

113TH CONGRESS
1ST SESSION

S. _____

To strengthen Indian education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. UDALL of New Mexico introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To strengthen Indian education, 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.**

4 This Act may be cited as the “Building upon Unique
5 Indian Learning and Development Act”.

6 **SEC. 2. IN-SCHOOL FACILITY INNOVATION PROGRAM CON-**

7 **TEST.**

8 (a) IN GENERAL.—The Secretary of the Interior
9 shall—

10 (1) establish an in-school facility innovation
11 program contest in which institutions of higher edu-
12 cation, including Tribal Colleges and Universities (as

1 defined in section 316 of the Higher Education Act
2 of 1965 (20 U.S.C. 1059c)), are encouraged to con-
3 sider solving the problem of how to improve school
4 facilities for tribal schools and schools served by the
5 Bureau of Indian Education for problem-based
6 learning in their coursework and through extra-
7 curricular opportunities; and

13 (b) SUBMISSION OF FINALISTS TO THE INDIAN AF-
14 FAIRS COMMITTEE.—The Secretary of the Interior shall
15 submit the finalists to the Committee on Indian Affairs
16 of the Senate.

17 (c) WINNERS.—The Secretary of the Interior shall—
18 (1) determine the winners of the program con-
19 test conducted under this section; and
20 (2) award the winners appropriate recognition
21 and reward.

**22 SEC. 3. DEPARTMENT OF THE INTERIOR AND DEPARTMENT
23 OF EDUCATION JOINT OVERSIGHT BOARD.**

24 (a) IN GENERAL.—The Secretary of Education and
25 the Secretary of the Interior shall jointly establish a De-

1 partment of the Interior and Department of Education

2 Joint Oversight Board, that shall—

3 (1) be co-chaired by both Departments; and

4 (2) coordinate technical assistance, resource
5 distribution, and capacity building between the 2 de-
6 partments on the education of and for Native Amer-
7 ican students.

8 (b) INFORMATION TO BE SHARED.—The Joint Over-
9 sight Board shall facilitate the communication, collabora-
10 tion, and coordination between the 2 departments of edu-
11 cation policies, access to and eligibility for Federal re-
12 sources, and budget and school leadership development,
13 and other issues, as appropriate.

14 **SEC. 4. IMPROVE SUPPORT FOR TEACHERS AND ADMINIS-**

15 **TRATORS OF NATIVE AMERICAN STUDENTS.**

16 Subpart 2 of part A of title VII of the Elementary
17 and Secondary Education Act of 1965 (20 U.S.C. 7441
18 et seq.) is amended by adding at the end the following:

19 **“SEC. 7123. TEACHER AND ADMINISTRATOR PIPELINE FOR**
20 **TEACHERS AND ADMINISTRATORS OF NATIVE**
21 **AMERICAN STUDENTS.**

22 “(a) GRANTS AUTHORIZED.—The Secretary shall
23 award grants to eligible entities to enable such entities to
24 create or expand a teacher or administrator, or both, pipe-

1 line for teachers and administrators of Native American
2 students.

3 “(b) ELIGIBLE ENTITY.—In this section, the term
4 ‘eligible entity’ means—

5 “(1) a local educational agency;

6 “(2) an institution of higher education;

7 “(3) a Tribal College or University (as defined
8 in section 316 of the Higher Education Act of
9 1965); or

10 “(4) a nonprofit organization.

11 “(c) PRIORITY.—In awarding grants under this sec-
12 tion, the Secretary shall give priority to Tribal Colleges
13 and Universities (as defined in section 316 of the Higher
14 Education Act of 1965).

15 “(d) ACTIVITIES.—An eligible entity that receives a
16 grant under this section shall create a program that shall
17 prepare, recruit, and provide continuing education for
18 teachers and administrators of Native American students,
19 in particular for teachers of—

20 “(1) science, technology, engineering, and
21 mathematics;

22 “(2) subjects that lead to health professions;
23 and

1 “(3) green skills and ‘middle skills’, including
2 electrical, welding, technology, plumbing, and green
3 jobs.

