)) an amount
24 equal to 5.0 percent in each fiscal year of the aggre-
25 gate amount of lending authority, budget authority,

1 or guarantee authority, as appropriate, made avail-
2 able for the fiscal year for assistance under each of
3 sections 502, 504, 515, 533, and 538 and of the ag-
4 gregate amount made available to the Rural Utilities
5 Service to carry out programs or activities.

6 “(2) REALLOCATION.—The procedure under
7 paragraph (1) for reserving amounts shall provide
8 that any assistance set aside in any fiscal year for
9 Indian tribes that has not been expended by a rea-
10 sonable date established by the Secretary shall be
11 made available and allocated under the laws and
12 regulations relating to such assistance, notwith-
13 standing this subsection.”.

14 **SEC. 406. RESTORING AUTHORITY OF INDIAN TRIBES AND**
15 **TRIBALLY DESIGNATED HOUSING ENTITIES**
16 **IN CERTAIN HOUSING PROGRAMS.**

17 (a) VOUCHER PROGRAM.—Section 502 of the Native
18 American Housing Assistance and Self-Determination Act
19 of 1996 (25 U.S.C. 4181) is amended by adding at the
20 end the following:

21 “(c) APPLICABILITY.—Subsections (a) and (b) shall
22 not apply with respect to tenant-based assistance provided
23 under section 8(o) of the United States Housing Act of
24 1937 (42 U.S.C. 1437f(o)).”.

1 (b) HUD COUNSELING.—Section 106(a)(4)(A) of the
2 Housing and Urban Development Act of 1968 (12 U.S.C.
3 1701x(a)(4)(A)) is amended by striking “and State hous-
4 ing finance agencies” and inserting “State housing finance
5 agencies, and tribally designated housing entities (as de-
6 fined in section 4 of the Native American Housing Assist-
7 ance and Self-Determination Act of 1996 (25 U.S.C.
8 4103)).”.

9 **SEC. 407. INDIAN COMMUNITY DEVELOPMENT BLOCK**
10 **GRANTS.**

11 Title I of the Housing and Community Development
12 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
13 ing at the end the following:

14 **“SEC. 123. INDIAN COMMUNITY DEVELOPMENT BLOCK**
15 **GRANTS.**

16 “(a) IN GENERAL.—In addition to any amounts allo-
17 cated to Indian tribes under section 106(a)(1), there is
18 authorized to be appropriated to the Secretary for grants
19 under this title for Indian tribes, and there is appro-
20 priated, out of any monies in the Treasury not otherwise
21 appropriated, \$150,000,000 for fiscal year 2023 and each
22 fiscal year thereafter.

23 “(b) INFLATIONARY ADJUSTMENT.—The amount
24 made available under subsection (a) for fiscal year 2024
25 and each fiscal year thereafter shall be adjusted annually

1 to reflect the change in the Consumer Price Index for All
2 Urban Consumers published by the Bureau of Labor Sta-
3 tistics.”.

4 **SEC. 408. LOAN GUARANTEES FOR INDIAN HOUSING.**

5 (a) HOUSING AND COMMUNITY DEVELOPMENT ACT
6 OF 1992.—Section 184(i)(7) of the Housing and Commu-
7 nity Development Act of 1992 (12 U.S.C. 1715z-
8 13a(i)(7)) is amended to read as follows:

9 “(7) APPROPRIATIONS.—

10 “(A) IN GENERAL.—To carry out this sec-
11 tion, there is authorized to be appropriated to
12 the Guarantee Fund, and there is appropriated,
13 out of any monies in the Treasury not other-
14 wise appropriated, \$20,000,000 for fiscal year
15 2023 and each fiscal year thereafter.

16 “(B) ADJUSTMENT FOR INFLATION.—The
17 amount made available under subparagraph (A)
18 for fiscal year 2024 and each fiscal year there-
19 after shall be adjusted annually to reflect the
20 change in the Consumer Price Index for All
21 Urban Consumers published by the Bureau of
22 Labor Statistics.”.

23 (b) NATIVE AMERICAN HOUSING ASSISTANCE AND
24 SELF-DETERMINATION ACT OF 1996.—Title VI of the

1 Native American Housing Assistance and Self-Determina-
2 tion Act of 1996 (25 U.S.C. 4191 et seq.) is amended—

3 (1) by striking the first section 606 (25 U.S.C.
4 4191 note) (relating to the effective date); and

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

6 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

7 “There are authorized to be appropriated to the Sec-
8 retary to provide loan guarantees under this title—

9 “(1) \$10,000,000 for fiscal year 2023; and

10 “(2) for fiscal year 2024 and each fiscal year
11 thereafter, the applicable amount during the pre-
12 ceding fiscal year, as adjusted to reflect changes for
13 the 12-month period ending the preceding November
14 30 in the Consumer Price Index for All Urban Con-
15 sumers published by the Bureau of Labor Statistics
16 of the Department of Labor.”.

17 **SEC. 409. LOAN GUARANTEES FOR NATIVE HAWAIIAN**
18 **HOUSING.**

19 Section 184A(j)(7) of the Housing and Community
20 Development Act of 1992 (12 U.S.C. 1715z–13b(j)(7)) is
21 amended—

22 (1) by striking “such sums as may be necessary
23 for each of fiscal years 2001, 2002, 2003, 2004, and
24 2005” and inserting “\$2,500,000 for fiscal year
25 2023 and each fiscal year thereafter”;

1 (2) by striking “There are” and inserting the
2 following:

3 “(A) IN GENERAL.—Subject to subpara-
4 graph (B), there is”; and

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

6 “(B) ADJUSTMENT FOR INFLATION.—The
7 amount made available under subparagraph (A)
8 for fiscal year 2024 and each fiscal year there-
9 after shall be adjusted annually to reflect the
10 change in the Consumer Price Index for All
11 Urban Consumers published by the Bureau of
12 Labor Statistics.”.

13 **SEC. 410. DIRECT HOUSING LOANS FOR NATIVE AMERICAN**
14 **VETERANS PROGRAM.**

15 (a) FUNDING REAUTHORIZATION.—Section 3763 of
16 title 38, United States Code, is amended—

17 (1) by redesignating subsection (b) as sub-
18 section (c); and

19 (2) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) FUNDING.—

22 “(1) IN GENERAL.—For fiscal year 2023 and
23 each fiscal year thereafter, there is authorized to be
24 appropriated, and there is appropriated, out of any
25 monies in the Treasury not otherwise appropriated,

1 \$20,000,000 to the Secretary, for deposit in the Ac-
2 count.

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

9 (b) DEFINITION OF NATIVE HAWAIIAN VETERANS.—
10 Section 3765(3)(B) of title 38, United States Code, is
11 amended by striking “native Hawaiian, as that term is
12 defined in section 201(a)(7) of the Hawaiian Homes Com-
13 mission Act, 1920 (Public Law 67–34; 42 Stat. 108)” and
14 inserting “Native Hawaiian, as that term is defined in sec-
15 tion 6207 of the Native Hawaiian Education Act (20
16 U.S.C. 7517)”.

17 **SEC. 411. TRIBAL HUD-VASH PROGRAM.**

18 Section 8(o)(19) of the United States Housing Act
19 of 1937 (42 U.S.C. 1437f(o)(19)) is amended by adding
20 at the end the following:

21 “(E) INDIAN VETERANS HOUSING RENTAL
22 ASSISTANCE PROGRAM.—

23 “(i) DEFINITIONS.—In this subpara-
24 graph:

1 “(I) ELIGIBLE INDIAN VET-
2 ERAN.—The term ‘eligible Indian vet-
3 eran’ means an Indian veteran who
4 is—

5 “(aa) homeless or at risk of
6 homelessness; and

7 “(bb) living—

8 “(AA) on or near a res-
9 ervation; or

10 “(BB) in or near any
11 other Indian area.

12 “(II) ELIGIBLE RECIPIENT.—
13 The term ‘eligible recipient’ means a
14 recipient eligible to receive a grant
15 under section 101 of the Native
16 American Housing Assistance and
17 Self-Determination Act of 1996 (25
18 U.S.C. 4111).

19 “(III) INDIAN; INDIAN AREA.—
20 The terms ‘Indian’ and ‘Indian area’
21 have the meanings given those terms
22 in section 4 of the Native American
23 Housing Assistance and Self-Deter-
24 mination Act of 1996 (25 U.S.C.
25 4103).

1 “(IV) INDIAN VETERAN.—The
2 term ‘Indian veteran’ means an In-
3 dian who is a veteran.

4 “(V) PROGRAM.—The term ‘Pro-
5 gram’ means the Tribal HUD–VASH
6 program carried out under clause (ii).

7 “(VI) TRIBAL ORGANIZATION.—
8 The term ‘tribal organization’ has the
9 meaning given the term in section 4
10 of the Indian Self-Determination and
11 Education Assistance Act (25 U.S.C.
12 5304).

13 “(ii) PROGRAM SPECIFICATIONS.—
14 The Secretary shall carry out a rental as-
15 sistance and supported housing program,
16 to be known as the ‘Tribal HUD–VASH
17 program’, in conjunction with the Sec-
18 retary of Veterans Affairs, by awarding
19 grants for the benefit of eligible Indian vet-
20 erans.

21 “(iii) MODEL.—

22 “(I) IN GENERAL.—Except as
23 provided in subclause (II), the Sec-
24 retary shall model the Program on the
25 rental assistance and supported hous-

1 ing program authorized under sub-
2 paragraph (A) and applicable appro-
3 priations Acts, including administra-
4 tion in conjunction with the Secretary
5 of Veterans Affairs.

6 “(II) EXCEPTIONS.—

7 “(aa) SECRETARY OF HOUS-
8 ING AND URBAN DEVELOP-
9 MENT.—After consultation with
10 Indian tribes and collaboration
11 with eligible recipients and any
12 other appropriate tribal organiza-
13 tions, the Secretary may make
14 necessary and appropriate modi-
15 fications to facilitate the use of
16 the Program by eligible recipients
17 to serve eligible Indian veterans.

