

NATIVE AMERICAN LANGUAGES ACT OF 1990 (P.L. 101-477)

SHORT TITLE

SEC. 101. This title may be cited as the `Native American Languages Act'.

FINDINGS

SEC. 102. The Congress finds that--

- (1) the status of the cultures and languages of Native Americans is unique and the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages;
- (2) special status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities;
- (3) the traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;
- (4) there is a widespread practice of treating Native Americans languages as if they were anachronisms;
- (5) there is a lack of clear, comprehensive, and consistent Federal policy on treatment of Native American languages which has often resulted in acts of suppression and extermination of Native American languages and cultures;
- (6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, the first language of the child or student;
- (7) it is clearly in the interests of the United States, individual States, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends;
- (8) acts of suppression and extermination directed against Native American languages and cultures are in conflict with the United States policy of self-determination for Native

Americans;

(9) languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people; and

(10) language provides a direct and powerful means of promoting international communication by people who share languages.

DEFINITIONS

SEC. 103. For purposes of this title--

(1) The term 'Native American' means an Indian, Native Hawaiian, or Native American Pacific Islander.

(2) The term 'Indian' has the meaning given to such term under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4)).

(3) The term 'Native Hawaiian' has the meaning given to such term by section 4009 of Public Law 100-297 (20 U.S.C. 4909).

(4) The term 'Native American Pacific Islander' means any descendent of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

(5) The terms 'Indian tribe' and 'tribal organization' have the respective meaning given to each of such terms under section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) The term 'Native American language' means the historical, traditional languages spoken by Native Americans.

(7) The term 'traditional leaders' includes Native Americans who have special expertise in Native American culture and Native American languages.

(8) The term 'Indian reservation' has the same meaning given to the term 'reservation' under section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

DECLARATION OF POLICY

SEC. 104. It is the policy of the United States to--

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

(2) allow exceptions to teacher certification requirements for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage State and territorial governments to make similar exceptions;

(3) encourage and support the use of Native American languages as a medium of instruction in order to encourage and support--

(A) Native American language survival,

(B) educational opportunity,

(C) increased student success and performance,

(D) increased student awareness and knowledge of their culture and history, and

(E) increased student and community pride;

(4) encourage State and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect;

(5) recognize the right of Indian tribes and other Native American governing bodies to use the Native American languages as a medium of instruction in all schools funded by the Secretary of the Interior;

(6) fully recognize the inherent right of Indian tribes and other Native American governing bodies, States, territories, and possessions of the United States to take action on, and give official status to, their Native American languages for the purpose of conducting their own business;

(7) support the granting of comparable proficiency achieved through course work in a Native American language the same academic credit as comparable proficiency achieved through course work in a foreign language, with recognition of such Native American language proficiency by institutions of higher education as fulfilling foreign language entrance or degree requirements; and

(8) encourage all institutions of elementary, secondary and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages.

NO RESTRICTIONS

SEC. 105. The right of Native Americans to express themselves through the use of Native American languages shall not be restricted in any public proceeding, including publicly supported education programs.

EVALUATIONS

SEC. 106. (a) The President shall direct the heads of the various Federal departments, agencies, and instrumentalities to--

(1) evaluate their policies and procedures in consultation with Indian tribes and other Native American governing bodies as well as traditional leaders and educators in order to determine and implement changes needed to bring the policies and procedures into compliance with the provisions of this title;

(2) give the greatest effect possible in making such evaluations, absent a clear specific Federal statutory requirement to the contrary, to the policies and procedures which will give the broadest effect to the provisions of this title; and

(3) evaluate the laws which they administer and make recommendations to the President on amendments needed to bring such laws into compliance with the provisions of this title.

(b) By no later than the date that is 1 year after the date of enactment of this title, the President shall submit to the Congress a report containing recommendations for amendments to Federal laws that are needed to bring such laws into compliance with the provisions of this title.

USE OF ENGLISH

SEC. 107. Nothing in this title shall be construed as precluding the use of Federal funds to teach English to Native Americans.

NATIVE AMERICAN LANGUAGES ACT OF 1992 (P.L. 102-524)

AN ACT

To assist Native Americans in assuring the survival and continuing vitality of their languages.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act, other than section 3, may be cited as the 'Native American Languages Act of 1992'.