4 “(e) INCENTIVES FOR TEACHERS AND ADMINISTRA-
5 TORS.—An eligible entity that receives a grant under this
6 section may provide incentives to teachers and principals
7 who make a commitment to serve high-need, high-poverty,
8 tribal schools, including in the form of scholarships, loan
9 forgiveness, incentive pay, or housing allowances.

10 “(f) SCHOOL AND COMMUNITY ORIENTATION.—An
11 eligible entity that receives a grant under this section shall
12 develop an evidence-based, culturally-based school and
13 community orientation for new teachers and administra-
14 tors of Native American students.”.

15 **SEC. 5. NATIVE AMERICAN STUDENT SUPPORT.**

16 (a) STANDARDS-BASED ASSESSMENTS.—Section
17 1111(b)(3) of the Elementary and Secondary Education
18 Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding
19 at the end the following:

20 “(E) STANDARDS-BASED EDUCATION AS-
21 SESSMENTS.—Notwithstanding any other provi-
22 sion of this Act, a State shall develop stand-
23 ards-based education assessments and class-
24 room lessons to accommodate diverse learning
25 styles, which assessments may be used by the

1 State in place of the general assessments de-
2 scribed in subparagraph (A).”.

3 (b) SUPPORT.—The Secretary of Education shall ex-
4 pand programs for Native American school children—

5 (1) to provide support for learning in the chil-
6 dren’s Native language and culture; and

7 (2) to provide English language instruction.

8 (c) RESEARCH.—The Comptroller General of the
9 United States shall conduct research on culture- and lan-
10 guage-based education to identify the factors that improve
11 education and health outcomes.

12 (d) NATIVE LANGUAGE TEACHING.—Section 1119 of
13 the Elementary and Secondary Education Act of 1965 (20
14 U.S.C. 6319) is amended by adding at the end the fol-
15 lowing:

16 “(m) QUALIFICATIONS FOR NATIVE LANGUAGE
17 TEACHERS.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, the requirements of subsection (a)
20 for local educational agencies and States with re-
21 spect to highly qualified teachers, shall not apply to
22 a teacher of a Native language.

23 “(2) ALTERNATIVE LICENSURE OR CERTIFI-
24 CATION.—Each State educational agency receiving
25 assistance under this part shall develop an alter-

1 native licensure or certification for teachers of a Na-
2 tive language.”.

3 (e) GRANT PROGRAM TO ENSURE THE SURVIVAL
4 AND CONTINUING VITALITY OF NATIVE AMERICAN LAN-
5 GUAGES.—

6 (1) DEFINITIONS.—In this subsection:

7 (A) COMMISSIONER.—The term “Commis-
8 sioner” means the Commissioner of the Admin-
9 istration for Native Americans in the Depart-
10 ment of Health and Human Services (estab-
11 lished under section 803B of the Native Amer-
12 ican Programs Act of 1974 (42 U.S.C. 2991b-
13 2)).

14 (B) ELIGIBLE ENTITY.—The term “eligible
15 entity” means any agency or organization that
16 is eligible for financial assistance under section
17 803(a) of the Native American Programs Act of
18 1974 (42 U.S.C. 2991b(a)).

19 (2) ESTABLISHMENT OF GRANT PROGRAM.—
20 The Commissioner shall establish a program to pro-
21 vide eligible entities with grants for the purpose of
22 assisting Native Americans to ensure the survival
23 and continuing vitality of Native American lan-
24 guages.

