

Calendar No. 915

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
106-467

AMENDING THE NATIVE AMERICAN LANGUAGES ACT TO PROVIDE FOR THE SUPPORT OF NATIVE AMERICAN LAN- GUAGE SURVIVAL SCHOOLS, AND FOR OTHER PURPOSES

OCTOBER 3 (legislative day, SEPTEMBER 22), 2000.—Ordered to be printed

Mr. CAMPBELL, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany S. 2688]

The Committee on Indian Affairs, to which was referred the bill (S. 2688) to amend the Native American Languages Act to provide for the support of Native American Language Survival Schools, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill (as amended) do pass.

PURPOSE

The purpose of S. 2688, the Native American Languages Act Amendments Act of 2000, is to encourage and support development of Native American Language Survival Schools and Native American Language Nests to support revitalization of Native American languages and to address the effects of past discrimination against Native American language speakers.

BACKGROUND AND NEED

After the American Civil War, President Ulysses S. Grant appointed Peace Commissioners to bring an end to the Indian wars. The 1868 Report of the Indian Peace Commissioners concluded the following:

Now, by educating the children of these tribes in the English language these differences would have disappeared, and civilization would have followed at once.
* * * Through sameness of language is produced sameness of sentiment, and thought; customs and habits are

molded and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. * * * In the difference of language today lies two-thirds of our trouble. * * * Schools should be established, which children should be required to attend; their barbarous dialect should be blotted out and the English language substituted.¹

As recommended by the Peace Commissioners, a system of off-reservation boarding schools was initiated in the 1880s as part of the United States' forced assimilation policies towards Native Americans. Native American children were forcibly taken from their families, transported hundreds of miles to schools where their hair was cut, notwithstanding the religious importance of hair length in most native cultures, their clothes were replaced with military-style uniforms, and they were forbidden to speak their native languages or practice their religions. Although this effort to eradicate Indian culture was not successful, it did separate several generations of Native Americans from their native languages.

Over the years, Federal Indian policy has vacillated between the assimilationist sentiment reflected in the 1868 Report of the Indian Peace Commissioners and self-determination at the other end of the spectrum. The most recent shift to the self-determination policy came in the late 1960's with the end of the Termination Era, a time in which Federal policy sought the termination of Indian reservations as well as the termination of the United States' relationship with Indian tribal governments. Since then, Native American communities have begun to rebuild what the Federal government attempted to destroy by establishing schools where Native American children are taught all subjects in their native language. Native American language immersion schooling in the United States was pioneered by Native Hawaiians with the formation of the 'Aha Punana Leo (Language Nest) in 1983, following the Maori language nest model of New Zealand.

At the request of the Native American Language Issues Institute, Senator Inouye introduced legislation that was to become the Native American Languages Act of 1990. The Act officially repudiated the policies of the past and declared that "it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages." Although this was an important step towards assuring the preservation and revitalization of Native American languages, the Act did not dedicate any financial resources to the effort.

Despite the lack of funds allocated to implement the new policy, the National Park Service (NPS) awarded Historic Preservation Fund Grants to Federally-recognized tribes under the authority of the National Historic Preservation Act of 1966. The purpose of the grants was to support Native American language retention and revitalization. Between Fiscal Years 1990 and 1994, NPS awarded 49 grants for a total amount of \$1,474,900. Although NPS still awards Historic Preservation Fund Grants for projects such as cultural re-

¹Reyhner, Jon. (1996). Rationale and Needs for Stabilizing Indigenous Languages. In G. Cantoni (Ed.), *Stabilizing Indigenous Languages*. Flagstaff: Center for Excellence in Education, Northern Arizona University.

source inventories, ethnobotany surveys, and oral history documentation, Native American language retention and revitalization projects are no longer funded.

The Committee on Indian Affairs moved to address the lack of resources with the passage of the Native American Languages Act of 1992. The Act amended the Native American Programs Act of 1974 to establish a grant program under the Department of Health and Human Services' Administration for Native Americans (ANA) to support Native American language projects. Since 1994, the ANA has awarded grants for the purpose of assisting Native Americans in assuring the survival and continuing vitality of their languages. Grants are provided under two categories: Category I Planning Grants are used to conduct the assessment and planning needed to identify the current status of the Native American language(s) to be addressed and to establish long-range community language goals; Category II Design and/or Implementation Grants enable communities to design and/or implement a language program or programs that will contribute to the achievement of the community's long-range language goal(s). Between Fiscal Years 1994 and 2000, ANA awarded 166 grants for a total amount of \$13,740,084. During this same time period, the total number of applicants was 737 and the total amount sought by applicants was \$63,629,144.

