

Legislative Summary 2021



**American
Indian Policy
Institute**

**Arizona State
University**



AIPI 2021 Federal Legislation Summary

117th Congress, 1st Session

The American Policy Institute (AIPI) tracks proposed legislation and other congressional actions through the [Monthly Policy Update](#) in order to inform readers of important actions affecting Indian Country. This year the 117th Congress convened for its 1st session on January 3, 2021 and adjourned on January 3, 2022. AIPI tracked 183 bills during the 1st Session. There were seven bills that were signed into law. 16 bills passed one chamber and not the other, along with 7 resolutions agreed to in their respective chamber.

*Note: This document focuses on bills that have significant implications for Tribal Nations. These bills include changes to laws, regulations, and significant appropriations to new and existing Tribal initiatives. These bills do not contain actions that make specific changes for individual Tribes such as legislation placing land into trust.

Bill Sponsorship

AIPI tracked 109 bills in the House of Representatives. There were 69 different members of the House who served as primary sponsors. 18 members served as primary sponsors on multiple bills. The following table lists the members of the House who served as the primary sponsor to multiple bills.

House Members Sponsoring Multiple Bills	
Don Young (R-AK-At Large)	7
Tom O'Halleran (D-AZ-01)	7
Ruben Gallego (D-AZ-07)	6
Raul Ruiz (D-CA-36)	5
Dusty Johnson (R-SD-At Large)	4
Raul Grijalva (D-AZ-03)	4
Betty McCollum (D-MN-04)	3
Sharice Davids (D-KS-03)	3

John A. Yarmuth (D-KY-03)	2
Terri Sewell (D-AL-07)	2
Robert Scott (D-VA-03)	2
Joe Neguse (D-CO-02)	2
Markwayne Mullin (R-OK-02)	2
Barbara Lee (D-CA-13)	2
Derek Kilmer (D-WA-06)	2
Debbie Dingell (D-MI-12)	2
Tony Cárdenas (D-CA-29)	2
Karen Bass (D-CA-37)	2

In the Senate, AIPI tracked 74 bills. There were 39 different Senators who served as primary sponsors. Out of those Senators, 17 were primary sponsors to multiple bills during the year. The following table lists Senators sponsoring multiple bills.

Senators Sponsoring Multiple Bills	
Ben Ray Luján (D-NM)	6
Lisa Murkowski (R-AK)	5
Martin Heinrich (D-NM)	5
Tina Smith (D-MN)	4
Brian Schatz (D-HI)	3
John Hoevan (R-ND)	3
Mike Rounds (R-SD)	3
Ron Wyden (D-OR)	3
Tammy Duckworth (D-IL)	3
Bernard Sanders (I-VT)	2
Elizabeth Warren (D-MA)	2
Jerry Moran (R-KS)	2
John Thune (R-SD)	2

Kirsten E. Gillibrand (D-NY)	2
Michael F. Bennet (D-CO)	2
Steve Daines (R-MT)	2
Tammy Baldwin (D-WI)	2

Bills Signed into Law

APII tracked seven bills that were signed into law. Many initiatives that funded programs and agencies that serve Indian Country were rolled into larger bills throughout the year. The American Rescue Plan Act alone included over 30 bills that addressed COVID-19 response in several areas like infrastructure, broadband access, healthcare, and essential workers. The following is a list of the bills signed into law, along with a brief summary.

1. [S. 212](#) - **Indian Community Economic Enhancement Act of 2020. Sponsored by Sen. John Hoevan (R-ND).**
This bill establishes the Office of Native American Business Development to advise the Department of Commerce, and serve as the point of contact for Tribes, Tribal organizations, and members of Tribes regarding economic development. This bill would also allow the Administration for Native Americans to offer some assistance for community development financial institutions. Signed into law on December 30, 2020 and became Public Law No. 116-261.
2. [S. 2730](#) - **Drone Advisory Committee for the 21st Century Act. Sponsored by Sen. Gary Peters (D-MI).**
This bill requires the Federal Aviation Administration to take appropriate steps to encourage direct representation of county and Tribal governments, as well as agriculture, forestry, rangeland sectors, and other rural interests on the Drone Advisory Committee. Signed into law on December 31, 2021 and became Public Law No. 116-280.
3. [H.R. 6237](#) - **PRC for Native Veterans Act. Sponsored by Rep. Ruben Gallego (D-AZ-07).**
This bill specifies that the Department of Veterans Affairs or the Department of Defense must reimburse the Indian Health Service (IHS), Tribes, or Tribal organizations for health care services provided to American Indian and Alaska Native veterans, regardless of whether such services are provided directly by the IHS, tribes, or tribal organizations, through purchased/referred care, or through contracts for travel. Signed into law on January 5, 2021 and became Public Law No. 116-311.

4. **[H.R. 6535](#) - To deem an urban Indian organization and employees thereof to be a part of the Public Health Service for the purposes of certain claims for personal injury, and for other purposes. Sponsored by Ruben Gallego (D-AZ-07).**

This bill extends federal torts claim coverage for certain personal injury claims (i.e., medical malpractice liability protection) to urban Indian organizations and their employees by deeming them as part of the Public Health Service. Currently, such coverage is provided to Indian tribes, tribal organizations, Indian contractors, and their employees. Signed into law on January 5, 2021 and became public Law No. 116-313.