18 “(bb) SECRETARY OF VET-
19 ERANS AFFAIRS.—After consulta-
20 tion with Indian tribes and col-
21 laboration with eligible recipients
22 and any other appropriate tribal
23 organizations, the Secretary of
24 Veterans Affairs may make nec-
25 essary and appropriate modifica-

1 tions to facilitate the use of the
2 Program by eligible recipients to
3 serve eligible Indian veterans.

4 “(iv) ELIGIBLE RECIPIENTS.—The
5 Secretary shall make amounts for rental
6 assistance and associated administrative
7 costs under the Program available in the
8 form of grants to eligible recipients.

9 “(v) FUNDING CRITERIA.—The Sec-
10 retary shall, after engaging in Tribal con-
11 sultation, award grants under the Program
12 based on—

13 “(I) need;

14 “(II) administrative capacity; and

15 “(III) any other funding criteria
16 established by the Secretary in a no-
17 tice published in the Federal Register
18 after consulting with the Secretary of
19 Veterans Affairs.

20 “(vi) ADMINISTRATION.—Grants
21 awarded under the Program shall be ad-
22 ministered in accordance with the Native
23 American Housing Assistance and Self-De-
24 termination Act of 1996 (25 U.S.C. 4101
25 et seq.), except that recipients shall—

1 “(I) submit to the Secretary, in a
2 manner prescribed by the Secretary
3 after Tribal consultation, reports on
4 the utilization of rental assistance
5 provided under the Program; and

6 “(II) provide to the Secretary in-
7 formation specified by the Secretary
8 after Tribal consultation, to assess the
9 effectiveness of the Program in serv-
10 ing eligible Indian veterans.

11 “(vii) CONSULTATION.—

12 “(I) GRANT RECIPIENTS; TRIBAL
13 ORGANIZATIONS.—The Secretary, in
14 coordination with the Secretary of
15 Veterans Affairs, shall consult with
16 Indian tribes that are eligible recipi-
17 ents and collaborate with any other
18 appropriate tribal organization on the
19 design of the Program to ensure the
20 effective delivery of rental assistance
21 and supportive services to eligible In-
22 dian veterans under the Program.

23 “(II) INDIAN HEALTH SERV-
24 ICE.—The Director of the Indian
25 Health Service shall provide any as-

1 sistance requested by the Secretary or
2 the Secretary of Veterans Affairs in
3 carrying out the Program.

4 “(viii) WAIVER.—

5 “(I) IN GENERAL.—Except as
6 provided in subclause (II), the Sec-
7 retary may waive or specify alter-
8 native requirements for any provision
9 of law (including regulations) that the
10 Secretary administers in connection
11 with the use of rental assistance made
12 available under the Program if the
13 Secretary finds that the waiver or al-
14 ternative requirement is necessary for
15 the effective delivery and administra-
16 tion of rental assistance under the
17 Program to eligible Indian veterans.

18 “(II) EXCEPTION.—The Sec-
19 retary may not waive or specify alter-
20 native requirements under subclause
21 (I) for any provision of law (including
22 regulations) relating to labor stand-
23 ards or the environment.

24 “(ix) RENEWAL GRANTS.—The Sec-
25 retary may, after Tribal consultation—

1 “(I) set aside, from amounts
2 made available to carry out the Pro-
3 gram, such amounts as may be nec-
4 essary to award renewal grants to eli-
5 gible recipients that received a grant
6 under the Program in a previous year;
7 and

8 “(II) specify criteria that an eli-
9 gible recipient must satisfy to receive
10 a renewal grant under subclause (I),
11 including providing data on how the
12 eligible recipient used the amounts of
13 any grant previously received under
14 the Program.

15 “(x) REPORTING.—

16 “(I) IN GENERAL.—Not later
17 than 1 year after the date of enact-
18 ment of this subparagraph, and every
19 5 years thereafter, the Secretary, in
20 coordination with the Secretary of
21 Veterans Affairs and the Director of
22 the Indian Health Service, shall—

23 “(aa) conduct a review of
24 the implementation of the Pro-

1 gram, including any factors that
2 may have limited its success; and

3 “(bb) submit a report de-
4 scribing the results of the review
5 under item (aa) to—

6 “(AA) the Committee
7 on Indian Affairs, the Com-
8 mittee on Banking, Housing,
9 and Urban Affairs, the
10 Committee on Veterans’ Af-
11 fairs, and the Committee on
12 Appropriations of the Sen-
13 ate;

14 “(BB) the Sub-
15 committee on Indian, Insu-
16 lar and Alaska Native Af-
17 fairs of the Committee on
18 Natural Resources, the
19 Committee on Financial
20 Services, the Committee on
21 Veterans’ Affairs, and the
22 Committee on Appropria-
23 tions of the House of Rep-
24 resentatives; and

1 “(CC) Indian tribes
2 that request the report.

3 “(II) ANALYSIS OF HOUSING
4 STOCK LIMITATION.—The Secretary
5 shall include in the initial report sub-
6 mitted under subclause (I) a descrip-
7 tion of—

8 “(aa) any regulations gov-
9 erning the use of formula current
10 assisted stock (as defined in sec-
11 tion 1000.314 of title 24, Code of
12 Federal Regulations (or any suc-
13 cessor regulation)) within the
14 Program;

15 “(bb) the number of recipi-
16 ents of grants under the Pro-
17 gram that have reported the reg-
18 ulations described in item (aa) as
19 a barrier to implementation of
20 the Program; and

21 “(cc) proposed alternative
22 legislation or regulations devel-
23 oped by the Secretary in con-
24 sultation or collaboration with re-
25 cipients of grants under the Pro-

1 gram to allow the use of formula
2 current assisted stock within the
3 Program.

4 “(xi) APPROPRIATIONS.—

5 “(I) IN GENERAL.—To carry out
6 the Program, there is authorized to be
7 appropriated to the Secretary, and
8 there is appropriated, out of any mon-
9 ies in the Treasury not otherwise ap-
10 propriated, \$15,000,000 for fiscal
11 year 2023 and each fiscal year there-
12 after.

13 “(II) ADJUSTMENT FOR INFLA-
14 TION.—The amount made available
15 under clause (i) for fiscal year 2024
16 and each fiscal year thereafter shall
17 be adjusted annually to reflect the
18 change in the Consumer Price Index
19 for All Urban Consumers published by
20 the Bureau of Labor Statistics.”.

21 **SEC. 412. HOUSING IMPROVEMENT PROGRAM, BUREAU OF**
22 **INDIAN AFFAIRS.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated to the Director of the Bureau of Indian Affairs
25 to carry out the Housing Improvement Program of the

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 (b) ADJUSTMENT FOR INFLATION.—The amount
8 made available under subsection (a) for fiscal year 2024
9 and each fiscal year thereafter shall be adjusted annually
10 to reflect the change in the Consumer Price Index for All
11 Urban Consumers published by the Bureau of Labor Sta-
12 tistics.

13 (c) TRIBAL CONSULTATION.—The Bureau of Indian
14 Affairs shall engage in Tribal consultation to ensure that
15 the Housing Improvement Program’s funding formula
16 does not disadvantage Indian tribes of certain sizes or
17 from certain Bureau of Indian Affairs regions.

18 **SEC. 413. TRIBAL UNINHABITABLE HOUSING IMPROVE-**
19 **MENT PROGRAM.**

20 Title V of the Housing Act of 1949 (42 U.S.C. 1471
21 et seq.) is amended by adding at the end the following:

22 **“SEC. 545. TRIBAL UNINHABITABLE HOUSING IMPROVE-**
23 **MENT PROGRAM.**

24 “(a) DEFINITIONS.—In this section:

1 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means an Indian tribe or tribal organization lo-
3 cated in a rural area that has high levels of over-
4 crowded housing and homelessness.

5 “(2) TRIBAL ORGANIZATION.—The term ‘tribal
6 organization’ has the meaning given the term in sec-
7 tion 4 of the Indian Self-Determination and Edu-
8 cational Assistance Act (25 U.S.C. 5304).

9 “(b) PURPOSE.—The purpose of this section is to im-
10 prove living conditions and prevent homelessness in rural
11 Tribal communities by—

12 “(1) assessing the condition of existing housing
13 resources; and

14 “(2) preventing those resources from—

15 “(A) deteriorating; and

16 “(B) becoming uninhabitable.

17 “(c) GRANTS.—

18 “(1) IN GENERAL.—The Secretary shall award
19 grants to eligible entities—

20 “(A) to repair overcrowded homes to pre-
21 vent the homes from becoming uninhabitable;

22 “(B) to remediate homes that are generally
23 uninhabitable or fail to meet the housing qual-
24 ity standards established under section

1 8(o)(8)(B) of the United States Housing Act of
2 1937 (42 U.S.C. 1437f(o)(8)(B)); or

3 “(C) to repair homes damaged due to cli-
4 mate change and extreme weather.

5 “(2) PRIORITY.—In awarding grants under this
6 subsection, the Secretary may give priority to an eli-
7 gible entity that is located in a community with lev-
8 els of overcrowded housing and homelessness that
9 the Secretary determines are among the highest for
10 communities in which eligible entities are located.

11 “(3) USE OF MULTIPLE GRANTS FOR SAME
12 PROJECT.—Multiple eligible entities that each re-
13 ceive a grant under this subsection may use the
14 grants for the same project.

15 “(d) ADMINISTRATIVE COSTS.—The Secretary may
16 use not more than 3 percent of the amounts made avail-
17 able to carry out this section—

18 “(1) to administer the competition for grants
19 under this section;

20 “(2) to provide oversight of grantees; and

21 “(3) to collect data on the use of grants award-
22 ed under this section.

23 “(e) FUNDING.—

24 “(1) IN GENERAL.—There is authorized to be
25 appropriated to the Secretary to provide grants

1 under this section, and there is appropriated, out of
2 any monies in the Treasury not otherwise appro-
3 priated, \$10,000,000 for fiscal year 2023 and each
4 fiscal year thereafter.