25 (3) USE OF AMOUNTS.—

(i) the establishment and support of community Native American language projects designed to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

15 (I) teach a Native American lan-
16 guage to others; or

17 (II) serve as interpreters or
18 translators of a Native American lan-
19 guage;

24 (iv) the establishment or support of a
25 project to train Native Americans to

1 produce or participate in television or radio
2 programs to be broadcast in a Native
3 American language;

4 (v) the compilation, transcription, and
5 analysis of oral testimony to record and
6 preserve a Native American language;

7 (vi) the purchase of equipment, in-
8 cluding audio and video recording equip-
9 ment, computers, and software, required to
10 carry out a Native American language
11 project; and

12 (vii)(I) the establishment of Native
13 American language nests, which are site-
14 based educational programs that—

15 (aa) provide instruction and child
16 care through the use of a Native
17 American language for at least 10
18 children under the age of 7 for an av-
19 erage of at least 500 hours per year
20 per student;

21 (bb) provide classes in a Native
22 American language for parents (or
23 legal guardians) of students enrolled
24 in a Native American language nest

1 (including Native American language-
2 speaking parents); and

3 (cc) ensure that a Native Amer-
4 ican language is the dominant me-
5 dium of instruction in the Native
6 American language nest;

(II) the establishment of Native American language survival schools, which are site-based educational programs for school-age students that—

18 (bb) develop instructional courses
19 and materials for learning Native
20 American languages and for instruc-
21 tion through the use of Native Amer-
22 ican languages;

23 (cc) provide for teacher training;

24 (dd) work toward a goal of all

25 students achieving—

(AA) fluency in a Native American language; and

(BB) academic proficiency in mathematics, reading (or language arts), and science; and

(ee) are located in areas that have high numbers or percentages of Native American students; and

(III) the establishment of Native American language restoration programs, which are educational programs that—

(aa) operate at least 1 Native American language program for the community that the educational program serves;

(bb) provide training programs for teachers of Native American languages;

(cc) develop instructional materials for the Native American language restoration programs;

(dd) work toward a goal of increasing proficiency and fluency in at least 1 Native American language; and

1 (ee) provide instruction in at
2 least 1 Native American language.

(i) Native American language programs, including—

(I) Native American language immersion programs;

12 (II) Native American language
13 and culture camps;

14 (III) Native American language
15 programs provided in coordination
16 and cooperation with educational enti-
17 ties;

(IV) Native American language programs provided in coordination and cooperation with institutions of higher education with expertise in the relevant Native language, particularly Tribal Colleges and Universities (as defined in section 316 of the Higher

1 Education Act of 1965 (20 U.S.C.
2 1059c));

(V) Native American language programs that use a master-apprentice model of learning languages; and

(VI) Native American language programs provided through a regional program to better serve geographically dispersed students;

(I) training programs in Native American language translation for fluent speakers;

1 (4) APPLICATIONS.—

2 (A) IN GENERAL.—Subject to subparagraph (B), in awarding a grant under this subsection, the Commissioner shall select applicants from among eligible entities on the basis of applications submitted to the Commissioner at such time, in such form, and containing such information as the Commissioner requires.

9 (B) REQUIREMENTS.—An application under subparagraph (A) shall include, at a minimum—

12 (i) a detailed description of the current status of the Native American language to be addressed by the project for which a grant is requested, including a description of existing programs and projects, if any, in support of that language;

19 (ii) a detailed description of the project for which the grant is requested;

21 (iii) a statement that the objectives of the project are in accordance with the purposes of this subsection;

24 (iv) a detailed description of the plan of the applicant to evaluate the project;

5 (vi) a plan for the preservation of the
6 products of the Native American language
7 project for the benefit of future genera-
8 tions of Native Americans and other inter-
9 ested persons; and

1 applicant shall identify the educational entity as
2 a participating organization in the application.

3 **(5) LIMITATIONS ON FUNDING.—**

4 (A) **FEDERAL SHARE.**—The Federal share
5 of the total cost of a program under this sub-
6 section shall not exceed 80 percent.