5. **[H.R. 1319](#) - American Rescue Plan Act of 2021. Sponsored by Rep. John Yarmuth (D-KY-03).**

This bill provides additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals, and businesses. Tribes received assistance with child care programs, housing programs, water projects, and other capital projects to mitigate the impact of COVID-19. Signed into law on March 11, 2021 and became Public Law No. 117-2.

6. **[S.325](#) - A bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act to extend the deadline for a report by the Alyce Spotted Bear and Walter Soboleff Commission on Native Children, and for other purposes. Sponsored by Sen. Lisa Murkowski (R-AK).**

This bill extends the deadline, from three years to five years, for the Alyce Spotted Bear and Walter Soboleff Commission on Native Children to submit its report to the President and Congress. The commission was established to conduct a comprehensive study of federal, state, local, and Tribal programs that serve Native children and to develop plans for federal policy related to Native children. Signed into law on September 24, 2021 and became Public Law No. 117-41.

7. **[H.R. 3684](#) - Infrastructure Investment and Jobs Act. Sponsored by Peter DeFazio (D-OR-04).**

This bill addresses many infrastructure needs such as roads, bridges, and railways. Also provides resources to address broadband internet access and climate change. Provides an estimated \$550 billion in new spending on these needs with an estimated \$11 billion going specifically to Tribes. Signed into law on November 15, 2021 and became Public Law No. 117-58.

Significant Bills for the 117th Congress 2nd Session

The following bills were not signed into law in 2021. However, they are bills that we have identified as having important implications for Tribes. Some of these bills have been rolled into larger initiatives, and others like the Build Back Better Act have stalled and are undergoing further negotiation. Other bills have been reintroduced in new legislation for 2022. AIPI will continue to monitor their progress throughout 2022.

1. [H.R.4](#) - **John R. Lewis Voting Rights Advancement Act of 2021. Sponsored by Rep. Terri A. Sewell (D-AL-07).**

This bill establishes new criteria for determining which states and political subdivisions must obtain preclearance before changes to voting practices may take effect. It expands the criteria for voting procedure changes that would be subject to preclearance. It expands voting procedure protections for Tribal lands and areas where there are Native American populations. H.R.4 passed in the House and currently awaits action in the Senate.

2. [H.R.1620](#) - **Violence Against Women Act Reauthorization Act of 2021. Sponsored by Rep. Shelia Lee Jackson (D-TX-18).**

This bill modifies and reauthorizes through FY2026 programs and activities under the Violence Against Women Act that seek to prevent and respond to domestic violence, sexual assault, dating violence, and stalking. This reauthorization expands Tribal criminal jurisdiction over stalking, sex trafficking & violence, domestic violence, and assault on Tribal law enforcement. It would also allow Tribes access to federal criminal information databases as well as make Tribes eligible for certain grants and reimbursements. This bill was passed in the House and is going through the committee process in the Senate. Many of the bill's provisions are reintroduced in [S.3623](#).

3. [H.R.2930 \(S.1741\)](#) - **Safeguard Tribal Objects of Patrimony Act of 2021. Sponsored by Rep. Teresa Leger Fernandez (D-NM-03).**

These very similar bills would prohibit the exportation of Native American cultural items and archeological resources that were illegally obtained; provide for the return of such items, including voluntary returns; and would establish and increase related criminal penalties. The House version of this bill passed in the House and is awaiting Senate action.

4. [S.3011 \(H.R.5735\)](#) - **State, Local, Tribal, and Territorial Fiscal Recovery, Infrastructure, and Disaster Relief Flexibility Act. Sponsored by Sen. John Cornyn (R-TX).**

This bill allows states, tribes, territories, and localities to use certain COVID-19 relief funds for new categories of spending, including for natural disasters and infrastructure projects. It also makes changes to expenditure deadlines and other aspects of this funding. Recipients may use funds for emergency relief from natural disasters and associated negative economic impacts of natural disasters. In addition, recipients may use a portion of their COVID-19 relief funds for designated infrastructure projects, such as nationally significant freight and highway projects. Furthermore, the bill allows recipients to expend COVID-19 relief funds on these types of infrastructure projects until September 30, 2026. Under current law, recipients must expend the funds by December 31, 2024. The Senate version of this bill passed the Senate and is awaiting House action.

5. [H.R. 3138](#) - **State and Local Cybersecurity Improvement Act. Sponsored by Rep. Yvette D. Clarke (D-NY-09).**

This bill requires the Cybersecurity and Infrastructure Security Agency (CISA) to establish the State and Local Cybersecurity Grant Program to address cybersecurity risks and threats to the information systems of state, local, or Tribal organizations. In addition to making Tribes eligible for cybersecurity grants, the bill requires CISA to develop a Homeland Security Strategy to Improve the Cybersecurity of State, Local, Tribal, and Territorial Governments. CISA would also have to assess the feasibility of implementing a short-term rotational program to detail approved state, local, tribal, and territorial government employees to CISA in cyber workforce positions. This bill passed in the house and is currently awaiting Senate action.