With the help of ANA funding, private institutions, and sometimes with no assistance other than the dedication of volunteers, Native American communities across the United States have struggled to establish schools that will provide instruction to their children in their native language and in a manner that respects their culture. Today, in addition to the Native Hawaiian schools, Native American language immersion schools have been established by the Navajo Nation, the Mississippi Band of Choctaw, the Mohawk, Northern Arapaho, and Blackfeet tribes, the Yup'ik Eskimos of Alaska, various California tribes, and the Cochiti Pueblo.

At the request of linguists, parents and teachers involved in Native American language schools, Senator Inouye introduced S. 2688 to address the need for more funding directed specifically at providing support for Native American language schools. The areas of complement between the ANA grant program and the S. 2688 grant program include language documentation, teacher, staff and community training, and curriculum development. Activities ANA does not fund, that the S. 2688 program would authorize funding for, include:

- instruction of students through the use of a Native American language;
- school administration costs;
- rental, lease, purchase, construction, maintenance or repair of educational facilities;
- conferences for Native American language school teachers and school administrators;
- educational exchange among Native American language teachers and school administrators (e.g., cross-training);
- establishment of three demonstration programs that will provide assistance to Native American Language Nests and Survival Schools;
- followup data collection and analysis on students;

- transportation, purchase of basic materials, boarding and food services for enrolled students;
- full or partial scholarships and fellowships to colleges and universities for the professional development of faculty and staff or parents of enrolled students; and
- activities to revive languages that are being lost or have been lost because of the lack or absence of native language speakers.

It is important to note that Native American language schools are eligible for grants under the Bilingual Education Act, but the main purpose of bilingual education programs is to help students master English. Although these programs serve Native American populations, the Act does not recognize the need to, or importance of, supporting the survival of Native American languages.

Similarly, there is Federal funding available to support teaching Native American languages as foreign languages. Although this funding supports cultural enrichment, teaching a Native American language in the same way that a foreign language is taught generally does not produce fluent speakers, much less allow the language to survive or reestablish inter-generational transmission.

LEGISLATIVE HISTORY

S. 2688 was introduced on June 7, 2000 by Senator Inouye for himself and Senators Akaka, Cochran, Dodd, Kennedy, Murray, and Schumer. Senators Boxer, Bryan, Campbell, Daschle, and Reid were later added as cosponsors. The bill was referred to the Committee on Indian Affairs. On July 20, 2000, the Committee held a hearing on S. 2688, at which representatives of the Administration, Native American language schools, and linguists testified in support of the bill.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTE

The Committee on Indian Affairs, in an open business session on September 27, 2000, adopted an amendment-in-the-nature-of-a-substitute to S. 2688 by voice vote and ordered the bill, as amended, reported favorably to the Senate.

SUBSTITUTE AMENDMENT

S. 2688, as amended and reported by the Committee on Indian Affairs on September 27, 2000, would establish a grant program to be administered by the U.S. Department of Education to support the development of Native American Language Nests and Native American Language Survival Schools. Grants are authorized to establish Native American Language Nest programs that would provide instruction and child care for students under the age of 7 through the use of a Native American language. S. 2688 authorizes funds to support the development of Native American Language Survival Schools to provide instruction through the use of a Native American language or languages for students from infancy through grade 12. In addition, the bill authorizes the establishment of three demonstration programs that will provide assistance to Native American Language Nests and Native American Language Survival Schools.

At the July 20, 2000, hearing on S. 2688, several concerns regarding the bill were expressed by witnesses. Below is a brief discussion of the concerns that were raised and how those concerns are addressed in the substitute amendment.

The Administration's testimony expressed concern regarding four areas: (1) English fluency and academic success, (2) the requirement that students of Native American Language Survival Schools achieve fluency in a Native American language within 3 years of enrollment, (3) school finance and governance, and (4) research and evaluation.