7 (B) **NON-FEDERAL SHARE.**—

8 (i) **IN GENERAL.**—The non-Federal
9 share of the cost of a program under this
10 subsection may be provided in cash or fair-
11 ly evaluated in-kind contributions, includ-
12 ing facilities, equipment, or services.

13 (ii) **SOURCE OF NON-FEDERAL**
14 **SHARE.**—The non-Federal share—

15 (I) may be provided from any
16 private or non-Federal source; and
17 (II) may include amounts (in-
18 cluding interest) distributed to an In-
19 dian tribe—

20 (aa) by the Federal Govern-
21 ment pursuant to the satisfaction
22 of a claim made under Federal
23 law;

24 (bb) from amounts collected
25 and administered by the Federal

4 (cc) by the Federal Govern-
5 ment for general tribal adminis-
6 tration or tribal development
7 under a formula or subject to a
8 tribal budgeting priority system,
9 including—

10 (AA) amounts involved
11 in the settlement of land or
12 other judgment claims;

13 (BB) severance or other
14 royalty payments; or

15 (CC) payments under
16 the Indian Self-Determina-
17 tion Act (25 U.S.C. 450f et
18 seq.) or a tribal budget pri-
19 ority system.

20 (C) DURATION.—

6 (6) ADMINISTRATION.—

7 (A) EXPERT PANEL.—

13 (I) applications submitted under
14 paragraph (4);

15 (II) evaluations carried out to
16 comply with paragraph (4)(B)(iv);
17 and

18 (III) the preservation of products
19 required by paragraph (4)(B)(vi).

(ii) COMPOSITION.—

(I) IN GENERAL.—The panel shall include—

23 (aa) a designee of the Insti-
24 tute of American Indian and

Alaska Native Culture and Arts Development;

3 (bb) representatives of na-
4 tional, tribal, and regional orga-
5 nizations that focus on Native
6 American language or Native
7 American cultural research, de-
8 velopment, or training; and

9 (cc) other individuals who
10 are recognized as experts in the
11 area of Native American lan-
12 guage.

(I) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this subsection;

(II) reviewing applications received under paragraph (4);

(aa) regulations issued by the Secretary of Health and Human Services; and

10 (bb) the relative need for the
11 project; and

12 (IV) reviewing evaluations sub-
13 mitted to comply with paragraph
14 (4)(B)(iv).

15 (B) PRODUCTS GENERATED BY
16 PROJECTS.—

24 (I) shall be transmitted—

5 (bb) to the Tribal Colleges
6 or Universities where the lan-
7 guage addressed in the grant
8 program is inherent; and

9 (II) may be transmitted, at the
10 discretion of the grantee, to national
11 and regional repositories of similar
12 material.

13 (ii) EXEMPTION.—

21 (aa) not to transmit a copy
22 of a product under clause (i);

23 (bb) not to permit the redis-
24 tribution of a copy of a product
25 transmitted under clause (i); or

1 (cc) to restrict in any man-
2 ner the use or redistribution of a
3 copy of a product transmitted
4 under clause (i).

5 (II) RESTRICTIONS.—Subclause
6 (I) does not authorize an Indian
7 tribe—

14 (bb) to sell a product de-
15 scribed in clause (i), or a copy of
16 that product, for profit to the en-
17 tities referred to in clause (i).

22 (f) CONFORMING AMENDMENTS.—

23 (1) IN GENERAL.—Section 803C of the Native
24 American Programs Act of 1974 (42 U.S.C. 2991b-
25 3) is repealed.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 Section 816 of the Native American Programs Act
3 of 1974 (42 U.S.C. 2992d) is amended—

4 (A) in subsection (a), by striking “sections
5 803(d), 803A, 803C, 804, subsection (e) of this
6 section” and inserting “sections 803(d), 803A,
7 and 804, subsection (d)”;

8 (B) in subsection (b), by striking “other
9 than sections 803(d), 803A, 803C, 804, sub-
10 section (e) of this section” and inserting “sec-
11 tions 803(d), 803A, and 804, subsection (d)”;
12 and

13 (C) by striking subsection (e).