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

11 “(f) RELATIONSHIP TO OTHER ASSISTANCE.—The
12 receipt by an eligible entity of a grant under this section
13 shall not affect the eligibility of the eligible entity for any
14 other assistance provided by the Secretary.”

15 **SEC. 414. COORDINATED ENVIRONMENTAL REVIEW PROC-**
16 **ESS WORKGROUP.**

17 (a) ESTABLISHMENT.—There is established a
18 workgroup, to be known as the “Coordinated Environ-
19 mental Review Process Workgroup” (referred to in this
20 section as the “Workgroup”), consisting of the head (or
21 a designee) of each of—

- 22 (1) the Department of Agriculture;
23 (2) the Department of Commerce;
24 (3) the Department of Energy;

1 (4) the Department of Health and Human
2 Services;

3 (5) the Department of Housing and Urban De-
4 velopment;

5 (6) the Department of the Interior;

6 (7) the Department of Transportation;

7 (8) the Council on Environmental Quality; and

8 (9) the Environmental Protection Agency.

9 (b) CHAIRPERSON.—The Secretary of Housing and
10 Urban Development (or a designee) shall—

11 (1) serve as chairperson of the Workgroup; and

12 (2) be responsible for convening meetings and
13 coordinating the activities of the Workgroup.

14 (c) DUTIES.—The Workgroup shall—

15 (1) assess whether each member agency of the
16 Workgroup has adopted the recommendations made
17 in the report entitled “Coordinated Environmental
18 Review Process Final Report” and dated December
19 15, 2015, prepared by the Department of Housing
20 and Urban Development, in collaboration with the
21 Coordinated Environmental Review Process
22 Workgroup established pursuant to Senate Report
23 113–182 (2014), accompanying S. 2438, 113th Con-
24 gress;

1 (2) to the extent that any recommendation de-
2 scribed in paragraph (1) has not been implemented,
3 establish a plan for implementation of the rec-
4 ommendation; and

5 (3) prepare and submit to Congress the reports
6 required under subsection (d).

7 (d) REPORTS.—

8 (1) INITIAL.—Not later than 18 months after
9 the date of enactment of this Act, the Secretary of
10 Housing and Urban Development, in collaboration
11 with the Workgroup, shall submit to the Committee
12 on Indian Affairs of the Senate and the Committee
13 on Natural Resources of the House of Representa-
14 tives a report describing—

15 (A) the results of the assessment under
16 subsection (c)(1);

17 (B) any plan established under subsection
18 (c)(2); and

19 (C) its plan to engage in Tribal consulta-
20 tion regarding implementation.

21 (2) UPDATES.—Not later than 1 year after the
22 date of submission of the report under paragraph
23 (1), and not less frequently annually thereafter, the
24 Secretary of Housing and Urban Development, in
25 collaboration with the Workgroup, shall submit to

1 the Committees described in that paragraph an up-
2 dated report in accordance with that paragraph.

3 **TITLE V—ECONOMIC**
4 **DEVELOPMENT**

5 **SEC. 501. FINDINGS.**

6 Congress finds that—

7 (1) the Federal Government has failed to honor
8 its trust responsibility to promote Tribal self-deter-
9 mination through the support of economic develop-
10 ment on Tribal lands;

11 (2) the Federal Government has failed to assist
12 Indian tribes with the individualized economic devel-
13 opment necessary for Indian tribes—

14 (A) to exercise self-determination; and

15 (B) to make knowledgeable decisions as to
16 how to best develop and manage the resources
17 on Tribal lands for the benefit of the Indian
18 tribe;

19 (3) Native Americans experience—

20 (A) a poverty rate that is approximately
21 twice the national average; and

22 (B) higher rates of unemployment than
23 any other group of people in the United States;

24 (4) due to the remote location of many Indian
25 tribes, individuals may have long commutes, which

1 are further exacerbated by inadequate roads and in-
2 frastructure due to chronic underfunding and lack of
3 transportation;

4 (5) Indian tribes have had limited access to, or,
5 in many cases, no direct access to, electricity, water,
6 broadband, and adequate infrastructure;

7 (6)(A) only 65 percent of American Indians and
8 Alaska Natives living on Tribal lands have access to
9 fixed broadband services;

10 (B) only 69 percent of American Indian, Alaska
11 Native, and Native Hawaiian households residing on
12 rural Tribal lands have telephone services; and

13 (C) the lack of access described in subpara-
14 graphs (A) and (B) is in stark contrast with the na-
15 tional average of 98 percent of households that have
16 access to telephone services, and 92 percent of indi-
17 viduals living outside of Tribal lands that have ac-
18 cess to fixed broadband services;

19 (7) approximately 1,500,000 people living on
20 Tribal lands lack access to broadband;

21 (8) 75 percent of rural Indian Health Service
22 facilities still lack reliable broadband networks for
23 American Indians and Alaska Natives to access tele-
24 health or clinical health care services, which is a
25 critical need in the most geographically isolated

1 areas of the United States, furthering economic in-
2 equities on Tribal lands;

3 (9) according to the Bureau of Indian Edu-
4 cation, up to 95 percent of Native American stu-
5 dents at some Bureau of Indian Education schools
6 cannot access internet services at home;

7 (10) lack of internet access negatively affects
8 the ability to conduct business online, which took on
9 increased importance since the beginning of the
10 Coronavirus Disease 2019 (COVID–19) pandemic;
11 and

12 (11) very few Indian tribes have established
13 telecommunications companies to provide residential
14 phone and internet services.

15 **SEC. 502. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) Congress should determine and provide the
18 funding needed to meet the essential utilities and
19 core infrastructure needs on Tribal lands, such as
20 electricity, water, telecommunications, and roads;

21 (2) Congress should—

22 (A) provide direct, mandatory funding to
23 Indian tribes and the Department of Hawaiian
24 Home Lands; and

1 (B) allow Indian tribes and the Depart-
2 ment of Hawaiian Home Lands to leverage
3 Federal funding;

4 (3) in cases in which Federal infrastructure
5 projects occur on or affect Tribal lands or Tribal or
6 Native Hawaiian communities, the Federal Govern-
7 ment should engage in, as applicable—

8 (A) consistent, transparent, and deferential
9 consultation with Indian tribes; and

10 (B) consistent, transparent, and deferen-
11 tial collaboration with the Department of Ha-
12 waiian Home Lands and Native Hawaiian orga-
13 nizations;

14 (4) the Federal Government should include
15 Tribal sovereignty principles for Indian tribes to
16 manage and self-govern natural resources, including
17 electromagnetic spectrum over Tribal lands, in ac-
18 cordance with the Federal trust responsibility and
19 acknowledgment of their sovereignty, to promote
20 economic development and self-management of those
21 modern natural resources;

22 (5) the Federal Government should clarify the
23 inherent ownership by Indian tribes and Native Ha-
24 waiian organizations of spectrum licenses and spec-
25 trum over Tribal lands and Hawaiians, and preserve

1 that ownership, in furtherance of the Federal trust
2 responsibility over, and Indian and Native Hawaiian
3 self-governance of their own modern natural re-
4 sources;

5 (6) the Federal Government should—

6 (A) diminish the effect of the Tribal pri-
7 ority filing windows, auctions for spectrum li-
8 censes over Tribal lands, and assignment and
9 leasing of spectrum over Tribal lands carried
10 out by the Federal Communications Commis-
11 sion;

12 (B) ensure the competitive bidding author-
13 ity of the Federal Communications Commission
14 does not apply to licenses or construction per-
15 mits issued by the Commission over Tribal
16 lands and Hawaiian home lands; and

17 (C) permanently eliminate the public avail-
18 ability of spectrum over Tribal lands and Ha-
19 waiian home lands; and

20 (7) legislation to address the lack of spectrum
21 access by Indian tribes over Tribal lands and to de-
22 ploy wireless broadband services, in furtherance of
23 Tribal sovereignty (known as the “DIGITAL Res-
24 ervations Act” or the “Deploying the Internet by
25 Guaranteeing Indian Tribes Autonomy over Licens-

1 ing on Reservations Act”, S. 4331 and H.R. 7774,
2 116th Congress, as introduced on July 27, 2020,
3 and July 24, 2020, respectively), should be enacted
4 without delay.

5 **Subtitle A—Economic Develop-**
6 **ment, Infrastructure, and In-**
7 **vestments**

8 **SEC. 511. TRIBAL TRANSPORTATION PROGRAM.**

9 (a) IN GENERAL.—There are authorized to be appro-
10 priated to carry out the tribal transportation program
11 under section 202 of title 23, United States Code, and
12 there are appropriated, out of any monies in the Treasury
13 not otherwise appropriated—

14 (1) for each of fiscal years 2023 through 2025,
15 \$1,000,000,000; and

16 (2) for fiscal year 2026 and each fiscal year
17 thereafter, \$800,000,000.

18 (b) ADJUSTMENT FOR INFLATION.—The amounts
19 made available under subsection (a) for fiscal year 2027
20 and each fiscal year thereafter shall be adjusted annually
21 to reflect the change in the Consumer Price Index for All
22 Urban Consumers published by the Bureau of Labor Sta-
23 tistics.

24 (c) OBLIGATION LIMITATION.—The limitation on ob-
25 ligations for Federal-aid highway and highway safety con-

1 struction programs for each fiscal year shall not apply to
2 the amounts made available under subsection (a).

3 (d) TREATMENT.—Amounts made available under
4 subsection (a) shall be available for obligation in accord-
5 ance with section 201 of title 23, United States Code.

6 **SEC. 512. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

7 Section 1123(h) of MAP–21 (23 U.S.C. 202 note;
8 Public Law 112–141) is amended by striking paragraph
9 (2) and inserting the following:

10 “(2) APPROPRIATION.—There is authorized to
11 be appropriated, and there is appropriated, out of
12 any monies in the Treasury not otherwise appro-
13 priated, to carry out the program \$50,000,000 for
14 fiscal year 2023 and each fiscal year thereafter.”.