The Committee agrees that English fluency is important to the future success of Native American students, however, as illustrated in the testimony of several hearing witnesses, Native American language immersion schools in no way threaten a student's acquisition of English. On the contrary, the research indicates that immersion students perform better on achievement measures—including standardized assessments of English—than students in English-only classrooms, as discussed in Dr. Teresa McCarty's testimony.

Native American students have the highest school failure and dropout rates in the nation and are heavily over represented in special education programs. The current methods of educating Native American children are not working. As stated by Dr. McCarty, “* * * the proposed amendments are not about saving indigenous languages as if they were endangered species. These amendments are about building the intellectual and social-linguistic abilities of indigenous children in ways that strengthen them, their families and communities.” The amendment-in-the-nature-of-a-substitute to S. 2688 adopted by the Committee states that one of the purposes of the bill is to “demonstrate the positive effects of Native American Language Survival Schools on the academic success of Native American students and their mastery of standard English.”

The concern of the Administration and witnesses to the bill's requirement that students of Native American Language Survival Schools achieve fluency in a Native American language within 3 years of enrollment stemmed from a confusion over the interpretation of the term “fluency.” The Committee has addressed this concern by including language in the amendment-in-the-nature-of-a-substitute, which states that Native American Language Survival Schools must “ensure that within 3 years of enrollment, all students achieve functional fluency appropriate to the unique circumstances and endangerment status of the Native American language with the ultimate goal of academic or cognitive fluency.”

The Administration's concerns regarding school finance and governance included the types of schools that would be eligible to receive funding under the proposed legislation. The amendment-in-the-nature-of-a-substitute includes public schools under the definition of “Native American Language Educational Organization,” thereby making public schools eligible to receive funding.

The Administration and other witnesses suggested the addition of a research and evaluation component to the bill. The amendment-in-the-nature-of-a-substitute authorizes the demonstration programs to “conduct followup data collection and analysis on students while they are in school to assess how Survival School students are performing in comparison to other students, as well as

identify instructional methods that are working and those methods which may not be working.” In addition, the results of this research will be widely disseminated through the national clearinghouse that would be created by the demonstration programs.

SECTION-BY-SECTION ANALYSIS OF THE SUBSTITUTE AMENDMENT

Sec. 1. Short title

S. 2688 may be cited as the Native American Languages Act Amendments Act of 2000.

Sec. 2. Purpose

The purpose of the bill is to encourage and support development of Native American Language Survival Schools and Native American Language Nests to address the effects of past discrimination against Native American language speakers and to support revitalization of such languages. In addition, the bill seeks to demonstrate the positive effects of Native American Language Survival Schools on the academic success of Native American students and their mastery of standard English; to encourage family involvement in the Native American Language Survival Schools; to encourage educational exchange among Native American Language Survival Schools; to provide support for Native American Language Survival School facilities and endowments; to support the development of local and national models for teaching Native American students; and to develop a support center system for Native American Survival Schools at the university level.

Sec. 3. Definitions

This section contains definitions for the following terms: Indian, Indian tribal government, Indian tribe, Indian reservation, Native American, Native American language, Native American Language College, Native American Language Educational Organization, Native American Language Nest, Native American Language Survival School, Native American Pacific Islander, Native Hawaiian, Secretary, traditional leaders, and tribal organization.

Sec. 4. Native American language nests and survival schools

This section of the bill amends the Native American Languages Act by adding the following new sections:

Sec. 108. Native American language nests

This section authorizes funds to establish Native American Language Nest programs for students under the age of 7 and their families. Native American Language Nest programs must provide instruction and child care through the use of a Native American language for at least 10 children for at least 700 hours per year per student; provide compulsory classes in a Native American language for parents of enrolled students; provide compulsory monthly meetings for parents and other family members of enrolled students; provide a preference in enrollment for students and families who are fluent in a Native American language; receive at least 5% of its funding from another source, which may include Federal-funded programs, such as Head Start; and ensure that a Native

American language becomes the dominant medium of instruction within a period of six years of funding under this Act.

Sec. 109. Native American language survival schools

This section authorizes funds to operate, expand, and increase Native American Language Survival Schools for Native American children and Native American language-speaking children. In order to receive funds, eligible organizations must have at least three years experience in operating and administering a Native American Language Survival School, a Native American Language Nest, or other educational programs in which instruction is conducted in a Native American language; and include students who are subject to State compulsory education laws; and may include students from infancy through grade 12, as well as their families.