14 **SEC. 6. INCREASED ACCESS TO RESOURCES FOR TRIBAL
15 SCHOOLS, SCHOOLS SERVED BY THE BUREAU
16 OF INDIAN EDUCATION, AND NATIVE AMER-
17 ICAN STUDENTS.**

18 (a) RESERVATION FOR BUREAU-FUNDED SCHOOLS
19 AND PROGRAMS AND SCHOOLS OPERATED BY A TRIBE
20 OR TRIBAL ORGANIZATION.—

21 (1) IN GENERAL.—The Secretary of Education
22 shall ensure that any program administered by the
23 Department of Education that awards grants, con-
24 tracts, or other assistance to benefit elementary
25 schools and secondary schools (as such terms are de-

1 fined in section 9101 of the Elementary and Sec-
2 ondary Education Act of 1965 (20 U.S.C. 7801)) or
3 prekindergarten or early childhood programs, pro-
4 vides a reservation, as described in this subsection,
5 for 1 or more of the following categories of entities,
6 as determined appropriate by the Secretary of Edu-
7 cation for each such grant, contract, or assistance
8 program:

9 (A) Bureau-funded schools (as defined in
10 section 1141 of the Education Amendments of
11 1978 (25 U.S.C. 2021)).

12 (B) Prekindergarten programs or early
13 childhood programs or services operated by a
14 tribe or Indian organization (as defined in such
15 section).

16 (C) Elementary schools or secondary
17 schools operated by a tribe or Indian organiza-
18 tion (as defined in such section).

19 (2) AMOUNT OF RESERVATION.—

20 (A) EXISTING RESERVATION OF FUNDS.—
21 In the case of a grant, contract, or assistance
22 program provided by the Department of Edu-
23 cation to benefit elementary schools and sec-
24 ondary schools (as such terms are defined in
25 section 9101 of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 7801)) or
2 prekindergarten or early childhood programs
3 for which funds are reserved for entities de-
4 scribed in paragraph (1), or for a group that
5 may include such entities—

6 (i) if the existing reservation of funds
7 is for an amount that is less than 0.5 per-
8 cent, the amount of such reservation shall
9 be increased to 0.5 percent; and

10 (ii) if the existing reservation of funds
11 is for an amount that is equal to or greater
12 than 0.5 percent, the amount of such res-
13 ervation shall be maintained.

14 (B) NO EXISTING RESERVATION OF
15 FUNDS.—In the case of a grant, contract, or as-
16 sistance program provided by the Department
17 of Education to benefit elementary schools and
18 secondary schools (as such terms are defined in
19 section 9101 of the Elementary and Secondary
20 Education Act of 1965 (20 U.S.C. 7801)) or
21 prekindergarten or early childhood programs
22 for which no funds are reserved for the entities
23 described in paragraph (1), the Secretary of
24 Education shall reserve 0.5 percent of such
25 funds for such entities, as determined by the

1 Secretary of Education in accordance with
2 paragraph (1).

3 (3) USE OF RESERVED FUNDS.—Funds re-
4 served under this section shall be used in accordance
5 with the uses of funds described for each particular
6 grant, contract, or assistance program. In addition
7 to program support, such reserved funds may be
8 used, in an amount determined by the Secretary of
9 Education, for technical assistance or capacity build-
10 ing to ensure that the schools or programs described
11 in paragraph (1) are provided the assistance to com-
12 pete for such grants, contracts, or other assistance.

13 (4) EFFECT ON OTHER LAWS.—The Secretary
14 of Education shall carry out this subsection notwith-
15 standing any other provision of law.