15 **SEC. 513. BUREAU OF INDIAN AFFAIRS ROAD MAINTENANCE PROGRAM.**

17 (a) IN GENERAL.—There are authorized to be appro-
18 priated, and there are appropriated, out of any monies in
19 the Treasury not otherwise appropriated, to the Director
20 of the Bureau of Indian Affairs to carry out the road
21 maintenance program of the Bureau—

22 (1) for each of fiscal years 2023 through 2027,
23 \$100,000,000; and

24 (2) for fiscal year 2028 and each fiscal year
25 thereafter, \$50,000,000.

1 (b) ADJUSTMENT FOR INFLATION.—The amounts
2 made available under subsection (a) for fiscal year 2029
3 and each fiscal year thereafter shall be adjusted annually
4 to reflect the change in the Consumer Price Index for All
5 Urban Consumers published by the Bureau of Labor Sta-
6 tistics.

7 **SEC. 514. TRIBAL TRANSIT PROGRAM.**

8 Section 5311 of title 49, United States Code, is
9 amended—

10 (1) in subsection (c), by striking paragraph (2)
11 and inserting the following:

12 “(2) PUBLIC TRANSPORTATION ON INDIAN RES-
13 ERVATIONS.—

14 “(A) APPROPRIATION.—For fiscal year
15 2023 and each fiscal year thereafter, there is
16 authorized to be appropriated, and there is ap-
17 propriated, out of any monies in the Treasury
18 not otherwise appropriated, \$75,000,000 for
19 grants to Indian tribes for any purpose eligible
20 under this section, under such terms and condi-
21 tions as may be established by the Secretary.

22 “(B) APPORTIONMENT.—Amounts made
23 available under subparagraph (A) shall be ap-
24 portioned as formula grants, as provided in
25 subsection (j).

1 “(C) ADJUSTMENT FOR INFLATION.—The
2 amount made available under subparagraph (A)
3 for fiscal year 2024 and each fiscal year there-
4 after shall be adjusted annually to reflect the
5 change in the Consumer Price Index for All
6 Urban Consumers published by the Bureau of
7 Labor Statistics.”; and

8 (2) in subsection (j)(1)(A), in the matter pre-
9 ceding clause (i), by striking “described in sub-
10 section (c)(2)(B)” and inserting “made available
11 under subsection (c)(2)(A)”.

12 **SEC. 515. TRIBAL TRANSPORTATION TECHNICAL ASSIST-**
13 **ANCE PROGRAM.**

14 (a) IN GENERAL.—For fiscal year 2023 and each fis-
15 cal year thereafter, there is authorized to be appropriated,
16 and there is appropriated, out of any monies in the Treas-
17 ury not otherwise appropriated, \$7,500,000 to carry out
18 the tribal transportation technical assistance program
19 under section 504(b)(2)(D)(ii) of title 23, United States
20 Code.

21 (b) ADJUSTMENT FOR INFLATION.—The amount
22 made available under subsection (a) for fiscal year 2024
23 and each fiscal year thereafter shall be adjusted annually
24 to reflect the change in the Consumer Price Index for All

1 Urban Consumers published by the Bureau of Labor Sta-
2 tistics.

3 (c) OBLIGATION LIMITATION.—The limitation on ob-
4 ligations for Federal-aid highway and highway safety con-
5 struction programs for each fiscal year shall not apply to
6 the amounts made available under subsection (a).

7 (d) TREATMENT.—Amounts made available under
8 subsection (a) shall be available for obligation in the same
9 manner as if those funds were apportioned under chapter
10 1 of title 23, United States Code.

11 (e) TRIBAL CONSULTATION.—In carrying out the
12 tribal transportation technical assistance program under
13 section 504(b)(2)(D)(ii) of title 23, United States Code,
14 the Secretary of Transportation shall engage in Tribal
15 consultation.

16 **SEC. 516. RURAL DEVELOPMENT TRIBAL TECHNICAL AS-**
17 **SISTANCE PROGRAM.**

18 (a) IN GENERAL.—Subject to subsection (b), for each
19 of fiscal years 2023 through 2032, there is authorized to
20 be appropriated, and there is appropriated, out of any
21 monies in the Treasury not otherwise appropriated,
22 \$2,000,000 to the Secretary of Agriculture to provide
23 technical assistance under section 6302 of the Agriculture
24 Improvement Act of 2018 (7 U.S.C. 2671).

1 (b) ADJUSTMENT FOR INFLATION.—The amount
 2 made available under subsection (a) for each of fiscal
 3 years 2024 through 2032 shall be adjusted annually to
 4 reflect the change in the Consumer Price Index for All
 5 Urban Consumers published by the Bureau of Labor Sta-
 6 tistics.

7 **SEC. 517. NATIVE AMERICAN COMMUNITY DEVELOPMENT**
 8 **FINANCIAL INSTITUTIONS ASSISTANCE PRO-**
 9 **GRAM.**

10 (a) NON-FEDERAL SHARE.—Section 108(e) of the
 11 Community Development Banking and Financial Institu-
 12 tions Act of 1994 (12 U.S.C. 4707(e)) is amended—

13 (1) in paragraph (1)—

14 (A) in the third sentence, by striking “The
 15 Fund shall provide no assistance” and inserting
 16 the following:

17 “(iii) PROHIBITION.—Subject to sub-
 18 paragraph (B), no assistance may be pro-
 19 vided by the Fund”;

20 (B) in the second sentence, by striking
 21 “Such matching funds” and inserting the fol-
 22 lowing:

23 “(ii) FORM.—The matching funds re-
 24 quired under clause (i)”;

1 (C) by striking the paragraph designation
2 and heading and all that follows through “As-
3 sistance” in the first sentence and inserting the
4 following:

5 “(1) MATCHING REQUIREMENT.—

6 “(A) REQUIREMENT.—

7 “(i) IN GENERAL.—Subject to sub-
8 paragraph (B) and paragraph (2), assist-
9 ance”; and

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

11 “(B) WAIVER FOR CERTAIN INDIVIDUALS
12 AND ENTITIES.—The requirements of subpara-
13 graph (A) shall not apply to any individual or
14 entity using the assistance provided under this
15 section only for the benefit of Indians, Alaska
16 Natives, Native Hawaiians, or an Indian
17 tribe.”; and

18 (2) in paragraph (2), in the matter preceding
19 subparagraph (A), by striking “paragraph (1)” and
20 inserting “paragraph (1)(A)”.

21 (b) FUNDING.—Section 121 of the Community Devel-
22 opment Banking and Financial Institutions Act of 1994
23 (12 U.S.C. 4718) is amended—

24 (1) by redesignating subsection (c) as sub-
25 section (d); and

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

3 “(c) FUNDING FOR INDIANS.—

4 “(1) IN GENERAL.—There are authorized to be
5 appropriated, and there are appropriated, out of any
6 monies in the Treasury not otherwise appropriated,
7 to the Fund for the purpose of providing financial
8 assistance, technical assistance, training, and out-
9 reach programs to benefit Indian tribes, primarily
10 through Native Community Development Financial
11 Institutions with experience and expertise in commu-
12 nity development banking and lending in Indian
13 country, and that are committed to working with In-
14 dian organizations, Indian tribes, tribal organiza-
15 tions, and other appropriate individuals and enti-
16 ties—

17 “(A) for fiscal year 2023, \$55,000,000;

18 “(B) for fiscal year 2024, \$65,000,000;

19 “(C) for fiscal year 2025, \$70,000,000;

20 “(D) for fiscal year 2026, \$75,000,000;

21 and

22 “(E) for fiscal year 2027 and each fiscal
23 year thereafter, \$80,000,000, subject to para-
24 graph (2).

1 “(2) ADJUSTMENT FOR INFLATION.—The
2 amounts made available under paragraph (1)(E) for
3 fiscal year 2028 and each fiscal year thereafter shall
4 be adjusted annually to reflect the change in the
5 Consumer Price Index for All Urban Consumers
6 published by the Bureau of Labor Statistics.”.

7 **SEC. 518. TRIBAL REVOLVING FUNDS.**

8 (a) FEDERAL WATER POLLUTION CONTROL ACT.—
9 Section 518 of the Federal Water Pollution Control Act
10 (33 U.S.C. 1377) is amended—

11 (1) in subsection (c)(2), by striking “0.5 per-
12 cent and not more than 2.0 percent” and inserting
13 “5 percent”; and

14 (2) in subsection (f), in the second sentence, by
15 striking “subsection (d) of this section” and insert-
16 ing “subsection (e)”.

17 (b) SAFE DRINKING WATER ACT.—Section
18 1452(i)(1) of the Safe Drinking Water Act (42 U.S.C.
19 300j–12(i)(1)) is amended—

20 (1) in the second sentence, by striking “Except
21 as” and inserting the following:

22 “(B) USE OF GRANTS.—Except as”; and

23 (2) by striking the paragraph designation and
24 heading and all that follows through “may be used

1 by the Administrator” in the first sentence and in-
 2 serting the following:

3 “(1) GRANTS.—

4 “(A) IN GENERAL.—Notwithstanding any
 5 other provision of law, not less than 5 percent
 6 of the amounts made available for each fiscal
 7 year to carry out this section shall be used by
 8 the Administrator”.

9 **SEC. 519. TRIBAL WATER POLLUTION CONTROL.**

10 Section 106 of the Federal Water Pollution Control
 11 Act (33 U.S.C. 1256) is amended by striking subsections
 12 (b) and (c) and inserting the following:

13 “(b) ALLOTMENT.—Of the amounts made available
 14 to carry out this section for each fiscal year, the Adminis-
 15 trator shall—

16 “(1) subject to paragraph (2), make allotments
 17 to States and interstate agencies in accordance with
 18 such regulations as the Administrator may promul-
 19 gate, based on the extent of the pollution problem in
 20 each State; and

21 “(2) notwithstanding any other provision of
 22 law, allot to Indian tribes not less than 20 percent.