In order to receive funding, Native American Language Survival Schools must provide not less than 700 hours of instruction per student conducted annually through a Native American language or languages for at least 15 students who do not regularly attend another school; provide direct educational services and school support services such as transportation and food service; provide direct or indirect educational and support services for the families of enrolled students; and ensure that students who are not Native American language speakers achieve functional fluency in a Native American language within 3 years of enrollment. In addition, funds may be used for curriculum development and community language uses development; teacher, staff and community resource development; and rental, lease, purchase, construction, maintenance or repair of educational facilities.

Sec. 110. Assistance

This section authorizes the establishment of three demonstration programs that will provide assistance to Native American Language Survival Schools and Native American Language Nests. The three demonstration programs are the Native Language College of the University of Hawaii at Hilo, the Alaska Native Language Center of the University of Alaska at Fairbanks, and the Piegan Institute in Browning, Montana.

Sec. 111. Authorization of appropriations

This section authorizes the appropriation of such sums as may be necessary to carry out the activities authorized under the Act for fiscal years 2001 through 2006.

COST AND BUDGETARY CONSIDERATIONS

The cost estimate for S. 2688, as amended, as provided by the Congressional Budget Office, is set forth below:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 29, 2000.

Hon. BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2688, the Native American Language Act Amendments Act of 2000.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

S. 2688—Native American Language Act Amendments Act of 2000

Summary: S. 2688 would authorize the appropriation of such sums as may be necessary for a new grant program for native language schools and related programs for Native Americans. The grants would be authorized through 2006, administered by the Secretary of Education, and subject to the availability of appropriated funds. Assuming appropriation of the necessary amounts, CBO estimates that spending to implement the bill would total about \$43 million over the 2001–2005 period. S. 2688 would not affect direct spending or receipts, so pay-as-you-go procedures would not apply to the bill.

S. 2688 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state or local governments. Implementing this bill would benefit tribal governments, and any resulting costs to those governments would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 2688 is shown in the following table. The costs of this legislation fall within budget function 500 (education, employment training, and social services).

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF S. 2688

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	0	7	8	12	18	23
Estimated Outlays	0	1	6	8	12	17

Basis of estimate: For the purposes of this estimate, CBO assumes that S. 2688 will be enacted early in October 2000 and that the funds necessary to implement the bill will be appropriated by early in each fiscal year. Estimated outlays reflect the spending rates of other Indian education grant programs of the Department of Education.

This bill would authorize such sums as may be necessary for fiscal years 2001 through 2006 for federal grants to Native American organizations for the purpose of operating Native American language survival schools and Native American language nests. The

language survival schools enroll children eligible for elementary or secondary education and use the native language as the dominant language for instruction. To be eligible for funds, a school would have to have at least three years of experience in operating a program in which the instruction is conducted in the native language, and the program would have to provide for a minimum of 700 hours of instruction per student annually for at least 15 students. As defined by the bill, Native American language nests would be full-time programs targeted at children below the age of seven, in which native language and culture would be taught and supporting services to their families would be provided. To be eligible for funding, nests would have to enroll at least 10 children and provide at least 5 percent of the operating funds from other sources, including other federal grants. The bill would also authorize demonstration grants for three entities to assist Native American organizations with the establishment of language survival schools and nests. Those organizations are the Ka Haka 'Ula O Ke'elikolani College of the University of Hawaii at Hilo in consortium with the 'Aha Punana Leo, Inc., the Alaska Native Language Center of the University of Alaska at Fairbanks, and the Piegan Institute of Browning, Montana.

The purposes and uses of the funds authorized by this bill are very broadly defined; thus, the costs are difficult to estimate. CBO used data obtained from the Department of Education and various Native American organizations currently involved in similar programs to estimate the potential cost of the bill.

CBO estimates that implementing this bill would require appropriations of \$7 million in 2001 and \$67 million over the 2001–2005 period. As many as 10 language survival schools could meet the three-year requirement today, and as many as 40 schools are in various stages of formation. CBO assumes that the existing schools would participate beginning in 2001. Participation by new schools would be phased in slowly, and CBO assumes that the additional 40 schools would participate with at least one operational classroom by 2006, the last year of the authorization. CBO further assumes that the bill would cover the current operating budgets of these schools. Based on information for the current schools, the language survival schools are assumed to be small, serve fewer than 100 children each, and have annual costs of about \$250,000 when fully operational.