6. [H.R.3841 \(S.1397\)](#) - **Tribal Health Data Improvement Act of 2021. Sponsored by Rep. Markwayne Mullin (R-OK-02).**

These similar bills expand Tribal access to public health care data and public health surveillance programs. It also reauthorizes through FY2026 the National Center for Health Statistics, which is part of the Centers for Disease Control and Prevention (CDC), and requires the CDC to take certain actions to address the collection and availability of health data for American Indians and Alaska Natives. The House version of the bill passed in the House and is awaiting Senate action.

7. [H.R.5008 \(S.2702\)](#) - **Frank Harrison, Elizabeth Peratrovich, and Miguel Trujillo Native American Voting Rights Act of 2021. Sponsored by Rep. Sharice Davids (D-KS-03).**

This bill addresses the voting rights of Native American and Alaska Native voters with provisions such as:

- Expanding the types of facilities that can be used as voter registration agencies.
- Increasing polling site accessibility by expanding early in-person voting and providing ballot drop boxes.
- Providing enforcement power to citizens and attorneys general.
- Requiring approval for actions like moving a polling place.
- Validating certain Tribal identification for voting or registering to vote.
- Permitting voters to designate another individual to return a ballot on their behalf.
- Expanding requirements for bilingual voting accessibility.
- Establishing a voting task force grant program for the purpose of increasing voter outreach, education, registration, turnout, and accessibility.

This bill is currently working through House Committees. Many of its provisions were also included in [H.R.5746](#).

8. [H.R.5376](#) - **Build Back Better Act. Sponsored by John A. Yarmuth (D-KY-03).**

This bill provides funding, establishes programs, and otherwise modifies provisions relating to a broad array of areas, including education, labor, child care, health care, taxes, immigration, and the environment. Tribes would be included in initiatives to:

- Provide universal preschool.
- Expand affordable healthcare by expanding Affordable Care Act premiums and also including coverage for hearing and large investments in maternal health.
- Invest in the Indian Housing Block Grant Program, and expand rental assistance and home-owner down payment assistance programs.
- Make Tribes eligible for a new Rural Partnership program to fund local economic development projects.
- Make Tribes eligible for programs to combat climate change by cleaning up pollution and investing in clean energy projects.

Complete List of Bills Tracked in 2021

H.Con.Res.53	H.R.1811	H.R.3091	H.R.438	H.R.5221	H.Res.104	S.1797	S.2705	S.534
H.R.1	H.R.1888	H.R.3138	H.R.4386	H.R.5235	H.Res.173	S.1855	S.2730	S.586
H.R.1268	H.R.1892	H.R.3158	H.R.447	H.R.5376	H.Res.322	S.1880	S.2867	S.872
H.R.1280	H.R.1939	H.R.3259	H.R.4478	H.R.5444	H.Res.341	S.1895	S.2874	S.914
H.R.1316	H.R.2021	H.R.3435	H.R.4504	H.R.5473	H.Res.368	S.1897	S.2907	S.96
H.R.1319	H.R.2074	H.R.3442	H.R.4505	H.R.5541	H.Res.369	S.1931	S.2919	S.979
H.R.1373	H.R.2119	H.R.3496	H.R.4555	H.R.5567	H.Res.709	S.1942	S.2985	S.981
H.R.1415	H.R.2152	H.R.3534	H.R.460	H.R.5735	S.112	S.2021	S.3011	S.989
H.R.1416	H.R.2234	H.R.3684	H.R.4705	H.R.5762	S.1183	S.2092	S.3034	S.Con.Res.14
H.R.1545	H.R.2271	H.R.3841	H.R.4733	H.R.5792	S.1275	S.212	S.3051	S.Con.Res.5
H.R.1566	H.R.2348	H.R.3977	H.R.478	H.R.588	S.1396	S.2167	S.3189	S.Con.Res.28
H.R.1590	H.R.2390	H.R.4	H.R.4783	H.R.6063	S.1397	S.2274	S.32	S.Res.125
H.R.1620	H.R.2588	H.R.4052	H.R.4839	H.R.6237	S.1402	S.2326	S.3200	S.Res.141
H.R.1688	H.R.2739	H.R.4054	H.R.485	H.R.6331	S.1455	S.2369	S.325	S.Res.196
H.R.1708	H.R.2740	H.R.4093	H.R.4995	H.R.6334	S.1471	S.2372	S.3259	S.Res.205
H.R.1719	H.R.2773	H.R.4153	H.R.5008	H.R.6402	S.165	S.2492	S.3454	S.Res.43
H.R.1721	H.R.2809	H.R.4348	H.R.505	H.R.6535	S.1725	S.2522	S.358	S.Res.441
H.R.1733	H.R.2861	H.R.4352	H.R.5138	H.R.8951	S.1734	S.2524	S.371	S.Res.94
H.R.1762	H.R.2878	H.R.4356	H.R.5160	H.R.912	S.1735	S.2599	S.421	
H.R.1783	H.R.2930	H.R.4372	H.R.5195	H.R.959	S.1740	S.2702	S.421	

Acknowledgements

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