23 “(c) AMOUNT.—The Administrator may pay to each
 24 State, Indian tribe, and interstate agency for each fiscal
 25 year an amount equal to the lesser of—

1 “(1) the allotment of the State, Indian tribe, or
2 interstate agency for the fiscal year under subsection
3 (b); and

4 “(2) the reasonable costs, as determined by the
5 Administrator, of developing and carrying out a pol-
6 lution program by the State, Indian tribe, or inter-
7 state agency during the fiscal year.”.

8 **SEC. 520. RURAL UTILITIES SERVICE WATER AND WASTE**
9 **DISPOSAL PROGRAM.**

10 Section 306C(e) of the Consolidated Farm and Rural
11 Development Act (7 U.S.C. 1926c(e)) is amended—

12 (1) in paragraph (1)—

13 (A) in the matter preceding subparagraph
14 (A), by striking “Subject to paragraph (2),
15 there” and inserting “There”;

16 (B) in subparagraph (A), by adding “and”
17 after the semicolon at the end;

18 (C) in subparagraph (B), by striking “;
19 and” at the end and inserting a period; and

20 (D) by striking subparagraph (C); and

21 (2) in paragraph (2)—

22 (A) by striking “paragraph (1)(C)” and in-
23 serting “this paragraph”; and

1 (B) by striking the paragraph designation
2 and heading and all that follows through “An
3 entity” and inserting the following:

4 “(2) INDIANS AND INDIAN TRIBES.—

5 “(A) FUNDING.—

6 “(i) IN GENERAL.—Subject to sub-
7 paragraph (B), for fiscal year 2023 and
8 each fiscal year thereafter, there is author-
9 ized to be appropriated, and there is ap-
10 propriated, out of any monies in the Treas-
11 ury not otherwise appropriated
12 \$100,000,000 to the Secretary to provide
13 grants and loans under this section to ben-
14 efit Indians and Indian tribes (as those
15 terms are defined in section 4 of the In-
16 dian Self-Determination and Education
17 Assistance Act (25 U.S.C. 5304)).

18 “(ii) ADJUSTMENT FOR INFLATION.—

19 The amount made available under clause
20 (i) for fiscal year 2024 and each fiscal year
21 thereafter shall be adjusted annually to re-
22 flect the change in the Consumer Price
23 Index for All Urban Consumers published
24 by the Bureau of Labor Statistics.

25 “(B) EXCEPTION.—An entity”.

1 **SEC. 521. FUNDING FOR CLAIMS RESOLUTION ACT OF 2010.**

2 Section 101(e)(1) of the Claims Resolution Act of
3 2010 (Public Law 111–291; 124 Stat. 3067) is amend-
4 ed—

5 (1) in subparagraph (B), by striking “Settle-
6 ment” and inserting “Settlement, and during the
7 10-year period beginning on the date of enactment
8 of the Honoring Promises to Native Nations Act”;
9 and

10 (2) in subparagraph (C), by adding at the end
11 the following:

12 “(iii) **ADDITIONAL APPROPRIATION.**—

13 In addition to amounts deposited in the
14 Trust Land Consolidation Fund under
15 clause (i) and subparagraph (D), not later
16 than 1 year after the date of enactment of
17 the Honoring Promises to Native Nations
18 Act, the Secretary of the Treasury shall
19 deposit in the Trust Land Consolidation
20 Fund \$1,900,000,000.”.

21 **Subtitle B—Spectrum Sovereignty**
22 **and Broadband Deployment on**
23 **Tribal Lands**

24 **SEC. 531. TRIBAL BROADBAND FUND.**

25 (a) **ESTABLISHMENT.**—The Commission shall estab-
26 lish, as a permanent Federal universal service support

1 mechanism under section 254 of the Communications Act
2 of 1934 (47 U.S.C. 254), a mechanism to be known as
3 the “Tribal Broadband Fund”.

4 (b) ANNUAL AMOUNT OF SUPPORT.—

5 (1) INITIAL AMOUNT.—The amount of Federal
6 universal service support provided through the Trib-
7 al Broadband Fund shall be \$1,000,000,000 for fis-
8 cal year 2023.

9 (2) PROPORTIONAL ADJUSTMENT.—For fiscal
10 year 2024 and each fiscal year thereafter, the
11 amount specified in paragraph (1) shall be adjusted
12 so that the amount of Federal universal service sup-
13 port provided through the Tribal Broadband Fund
14 for such subsequent fiscal year bears the same pro-
15 portion to the amount of Federal universal service
16 support provided through all Federal universal serv-
17 ice support mechanisms other than the Tribal
18 Broadband Fund for such subsequent fiscal year as
19 the proportion that \$1,000,000,000 bears to the
20 amount of Federal universal service support pro-
21 vided through all Federal universal service support
22 mechanisms other than the Tribal Broadband Fund
23 for fiscal year 2023.

24 (c) PROVISION OF SUPPORT.—The Commission shall
25 use the Tribal Broadband Fund to provide Federal uni-

1 versal service support to Indian tribes, Department of Ha-
2 waiian Home Lands, and qualifying Tribal entities to pro-
3 vide—

4 (1) technical assistance, deployment of
5 broadband infrastructure, maintenance, planning,
6 training, and digital literacy programs to increase
7 broadband services and network buildout on Tribal
8 lands, in addition to further economic development
9 initiatives for all spectrum on Tribal lands, including
10 radio, television, broadcast, commercial, and non-
11 commercial uses, and current generation or better
12 broadband services;

13 (2) infrastructure for middle mile and long-haul
14 fiber buildout, adoption of digital literacy, and other
15 related resources to expedite the immediate deploy-
16 ment of, and full access to, telecommunications,
17 broadband, spectrum use and future development,
18 and wireless services (including broadband service);
19 and

20 (3) other smart infrastructure development and
21 integration on Tribal lands, and other related activi-
22 ties to ensure Tribal lands have full access to high-
23 speed broadband services, telecommunications serv-
24 ices, and other sovereignty of communications infra-
25 structure covering Tribal lands.

1 (d) PRIORITIZATION.—In allocating funds from the
2 Tribal Broadband Fund, the Commission—

3 (1) shall prioritize locations where telecommuni-
4 cations or broadband services have left residents un-
5 derserved; and

6 (2) may use funds in locations described in
7 paragraph (1) for last mile fiber, middle mile fiber,
8 backhaul transit, interconnection, and other costs
9 and repairs to damaged infrastructure.

10 (e) TECHNICAL ASSISTANCE.—The Commission shall
11 provide requested technical assistance, training programs,
12 and grants to assist Indian tribes, qualifying Tribal enti-
13 ties, the Department of Hawaiian Home Lands, inter-
14 Tribal government organizations, and Tribal Colleges and
15 Universities for the purpose of immediate deployment of
16 telecommunications or broadband services or infrastruc-
17 ture development over Tribal lands.

18 (f) FINAL ORDER.—Not later than 18 months after
19 the date of enactment of this Act, the Commission shall
20 release a final order adopting rules and policies associated
21 with the establishment, implementation, and administra-
22 tion of the Tribal Broadband Fund.

23 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to limit or prevent an Indian tribe,
25 the Department of Hawaiian Home Lands, or a qualifying

1 Tribal entity from accessing existing or additional funding
2 through the Commission or any other Federal agency.

3 **SEC. 532. OFFICE OF NATIVE AFFAIRS AND POLICY, FED-**
4 **ERAL COMMUNICATIONS COMMISSION.**

5 (a) TECHNICAL ASSISTANCE.—

6 (1) IN GENERAL.—The Commission, acting
7 through the Office of Native Affairs and Policy and
8 at the request of an Indian tribe, the Department of
9 Hawaiian Home Lands, or a qualifying Tribal enti-
10 ty, shall provide technical assistance to apply for and
11 participate in—

12 (A) the Tribal Broadband Fund;

13 (B) other Federal universal service support
14 mechanisms;

15 (C) other Federal funding opportunities
16 for broadband or infrastructure development;
17 and

18 (D) the Tribal Spectrum Market estab-
19 lished under section 534.

20 (2) PRIORITY.—A request for technical assist-
21 ance made under this subsection from an Indian
22 tribe, the Department of Hawaiian Home Lands, or
23 a qualifying Tribal entity shall receive priority where
24 telecommunications or broadband services on Tribal
25 lands—

1 (A) have not been deployed; or

2 (B) have been inadequately deployed to
3 provide broadband services over those Tribal
4 lands, resulting in unserved and underserved
5 Tribal residents.

6 (3) ADDITIONAL ASSISTANCE.—The assistance
7 under this subsection includes assistance for associ-
8 ated backhaul, repairs to damaged infrastructure, or
9 new infrastructure to deploy broadband service.

10 (b) ADDITIONAL TECHNICAL ASSISTANCE.—In addi-
11 tion to the technical assistance provided under subsection
12 (a), the Commission shall provide technical assistance that
13 includes training programs and grant assistance to Indian
14 tribes, qualifying Tribal entities, the Department of Ha-
15 waiian Home Lands, inter-Tribal government organiza-
16 tions, Tribal Colleges and Universities, and colleges and
17 universities with Tribal-serving institutions with expertise
18 on Tribal broadband policy for the purpose of immediate
19 deployment of telecommunications or broadband services
20 and infrastructure over Tribal lands.

21 (c) ENGAGEMENT WITH THE DEPARTMENT OF THE
22 INTERIOR, DEPARTMENT OF COMMERCE, AND COMMIS-
23 SION.—The Secretary of the Interior, the Secretary of
24 Commerce, and the Commission shall provide technical as-
25 sistance to Indian tribes, the Department of Hawaiian

1 Home Lands, and qualifying Tribal entities (and, if lo-
2 cated on Tribal lands, to schools, libraries, health care fa-
3 cilities, public safety entities, Tribal chapter houses, com-
4 munity centers, government buildings of an Indian tribe,
5 and locations where Tribal, State, and Federal elections
6 and census activities are carried out) to resolve barriers
7 to the deployment and adoption of broadband service and
8 other services provided using spectrum, including the fol-
9 lowing:

10 (1) Classes or other education related to com-
11 puter literacy.

12 (2) Acquisition of computers and related hard-
13 ware and software.