Few Native American language nest programs exist today. CBO assumes that, by the end of the authorization period, about one-third of all of the 185 federally-recognized Native American tribal organizations and the Native Hawaiian organizations would establish a nest program serving about 30 children and their parents. Based upon data for similar existing programs, the annual costs per nest are expected to total about \$250,000.

S. 2688 would also authorize funds for three demonstration programs. Based on information from the three entities, CBO estimates that the cost of these grants would be \$3 million in 2001, including about \$1 million in one-time expenses. After 2001, annual costs would be \$2 million to \$3 million annually.

Pay-as-you-go considerations: None

Estimated impact on state, local, and tribal governments: S. 2688 contains no intergovernmental mandates as defined in UMRA and

would impose no costs on state or local governments. CBO estimates that tribal organizations would receive \$43 million over the next five years to support tribal schools providing instruction using Native American languages. Any costs associated with receipt of those funds would be incurred voluntarily.

Estimated impact on the private sector: S. 2688 contains no private-sector mandates as defined on UMRA.

Estimate prepared by: Federal Costs: Deborah Kalcevic. Impact on State, Local, and Tribal Governments: Susan Sieg Tompkins. Impact on the Private Sector: Nabeel Alsalam.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill, S. 2688, as amended. The Committee finds that the regulatory impact of S. 2688, as amended, will be minimal.

EXECUTIVE COMMUNICATIONS

The Committee received the statement of the Honorable Mike Cohen, Assistant Secretary of Elementary and Secondary Education, Department of Education, on July 20, 2000, regarding S. 2688.

STATEMENT OF MICHAEL COHEN, ASSISTANT SECRETARY OF EDUCATION FOR ELEMENTARY AND SECONDARY EDU- CATION, DEPARTMENT OF EDUCATION

Thank you Mr. Chairman and members of the Committee for the opportunity to testify before you today. I am pleased to be here to discuss the importance of preserving Native American Languages and the Administration's views on S. 2688, the Native American Languages Act Amendments Act of 2000.

Preserving Native American languages is important for many reasons, including the contribution this can make to improving education for Native American students. Overall, the education performance of Native American students lags significantly behind the performance of their peers nationwide. Only 48 percent of American Indian fourth graders scored "at or above the basic level" on the 1994 NAEP reading assessment, as compared to 60 percent of all fourth graders nationwide. Low achievement levels, in turn, are matched by high dropout rates. The annual high school dropout rate for American Indian teenagers (5.9 percent) in 1996-7 was nearly twice the national average (3.2 percent).

The achievement gap that exists between Native American and non-Native American students is influenced by a number of factors, including inadequate school resources, high rates of family poverty, and high student absenteeism. In addition, Native American cultures and languages are often undervalued in schools serving Native American

students, causing these young people to feel disconnected from their heritage. We know from research and experience that individuals who are strongly rooted in their past—who know where they come from—are often best equipped to face the future.

That is why preserving Native American languages is so crucial—to better connect Native American students to their own past, and to help better prepare them for a future in which education and learning are more important than ever.

As you know, U.S. Education Secretary Richard W. Riley has proposed expanding the number of schools that enable students to be educated in English and their native language, otherwise known as dual language schools. In a speech this past March, Secretary Riley called for increasing the number of dual language schools from 260 today to 1,000 by the year 2005.

The Clinton Administration has been a strong supporter of improving educational opportunities for all Americans, and Native American students in particular. In fiscal year 2001, President Clinton requested \$1.2 billion dollars in additional funding for new and existing programs across the Federal government designed to serve Native-Americans.

I am extremely pleased that the Senate—through its current appropriations bill—has proposed funding levels for three Administration program priorities that are identical to amounts requested in the president's 2001 budget: Indian Education Grants to Local Educational Agencies (LEAs) (\$92.8 million), the American Indian Teacher Corps (\$10 million), and a new American Indian Administrator Corps (\$5 million). The Administration is encouraged that the House has matched your commitment level for grants to LEAs and the Teacher Corps, and hope that they will provide funding for the new Administrator Corps program.