16 (b) SAFE AND HEALTHY SCHOOLS FOR NATIVE
17 AMERICAN STUDENTS.—Subpart 2 of part A of title IV
18 of the Elementary and Secondary Education Act of 1965
19 (20 U.S.C. 7131 et seq.) is amended by adding at the end
20 the following:

21 **“SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE
22 AMERICAN STUDENTS.**

23 “From funds made available to carry out this sub-
24 part, the Secretary shall—

1 “(1) establish a program to improve school en-
2 vironments and student skill development for healthy
3 choices for Native American students, including—
4 “(A) prevention regarding—
5 “(i) alcohol and drug misuse;
6 “(ii) suicide;
7 “(iii) violence;
8 “(iv) pregnancy; and
9 “(v) obesity;
10 “(B) nutritious eating programs; and
11 “(C) anger and conflict management pro-
12 grams;
13 “(2) establish a program for school dropout
14 prevention for Native American students; and
15 “(3) collaborate with the Secretary of Agri-
16 culture to establish tribal-school specific school gar-
17 dens and nutrition programs that are within the
18 tribal cultural context.”.

19 **SEC. 7. FUNDS FOR IMPACT AID.**

20 In addition to amounts otherwise appropriated to
21 carry out title VIII of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 7701 et seq.), there are
23 authorized to be appropriated, and there are appropriated,
24 out of any money in the Treasury not otherwise appro-
25 priated, to carry out such title VIII the following:

- 1 (1) \$750,000,000 for fiscal year 2014.
- 2 (2) \$750,000,000 for fiscal year 2015.
- 3 (3) \$750,000,000 for fiscal year 2016.

4 **SEC. 8. FORWARD FUNDING FOR TRIBAL COLLEGES.**

5 For carrying out the following programs, there are
6 authorized to be appropriated \$91,087,500 for fiscal year
7 2014 which shall become available on July 1, 2014, and
8 shall remain available through September 30, 2015:

9 (1) Programs under title V of the Tribally Con-
10 trolled Colleges and Universities Assistance Act of
11 1978 (25 U.S.C. 1861 et seq.).

12 (2) The Institute of American Indian and Alas-
13 ka Native Culture and Arts Development established
14 under the American Indian, Alaska Native, and Na-
15 tive Hawaiian Culture and Art Development Act (20
16 U.S.C. 4401 et seq.).

17 (3) Institutional operations grants for the Has-
18 kell Indian Nations University and Southwestern In-
19 dian Polytechnic Institute under the authority of the
20 Act of November 2, 1921 (25 U.S.C. 13), popularly
21 known as the Snyder Act.

22 (4) Scholarships and adult education and spe-
23 cial higher education scholarships under the author-
24 ity of the Act of November 2, 1921 (25 U.S.C. 13),
25 popularly known as the Snyder Act.

1 SEC. 9. DEFINITION OF TRIBAL SCHOOL.

2 (a) ESEA DEFINITION.—Section 9101 of the Ele-
3 mentary and Secondary Education Act of 1965 (20 U.S.C.
4 7801) is amended by adding at the end the following:

5 “(44) TRIBAL SCHOOL.—The term ‘tribal
6 school’ means—

7 “(A) a school that is a Bureau-funded
8 school, as defined in section 1141 of the Edu-
9 cation Amendments of 1978 (25 U.S.C. 2021);

10 “(B) a prekindergarten program, early
11 childhood program or service, or elementary
12 school or secondary school, operated by an In-
13 dian tribe or tribal organization (as defined in
14 section 4 of the Indian Self-Determination and
15 Education Assistance Act (25 U.S.C. 450b));

16 “(C) a school that is located on Indian
17 lands (as defined in section 8013); or

18 “(D) a school in which a predominance of
19 the students who attend the school are Native
20 American or Alaska Native students, as deter-
21 mined by the Secretary.”.

22 (b) DEFINITION FOR THIS ACT.—In this Act, the
23 term “tribal school” has the meaning given the term in
24 section 9101 of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 7801) (as amended by subsection
26 (a)).