14 (3) Use of broadband service and computers for
15 public safety and emergency communications serv-
16 ices and interoperability.

17 (4) Use of spectrum and wireless broadband
18 service and computers where Tribal, State, and Fed-
19 eral elections and census activities are carried out.

20 (5) Use of spectrum and broadband service and
21 computers to respond to public emergencies, includ-
22 ing health and biohazard threats and natural disas-
23 ters.

24 (6) Such other areas as the Commission, or a
25 relevant Federal agency that has a role conducting

1 activities on Tribal lands, determines to be advisable
2 to increase the deployment and adoption of
3 broadband service and other services provided using
4 spectrum on Tribal lands, or where an Indian tribe,
5 the Department of Hawaiian Home Lands, or a
6 qualifying Tribal entity holds a valid and active
7 spectrum license or right-of-way access.

8 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion may be construed to limit or supersede—

10 (1) the responsibilities of the Commission or
11 another Federal agency; or

12 (2) the engagement with Indian tribes, the De-
13 partment of Hawaiian Home Lands or Native Ha-
14 waiian communities, and qualifying Tribal entities
15 by the Commission or any other Federal agency.

16 (e) APPROPRIATIONS AMENDMENT.—Section 6 of the
17 Communications Act of 1934 (47 U.S.C. 156) is amend-
18 ed—

19 (1) in the section heading, by inserting “; **AP-**
20 **PROPRIATIONS**” after “**AUTHORIZATION OF AP-**
21 **PROPRIATIONS**”; and

22 (2) by adding at the end the following:

23 “(c) OFFICE OF NATIVE AFFAIRS AND POLICY.—

24 “(1) IN GENERAL.—For necessary expenses of
25 the Office of Native Affairs and Policy of the Com-

1 mission, there is authorized to be appropriated to
2 the Commission, and there is appropriated, out of
3 any monies in the Treasury not otherwise appro-
4 priated, \$950,000 for each of fiscal years 2023
5 through 2031.

6 “(2) ONAP FEDERAL FUNDING DIRECTOR.—

7 “(A) ESTABLISHMENT.—The Commission
8 shall use 20 percent of the funding appro-
9 priated pursuant to paragraph (1) to establish
10 within the Office of Native Affairs and Policy
11 of the Commission a position of Federal Fund-
12 ing Director.

13 “(B) DUTIES.—The Federal Funding Di-
14 rector shall have the following duties:

15 “(i) Coordinate with Indian tribes, the
16 Department of Hawaiian Home Lands,
17 and interested qualifying Tribal entities to
18 access the funding opportunities of the
19 Commission or other funding opportunities
20 that may be available through another
21 Federal agency, and assist with the appli-
22 cation processes for the Tribal Broadband
23 Fund and other universal service contribu-
24 tions or accounts, auctions proceeds, or
25 any other accounts or reserve funds avail-

1 able to the Commission, for the purpose of
2 providing a source of support for infra-
3 structure deployment, ‘middle mile’ and
4 long-haul fiber buildout, adoption of digital
5 literacy, and other related resources for the
6 deployment of and full access to tele-
7 communications, broadband, spectrum use
8 and future development, and wireless serv-
9 ices (including wireless broadband service)
10 for effective and efficient use on Tribal
11 lands.

12 “(ii) Coordinate with other Federal
13 agencies that provide telecommunications
14 and infrastructure funding to Indian
15 tribes, the Department of Hawaiian Home
16 Lands, or interested qualifying Tribal enti-
17 ties to assist with expedited broadband
18 service and other telecommunications de-
19 ployment over Tribal lands.

20 “(3) ADJUSTMENT FOR INFLATION.—The
21 amount made available under paragraph (1) for fis-
22 cal year 2024 and each fiscal year thereafter shall
23 be adjusted annually to reflect the change in the
24 Consumer Price Index for All Urban Consumers
25 published by the Bureau of Labor Statistics.

1 “(4) DEFINITIONS.—In this subsection, the
2 terms defined in section 539 of the Honoring Prom-
3 ises to Native Nations Act shall have the meanings
4 given those terms in that section.”.

5 **SEC. 533. IMMEDIATE DEPLOYMENT OF BROADBAND SERV-**
6 **ICE ON TRIBAL LANDS.**

7 (a) DEFINITIONS.—In this section:

8 (1) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) an Indian tribe;

11 (B) a qualifying Tribal entity; and

12 (C) the Department of Hawaiian Home
13 Lands.

14 (2) SECRETARY.—The term “Secretary” means
15 the Secretary of Agriculture.

16 (b) GRANTS.—

17 (1) COMMUNITY FACILITIES GRANT PRO-
18 GRAM.—

19 (A) IN GENERAL.—The Secretary shall use
20 amounts appropriated under subsection
21 (c)(1)(A) to provide grants under the commu-
22 nity facilities grant program under section
23 306(a)(19) of the Consolidated Farm and Rural
24 Development Act (7 U.S.C. 1926(a)(19)) to eli-
25 gible entities for the deployment of broadband

1 service on Tribal lands, if the eligible entity
2 would be eligible for a grant under that section
3 for the deployment.

4 (B) ELIGIBLE COSTS.—An eligible entity
5 that receives a grant under subparagraph (A)
6 may use the grant amount for costs for the im-
7 mediate deployment of broadband service on
8 Tribal lands, including—

9 (i) backhaul costs; and

10 (ii) costs of repairs to damaged infra-
11 structure, if the cost of the repairs would
12 be less than the cost of new infrastructure.

13 (C) PRIORITIZATION.—In making grants
14 under subparagraph (A), the Secretary shall
15 give priority to the deployment of telecommuni-
16 cations or broadband services on Tribal lands
17 on which the services have not been deployed or
18 have been inadequately deployed, including—

19 (i) middle mile fiber;

20 (ii) backhaul transit, interconnection,
21 and other costs; and

22 (iii) repairs to damaged infrastruc-
23 ture, the cost of the repairs to which would
24 be less than the cost of new infrastructure.

1 (D) FEDERAL SHARE.—Notwithstanding
2 section 306(a)(19)(B) of the Consolidated
3 Farm and Rural Development Act (7 U.S.C.
4 1926(a)(19)(B)), the Federal share of the cost
5 of a project carried out using a grant under
6 subparagraph (A) shall be 100 percent.

7 (2) ESSENTIAL COMMUNITY FACILITIES TECH-
8 NICAL ASSISTANCE AND TRAINING.—

9 (A) IN GENERAL.—The Secretary shall use
10 amounts appropriated under subsection
11 (c)(1)(B) to provide grants to eligible recipients
12 described in subparagraph (C) under the com-
13 munity facilities technical assistance and train-
14 ing grant program under section 306(a)(26) of
15 the Consolidated Farm and Rural Development
16 Act (7 U.S.C. 1926(a)(26)) to assist eligible en-
17 tities in—

18 (i) preparing applications for grants
19 under paragraph (1)(A); and

20 (ii) receiving technical assistance and
21 training from an entity to which a commu-
22 nity facilities technical assistance and
23 training grant has been made under that
24 section.

1 (B) APPLICABILITY.—Subparagraph (A)
2 shall be carried out without regard to—

3 (i) subparagraphs (B) and (C) of sec-
4 tion 306(a)(26) of the Consolidated Farm
5 and Rural Development Act (7 U.S.C.
6 1926(a)(26)); and

7 (ii) any requirements described in
8 subparagraph (A) of that section relating
9 to eligibility to receive—

10 (I) a grant under that section; or

11 (II) technical assistance and
12 training from an entity receiving a
13 grant under that section.

14 (C) ELIGIBLE RECIPIENTS.—An entity
15 shall be eligible to receive a grant under sub-
16 paragraph (A) if the entity is—

17 (i) eligible for a grant under the com-
18 munity facilities technical assistance and
19 training grant program under section
20 306(a)(26) of the Consolidated Farm and
21 Rural Development Act (7 U.S.C.
22 1926(a)(26)), without regard to subpara-
23 graphs (B) and (C) of that section, to as-
24 sist an eligible entity in preparing an appli-
25 cation for a grant under that section; or

1 (ii) an inter-Tribal government orga-
2 nization, a Tribal College or University, or
3 a university or college with a Tribal-serv-
4 ing institution with expertise in Tribal
5 broadband policy.

6 (c) FUNDING.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated, and there are appropriated, out of
9 amounts in the Treasury not otherwise appropriated,
10 to the Secretary for each of fiscal years 2023
11 through 2031—

12 (A) \$300,000,000 to provide grants under
13 subsection (b)(1); and

14 (B) \$5,000,000 to provide grants under
15 subsection (b)(2).

16 (2) ADJUSTMENT FOR INFLATION.—The
17 amount made available under each of subparagraphs
18 (A) and (B) of paragraph (1) for each of fiscal years
19 2024 through 2031 shall be adjusted annually to re-
20 flect the change in the Consumer Price Index for All
21 Urban Consumers published by the Bureau of Labor
22 Statistics.

23 (3) AVAILABILITY.—The amounts made avail-
24 able under paragraph (1) shall remain available until
25 expended.

1 **SEC. 534. FCC TRIBAL SPECTRUM MARKET.**

2 (a) ESTABLISHMENT.—

3 (1) IN GENERAL.—The Commission shall con-
4 duct a rulemaking proceeding to establish a new
5 Tribal Spectrum Market.

6 (2) PURPOSE.—The Tribal Spectrum Market
7 shall be an optional forum solely for the participa-
8 tion of Indian tribes, qualifying Tribal entities, and
9 the Department of Hawaiian Home Lands to engage
10 with other Indian tribes, other qualifying Tribal en-
11 tities, and the Department of Hawaiian Home
12 Lands (as applicable) for leasing and assignment op-
13 portunities for the purpose of economic and business
14 development on Tribal lands for participants that
15 choose to participate.

16 (3) NO EFFECT ON PARTICIPATION IN OTHER
17 FORUMS OR MARKETS.—Participation in the Tribal
18 Spectrum Market shall not prevent an Indian tribe,
19 the Department of Hawaiian Home Lands, or a
20 qualifying Tribal entity from participating in any
21 other auction forum or secondary spectrum market.