President Clinton has also proposed \$1.3 billion for a new School Renovation Loan and Grant program, which includes \$50 million targeted directly to Impact Aid school districts that have at least 50 percent of their children residing on Indian lands. Unfortunately, both the House and Senate bills reported out of the Appropriations Committee this may provide no funding for this initiative. The Senate bill potentially does allocate some funding that could be used for school modernization and repairs, which is a step in the right direction. However, the Senate bill would consolidate under a block grant two of our most important national priorities—school construction and class size reduction—with no assurances that the funds would be used for either purpose.

In addition, the Administration has proposed \$460 million for the Bilingual Education programs funded under Title VII of the Elementary and Secondary Education Act (ESEA). Many Title VII grantees provide educational services to schools serving Native American students. The Senate and House levels for Title VII fall \$17 million and \$54

million below the President's request, respectively. We look forward to working with members of this Committee and others in Congress to secure funding for these and other crucial programs for Native American students.

THE CHALLENGE: PRESERVING NATIVE LANGUAGES

American Indians, Alaskan Natives, Native Hawaiians, and Native American Pacific Islanders are faced with the growing challenge of preventing the loss of their native languages. Michael Krauss of the Linguistic Society of America estimates that of the 175 indigenous languages still spoken in the United States, ninety percent are at-risk of extinction. For example, of the 20 native languages still spoken in Alaska, only Central Yupik and St. Lawrence Island Yupik are being passed on to the next generation.

Many of those languages not currently seen by linguists to be in immediate danger of extinction are projected to reach this status in the future. Even among the Navajo tribe, the single largest American Indian community in the United States, the number of tribal members who speak Navajo is decreasing annually. According to U.S. Census data, the number of Navajos living on their reservation—age five or older—who speak only English nearly doubled between 1980 (7.2 percent) and 1990 (15.0 percent).

In the past, the Federal government promoted policies that worked to undermine the survival of Native American languages. Starting in the 1880s, many Native Americans were educated in schools where they were punished for speaking their native language. Albert Kneale—a teacher at a Native American boarding school in the early 1900s—explained that in the schools, “children were taught to despise every custom of their forefathers, including religion, language, songs, dress, ideas, (and) methods of living.” In a recent interview, one elderly Native American woman—Celene Not Help Him—recalled the punishment she received for speaking in her native language as a schoolgirl in the 1930s: “We talk Indian in the classroom, they’ll * * * bend a ruler and hit you in the mouth.” Unfortunately, we are still living with the consequences of these policies.

However, more recently, Congress has established a government grant policy aimed at preventing further Native American language extinction. The Native American Language Act of 1990 declared it “the official policy of the United States government to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native languages.”

The Native American Languages Act was amended in 1992 to establish a grant program under the Department of Health and Human Services (HHS) to support native language projects. The Administration for Native Americans (ANA)—part of HHS—has funded grants to tribal governments and Native Hawaiian groups since 1994. ANA funds projects in language immersion, curriculum de-

velopment, and development of language dictionaries and CD-ROMS. Since 1994, ANA has funded 166 awards for a total of \$12.1 million.

The Department of Education has also provided funding to strengthen students' native language skills under our Bilingual Education Program. The statutory language in Title VII of ESEA currently supports funding for bilingual education programs that "may also develop the native language skills of limited English proficient students, or ancestral languages of American Indians, Alaska Natives, Native Hawaiians and the residents of the outlying areas."

Currently, 64 separate Title VII grants provide over \$6 million in funding annually to schools and school districts serving American Indians, Alaskan Natives, Native Hawaiians, and Native American Pacific Islanders.

Through a Title VII grant, the Department of Education has provided funding for a professional development, distance-learning project based at Northern Arizona University in Flagstaff involving seven Navajo Nation school districts. Through this Title VII Teacher and Personnel grant, university faculty, masters fellows, and mentor K-12 teachers are collaborating over a five-year period to increase the ability of Navajo teachers to provide high-quality education to Native American students.