SEC. 2. GRANT PROGRAM.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended by adding after section 803A the following new section:

'SEC. 803B. GRANT PROGRAM TO ASSURE THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

'(a) IN GENERAL- The Secretary shall award grants to any organization that is--

'(1) eligible for financial assistance under section 803(a); and

'(2) selected pursuant to subsection (c) of this section;

for the purposes of assisting Native Americans in assuring the survival and continuing vitality of their languages.

'(b) IN PARTICULAR- The specific purposes for which grants awarded under subsection (a) may be used include, but are not limited to--

'(1) the establishment and support of community language programs to bring older and younger Native Americans together to facilitate and encourage the transfer of language skills from one generation to another;

`(2) the establishment of programs to train Native Americans to teach native languages to others or to enable them to serve as interpreters or translators;

`(3) the development, printing, and dissemination of materials to be used for the teaching and enhancement of Native American languages;

`(4) the establishment or support of programs to train Native Americans to produce or participate in television or radio programs to be broadcast in their native languages;

`(5) the compilation, transcription, and analysis of oral testimony to record and preserve Native American languages;

`(6) the purchase of equipment (including audio and video recording equipment, computers, and software) required for the conducting of language programs; and

`(7) if no suitable facility is available, conversion of an existing facility for use in a language program.

`(c) APPLICATIONS- Grants shall be awarded on the basis of applications that are submitted by any of the entities described in subsection (a) to the Secretary in such form as the Secretary shall prescribe, but the applications shall, at a minimum, include--

`(1) a detailed description of the current status of the language to be addressed, including a description of any existing programs in support of that language;

`(2) a detailed description of the project for which a grant is sought;

`(3) a statement of objectives that are consonant with the purposes of this section; and

`(4) a plan to preserve the products of the language program for the benefit of future generations and other interested persons.

`(d) COLLABORATING ORGANIZATIONS-

`(1) IN GENERAL- If a tribal government or other eligible applicant determines that the objectives of its proposed Native American language program would be accomplished more effectively through a partnership with a school, college or university, the applicant may designate such an institution as a collaborating organization.

`(2) BENEFITS- As a collaborating organization, an institution may become a co-

beneficiary of a grant under this Act.

`(3) MATCHING REQUIREMENTS- Matching requirements may be met by either, or both, the applicant and its collaborating institution.

`(e) LIMITATIONS ON FUNDING-

`(1) SHARE- Notwithstanding any other provision of this Act, a grant under this section shall cover not more than 90 percent of the cost of the program that is assisted by the grant. The remaining 10 percent contribution--

`(A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services; and

`(B) may originate from any source (including any Federal agency) other than a program, contract, or grant authorized under this Act.

`(2) DURATION- A grant under this section may be for up to 3 years.

`(f) ADMINISTRATION- The Secretary shall administer grants under this section through the Administration for Native Americans.'

SEC. 3. NATIVE AMERICANS EDUCATIONAL ASSISTANCE ACT.

(a) SHORT TITLE- This section may be cited as the `Native Americans Educational Assistance Act'.

(b) AGREEMENT TO CARRY OUT DEMONSTRATION PROJECT- The Secretary of the Interior is authorized to enter into an agreement with the National Captioning Institute, Inc., for the purpose of carrying out a demonstration project to determine the effectiveness of captioned educational materials as an educational tool in schools operated by the Bureau of Indian Affairs.

(c) REPORT- Prior to the expiration of the 12-month period following the date of the agreement entered into pursuant to subsection (b), the Secretary of the Interior shall report to the Congress the results of the demonstration project carried out pursuant to such agreement, together with his recommendations.

(d) AUTHORIZATION- There are authorized to be appropriated such amounts as may be necessary to carry out this section.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

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

(1) by striking out `sections 803(d) and 803A' each place it appears and inserting in lieu thereof `sections 803(d), 803A, and 803B'; and

(2) by adding at the end the following new subsection:

`(e) There are authorized to be appropriated to carry out the purposes of section 803B, \$5,000,000 for fiscal year 1993, and such sums as are necessary for fiscal years 1994, 1995, 1996, and 1997.'