22 (b) AVAILABILITY OF SPECTRUM.—In furtherance of
23 the Federal trust responsibility and Tribal self-govern-
24 ance, and to develop robust economic resources on Tribal
25 lands, the Commission shall—

1 (1) make all unused and newly allocated spec-
2 trum over Tribal lands available to other Indian
3 tribes, the Department of Hawaiian Home Lands,
4 and qualifying Tribal entities through the Tribal
5 Spectrum Market; and

6 (2) notify other Indian tribes, the Department
7 of Hawaiian Home Lands, and other qualifying
8 Tribal entities of the availability of unused and
9 newly allocated spectrum under paragraph (1).

10 (c) CONSENT REQUIREMENT.—Participants shall
11 provide written consent to the Commission to make their
12 unused spectrum over Tribal lands available to other In-
13 dian tribes, the Department of Hawaiian Home Lands, or
14 other qualifying Tribal entities, as applicable, through the
15 Tribal Spectrum Market.

16 **SEC. 535. E-RATE.**

17 Section 254 of the Communications Act of 1934 (47
18 U.S.C. 254) is amended—

19 (1) in subsection (h)(4), by inserting “, except
20 as provided in subsection (m),” before “is a library
21 or library consortium”; and

22 (2) by adding at the end the following:

23 “(m) E-RATE SUPPORT FOR INDIAN TRIBES.—

24 “(1) DEFINITIONS.—In this subsection—

1 “(A) the term ‘E-rate program’ means the
2 universal service program for schools and li-
3 braries authorized under subsection (h)(1)(B),
4 the rules of which are set forth under subpart
5 F of part 54 of title 47, Code of Federal Regu-
6 lations (or any successor regulation), as author-
7 ized under subsection (h)(2)(A);

8 “(B) the term ‘E-rate support’ means uni-
9 versal service discounts on eligible services in
10 accordance with subpart F of part 54 of title
11 47, Code of Federal Regulations (or any suc-
12 cessor regulation), as authorized under sub-
13 section (h)(2)(A);

14 “(C) the term ‘Indian tribe’ has the mean-
15 ing given the term in section 5 of the Honoring
16 Promises to Native Nations Act; and

17 “(D) the term ‘qualifying anchor institu-
18 tion’ means a facility owned by an Indian tribe,
19 including a Tribal Government building, chap-
20 ter house, longhouse, community center, senior
21 center, or other similar public building.

22 “(2) ELIGIBILITY OF TRIBAL LIBRARIES AND
23 QUALIFYING ANCHOR INSTITUTIONS FOR E-RATE
24 SUPPORT.—

1 “(A) DESIGNATION OF TRIBAL LIBRARIES
2 AS LIBRARIES ELIGIBLE FOR E-RATE SUP-
3 PORT.—

4 “(i) IN GENERAL.—An Indian tribe
5 that is eligible for support under section
6 261 of the Library Services and Tech-
7 nology Act (20 U.S.C. 9161) may des-
8 ignate a Tribal library or Tribal library
9 consortium as a library or consortium that
10 is eligible for E-rate support, without re-
11 gard to whether the library or library con-
12 sortium is eligible for assistance from a
13 State Library Administrative Agency under
14 the Library Services and Technology Act
15 (20 U.S.C. 9121 et seq.), if the library or
16 library consortium is eligible for support
17 from an Indian tribe under such section
18 261.

19 “(ii) RULE OF CONSTRUCTION.—
20 Nothing in clause (i) shall be construed to
21 exempt a Tribal library from any require-
22 ment under the E-rate program not de-
23 scribed in that clause, including the other
24 requirements relating to eligible recipients
25 under section 54.501 of title 47, Code of

1 Federal Regulations (or any successor reg-
2 ulation).

3 “(B) TRIBAL ANCHOR INSTITUTION PRO-
4 GRAM.—

5 “(i) IN GENERAL.—The Commission,
6 in consultation with the Institute of Mu-
7 seum and Library Services and any other
8 agency with relevant responsibilities, shall
9 establish a program to be known as the
10 ‘Tribal Anchor Institution Program’, under
11 which the Commission shall provide E-rate
12 support to Indian tribes for qualifying an-
13 chor institutions designated by the Indian
14 tribes.

15 “(ii) ELIGIBILITY.—

16 “(I) IN GENERAL.—To be eligible
17 to obtain E-rate support under this
18 subparagraph, a Tribal Government
19 may not have a Tribal library eligible
20 for the E-rate program within the
21 Tribal community.

22 “(II) REQUIREMENTS.—E-rate
23 support obtained under this subpara-
24 graph shall only be available for an
25 Indian tribe if—

1 “(aa) the proposed quali-
2 fying anchor institution is exclu-
3 sively owned by the Indian tribe;
4 and

5 “(bb) the proposed quali-
6 fying anchor institution intends
7 to deliver publicly available inter-
8 net access to students, teachers,
9 librarians, and members of the
10 community for educational pur-
11 poses.

12 “(III) RULE OF CONSTRUC-
13 TION.—Nothing in this clause shall be
14 construed to provide the Commission
15 with the authority to modify the eligi-
16 bility requirements described in this
17 clause.

18 “(3) SET-ASIDE FOR INDIAN TRIBES.—Of the
19 amount made available for the E-rate program in
20 any fiscal year beginning after the date of enactment
21 of this subsection, 5 percent shall be used for E-rate
22 support for Tribal elementary and secondary schools
23 (as defined in subsection (h)(7)), Tribal libraries
24 and Tribal library consortia, and qualifying anchor
25 institutions.”.

1 **SEC. 536. RECONNECT PROGRAM.**

2 (a) TRIBAL SET-ASIDE.—Section 779 of division A
3 of the Consolidated Appropriations Act, 2018 (Public Law
4 115–141; 132 Stat. 399), is amended by inserting “: *Pro-*
5 *vided further*, That 15 percent of such amount shall be
6 reserved for loans and grants to Indian tribes under the
7 pilot program, and a requirement to match part or all of
8 any such loan or grant shall not be imposed on an Indian
9 tribe” before the period at the end.

10 (b) TRIBAL CONNECTIVITY FUND.—

11 (1) ESTABLISHMENT.—There is established in
12 the Treasury of the United States a fund, to be
13 known as the “Tribal Connectivity Fund”.

14 (2) APPROPRIATION.—

15 (A) IN GENERAL.—There is authorized to
16 be appropriated, and there is appropriated, out
17 of amounts in the Treasury not otherwise ap-
18 propriated, to the Tribal Connectivity Fund
19 \$100,000,000 for each of fiscal years 2023
20 through 2031, to remain available until ex-
21 pended.

22 (B) ADJUSTMENT FOR INFLATION.—The
23 amount made available under subparagraph (A)
24 for each of fiscal years 2024 through 2031 shall
25 be adjusted annually to reflect the change in
26 the Consumer Price Index for All Urban Con-

1 sumers published by the Bureau of Labor Sta-
2 tistics.

3 (3) USE OF FUNDS.—

4 (A) IN GENERAL.—Amounts in the Tribal
5 Connectivity Fund shall be available to the Sec-
6 retary of Agriculture to provide funding for
7 laptops, Wi-Fi hotspots, and other connectivity
8 devices for students attending schools funded by
9 the Bureau of Indian Education, tribally oper-
10 ated schools, or Tribal colleges.

11 (B) DEFINITIONS.—In this paragraph:

12 (i) WI-FI.—The term “Wi-Fi” means
13 a wireless networking protocol based on In-
14 stitute of Electrical and Electronics Engi-
15 neers standard 802.11 (or any successor
16 standard).

17 (ii) WI-FI HOTSPOT.—The term “Wi-
18 Fi hotspot” means a device that is capable
19 of—

20 (I) receiving mobile advanced
21 telecommunications and information
22 services (based upon Wi-Fi and other
23 wireless standards); and

24 (II) sharing the services with an-
25 other device.

1 (c) FUNDING FOR BUREAU OF INDIAN EDUCATION
2 INFORMATION TECHNOLOGY INFRASTRUCTURE.—

3 (1) APPROPRIATION.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), there is authorized to be appro-
6 priated, out of any monies in the Treasury not
7 otherwise appropriated, and there is appro-
8 priated \$50,000,000 for each of fiscal years
9 2023 through 2031, which shall be deposited in
10 the Bureau of Indian Education, Operation of
11 Indian Education Programs, Education Man-
12 agement, Education IT account, to remain
13 available until expended.

14 (B) ADJUSTMENT FOR INFLATION.—The
15 amount made available under subparagraph (A)
16 for fiscal year 2024 and each fiscal year there-
17 after shall be adjusted annually to reflect the
18 change in the Consumer Price Index for All
19 Urban Consumers published by the Bureau of
20 Labor Statistics.

21 (2) USE OF FUNDS.—The amounts made avail-
22 able under paragraph (1) shall be available to the
23 Secretary of the Interior to provide funding for in-
24 formation technology infrastructure of the Bureau of
25 Indian Education.

1 **SEC. 537. USDA OFFICE OF TRIBAL RELATIONS.**

2 (a) APPROPRIATION.—Subject to subsection (b),
3 there is authorized to be appropriated, and there is appro-
4 priated, out of any monies in the Treasury not otherwise
5 appropriated, to the Secretary of Agriculture \$2,500,000
6 for each of fiscal years 2023 through 2031—

7 (1) for the provision to Indian tribes, qualifying
8 Tribal entities, and the Department of Hawaiian
9 Home Lands of services, technical assistance, and
10 expansion of programs for the deployment and build-
11 out of wireless broadband services on Tribal lands;
12 and

13 (2) to ensure that services, technical assistance,
14 and programs described in paragraph (1) and re-
15 lated policies are efficient, easy to understand, acces-
16 sible, and developed in consultation with affected In-
17 dian tribes and the Department of Hawaiian Home
18 Lands.

19 (b) ADJUSTMENT FOR INFLATION.—The amount
20 made available under subsection (a) for each of fiscal
21 years 2024 through 2031 shall be adjusted annually to
22 reflect the change in the Consumer Price Index for All
23 Urban Consumers published by the Bureau of Labor Sta-
24 tistics.

25 **SEC. 538. ANNUAL REPORTING REQUIREMENTS.**

26 (a) ANNUAL REPORT.—

1 (1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of this Act, and annually
3 thereafter, the Commission shall make publicly avail-
4 able and submit to the entities described in sub-
5 section (b)—

6 (A) a report on the deployment of
7 broadband on Tribal lands;

8 (B) a household-level mapping of actual
9 broadband speeds adopted by Tribal residents;
10 and

11 (C) an inventory of Tribal spectrum li-
12 censes.

13 (2) CONTENTS.—

14 (A) COLLABORATION WITH TRIBES AND
15 TRIBAL ENTITIES.—The report under para-
16 graph (1) shall include the following informa-
17 tion:

18 (i)(I) The work of the Commission
19 with Indian tribes, the Department of Ha-
20 waiian Homelands, qualifying Tribal enti-
21 ties, and associated tribal organizations on
22 spectrum-related matters.

23 (II) The efforts of the Commission to
24 bolster Tribal outreach through individual
25 consultation, funding access, expansion of

1 access to broadband or other full use of
2 spectrum over Tribal lands, activities exe-
3 cuted through the Office of Native Affairs
4 and Policy, rulemakings that have been ex-
5 ecuted related to such matters under this
6 Act.

7 (III) General updates.

8 (B) APPLICANTS AND LICENSE HOLD-
9 ERS.—

10 (i) IN GENERAL.—The report under
11 paragraph (1) shall include data collected
12 by the Commission on whether applicants
13 for licenses, and holders of licenses, for
14 spectrum over Tribal lands are—

15 (I) Indian tribes;

16 (II) the Department of Hawaiian
17 Homelands;

18 (III) qualifying Tribal entities; or

19 (IV) third-party licensees.

20 (ii) RECORDING REQUIREMENT.—The
21 Commission shall require an Indian tribe,
22 the Department of Hawaiian Home Lands,
23 or a qualifying Tribal entity to record the
24 ownership classification of all licenses or
25 other agreements for the use of spectrum

1 over Tribal lands that take effect on or
2 after the date of enactment of this Act.

3 (C) NOTIFICATION OF RELEVANT INDIAN
4 TRIBE OR QUALIFYING TRIBAL ENTITY, OR THE
5 DEPARTMENT OF HAWAIIAN HOME LANDS.—
6 The Commission shall include in the report sub-
7 mitted under paragraph (1) a verification that
8 the Commission has provided information about
9 assigned and unassigned licenses and license
10 holders to the Indian tribe, the Department of
11 Hawaiian Home Lands, or the qualifying Tribal
12 entity where the licenses are geographically lo-
13 cated, including a detailed description of the li-
14 censes, the license holders, and the entity to
15 which the information was provided.

16 (D) ACCESSIBLE CONTACT INFORMA-
17 TION.—The Commission shall include in the re-
18 port submitted under paragraph (1) a
19 verification that the Commission has made con-
20 tact information easily accessible for Indian
21 tribes, the Department of Hawaiian Home
22 Lands, and qualifying Tribal entities to learn
23 about participation in any opportunities to ob-
24 tain licenses for spectrum over Tribal lands or

1 secondary market opportunities, including the
2 respective processes.

3 (E) UNSERVED LOCATIONS.—The Com-
4 mission shall include in the report submitted
5 under paragraph (1) geographic locations on
6 Tribal lands where wireline broadband or wire-
7 less telecommunications services have not been
8 built out or deployed.

9 (F) FEDERAL FUNDING AVAILABILITY.—
10 The Commission shall include in the report sub-
11 mitted under paragraph (1) a description of
12 available Federal funding across all agencies for
13 which Indian tribes, the Department of Hawai-
14 ian Home Lands, and qualifying Tribal entities
15 are eligible to apply to further support deploy-
16 ment of broadband and telecommunications
17 services on Tribal lands.

18 (b) SUBMISSION OF RECOMMENDATIONS.—The enti-
19 ties described in this subsection are—

20 (1) Indian tribes, the Department of Hawaiian
21 Home Lands, and Native Hawaiian organizations;

22 (2) the Department of the Interior;

23 (3) the Committee on Indian Affairs of the Sen-
24 ate;

- 1 (4) the Committee on Natural Resources of the
2 House of Representatives;
- 3 (5) the Committee on Commerce, Science, and
4 Transportation of the Senate;
- 5 (6) the Committee on Energy and Commerce of
6 the House of Representatives;
- 7 (7) the Native Nations Communications Task
8 Force of the Commission;
- 9 (8) Tribal organizations with telecommuni-
10 cations expertise; and
- 11 (9) requesting qualifying Tribal entities.

12 **SEC. 539. DEFINITIONS.**

13 In this subtitle:

14 (1) **BROADBAND SERVICE.**—The term
15 “broadband service” means internet access service
16 that is delivered—

17 (A) with—

18 (i) except as provided in clause (ii)—

19 (I) a download speed of not less
20 than 100 megabits per second; and

21 (II) an upload speed of not less
22 than 20 megabits per second; or

23 (ii) minimum download and upload
24 speeds established by the Commission after
25 the date of enactment of this Act, if those

1 minimum speeds are higher than the min-
2 imum speeds required under clause (i);

3 (B) without any data caps or other service
4 limitations;

5 (C) through—

6 (i) mobile service;

7 (ii) fixed point-to-point multipoint
8 service;

9 (iii) fixed point-to-point service;

10 (iv) broadcast service; or

11 (v) wireline service; and

12 (D) meet the latency requirement set by
13 the Commission to enable real-time video and
14 other streaming services.

15 (2) COMMISSION.—The term “Commission”
16 means the Federal Communications Commission.

17 (3) DIGITAL LITERACY.—The term “digital lit-
18 eracy” means information and communications for
19 the purpose of developing support for technological
20 deployment and understanding of issues, including
21 infrastructure deployment, fiber buildout, network
22 connectivity, spectrum market opportunities, associ-
23 ated programs and funding opportunities of the
24 Commission, and other related resources, to expedite
25 the immediate deployment of, and full access to,

1 telecommunications, broadband, spectrum, and wire-
2 less services available for effective and efficient use
3 on Tribal lands.

4 (4) ENTITY THAT IS MORE THAN 50 PERCENT
5 OWNED AND CONTROLLED BY 1 OR MORE INDIAN
6 TRIBES.—

7 (A) IN GENERAL.—The term “entity that
8 is more than 50 percent owned and controlled
9 by 1 or more Indian tribes” means an entity of
10 which 1 or more Indian tribes have both de
11 facto and de jure control.

12 (B) DE JURE CONTROL.—For purposes of
13 subparagraph (A), de jure control of an entity
14 shall be evidenced by ownership of greater than
15 50 percent of the voting stock of a corporation,
16 or in the case of a partnership, general partner-
17 ship interests.

18 (C) DE FACTO CONTROL.—

19 (i) IN GENERAL.—For purposes of
20 subparagraph (A), de facto control of an
21 entity shall be determined on a case-by-
22 case basis.

23 (ii) INDICIA OF CONTROL.—For pur-
24 poses of clause (i), an Indian tribe or In-
25 dian tribes shall demonstrate indicia of

1 control to establish that the Indian tribe or
2 Indian tribes retain de facto control of the
3 entity, including the following:

4 (I) The Indian tribe or Indian
5 tribes constitute or appoint more than
6 50 percent of the board of directors or
7 management committee of the entity.

8 (II) The Indian tribe or Indian
9 tribes have authority to appoint, pro-
10 mote, demote, and fire senior execu-
11 tives who control the day-to-day ac-
12 tivities of the entity.

13 (III) The Indian tribe or Indian
14 tribes play an integral role in the
15 management decisions of the entity.

16 (IV) The Indian tribe or Indian
17 tribes have the authority to make de-
18 cisions or otherwise engage in prac-
19 tices or activities that determine or
20 significantly influence—

21 (aa) the nature or types of
22 services offered by the entity;

23 (bb) the terms upon which
24 such services are offered; or

1 (cc) the prices charged for
2 such services.

3 (5) QUALIFYING TRIBAL ENTITY.—

4 (A) IN GENERAL.—The term “qualifying
5 Tribal entity” means an entity designated by
6 the Indian tribe with jurisdiction over particular
7 Tribal lands for which the spectrum access is
8 sought.

9 (B) ELIGIBLE ENTITIES.—The following
10 entities may be designated as a qualifying Trib-
11 al entity:

12 (i) An Indian tribe.

13 (ii) A Tribal consortia that consists
14 of—

15 (I) not less than 2 Indian tribes;

16 or

17 (II) not less than 1 Indian tribe
18 and 1 entity that is more than 50 per-
19 cent owned and controlled by 1 or
20 more Indian tribes.

21 (iii) A federally chartered Tribal cor-
22 poration established under—

23 (I) section 17 of the Act of June
24 18, 1934 (commonly known as the
25 “Indian Reorganization Act”) (48

1 Stat. 988, chapter 576; 25 U.S.C.
2 5124); or

3 (II) section 4 of the Act of June
4 26, 1936 (commonly known as the
5 “Oklahoma Welfare Act”) (49 Stat.
6 1967, chapter 831; 25 U.S.C. 5204).

7 (iv) An entity that is more than 50
8 percent owned and controlled by 1 or more
9 Indian tribes.

10 (6) SPECTRUM OVER TRIBAL LANDS.—The
11 term “spectrum over Tribal lands” means all spec-
12 trum on Tribal lands, including wireless, radio, tele-
13 vision, broadcast, commercial and noncommercial
14 uses, and current generation or better wireless
15 broadband services.

16 (7) TRIBAL BROADBAND FUND.—The term
17 “Tribal Broadband Fund” means the permanent
18 Federal universal service support mechanism estab-
19 lished by the Commission under section 531.

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