In addition, the Department of Education has provided nearly \$800,000 in FY1999 and FY2000 through the Native Hawaiian Education Act (ESEA, Title IX, Part B) for the development of K-12 audio-visual and computer curricula for the statewide Hawaiian Medium education program. The videos developed through this grant cover topics such as grammar, and cultural traditions, while one of the CDs is a compilation of Native Hawaiian songs. The grant was awarded to Aha Punana Leo, Inc., in Hawaii, one of the organizations testifying before this committee today.

The Education Department's Public Charter Schools program, which helps finance the design and start-up of more than 100 charter schools nationwide, has also helped promote education in Native American language and culture. Located on the Navajo Nation, the Tolani Elementary School will receive \$300,000 in funding over a two-year period beginning in FY2000 to support a learning environment grounded in traditional Navajo culture. Classes in Navajo language and culture will be offered at each grade level. Community leaders will serve as tutors, mentors, and counselors for the students in this predominantly Navajo school.

SPECIFIC COMMENTS ON S. 2688

Despite these important efforts, there is still more to be done. That is why we support the goal and intent of the proposed Native American Language Act Amendments Act of 2000, as well as the overall approach of providing funding to schools that will intensively educate students in Native American languages. However, there are some areas of S. 2688 that are problematic and could, we believe, be

strengthened. We look forward to working with this committee in attempt to address these issues. Let me briefly discuss some of the chief concerns.

Instruction in Native languages and English, and High Standards. The Native American Language Act Amendments Act would provide funding to Native American Survival Schools to promote student acquisition of their native language. It would require that schools provide at least 20 hours per week of instruction and not less than 35 weeks per year in Native languages and that the students not be enrolled in any other school.

Even though gaining fluency in a native language is the primary and essential objective of this proposed bill, we also need to ensure that students who attend these schools are also fully prepared for the future by becoming both fluent in English and academically proficient.

Just as we must honor the past by acting aggressively to preserve Native languages, we must provide Native American students with the English skills necessary to fully participate in the great American and global society. We do not believe there is a necessary trade-off between Native language instruction and the development of English language proficiency. In fact, properly done, dual-language schools can help students leave school proficient not only in academic subjects, but also conversant in two languages.

Evidence suggests the dual immersion approach results in improved native language fluency, English language competency, and cognitive ability. Children exposed to two languages at an early age are more flexible, creative, and achieve higher cognitive development at an early age than children who learn only one language. Active use of native languages in the classroom allows students to retain ties to their culture and their past, while literacy skills in a first or native language can increase second language acquisition. In addition, studies have consistently shown that immersion students do at least as well, and in some instances even surpass, comparable non-immersion students on measures of verbal and mathematics skills. As a result, the Department believes it is necessary that the bill also support the goal of English language proficiency.

All students, including Native American students, should be held to high academic standards. Under the Improving America Schools Act of 1994, all BIA schools had to adopt new content standards. Bureau schools were given the choice to adopt the voluntary national standards, adopt State standards, or develop their own standards (so long as they were as rigorous as the State or national standards). Most BIA schools have chosen to adopt the standards of the state where the school is located. Students attending schools funded under this legislation must have the same opportunities as their state student counterparts to achieve academically.

I would like to raise an additional point regarding the way in which language proficiency is addressed in the pro-

posed legislation. According to section 8 (c)(1)(D) of S. 2688, a Native Language Survival School receiving Federal funds shall “ensure that students who are not Native American language speakers achieve fluency in a Native American language within 3 years of enrollment.” The requirement is significantly more rigorous than the provision in existing ESEA Title I law that deals with English language learning for students who speak English as a second language. We must take into account the reality that individual students learn at different rates based on various factors, such as the level of fluency upon entering schools, literacy in their native language, and their motivation to learn languages.

School Finance and Governance. Under S. 2688, tribes and institutions of higher education (IHEs) can apply for funds, while the eligibility of State Educational Agencies (SEAs) and Local Education Agencies (LEAs) is unclear. This raises some questions concerning school finance and governance. Who pays for operational cost? Who makes decisions about teacher qualifications? What core academic subjects should be taught? The Department of Education would like to work with Members of this Committee to clarify the types of schools that would be eligible to receive funding under the proposed legislation. It is not clear whether native Language Survival Schools are to be public schools governed and operated by either a LEA or a tribe, or whether they could be public schools or independent private schools. The resolution of this issue will have important consequences for this program, and for the students who attend the schools. For example, public schools operated by LEAs or tribes receive other Federal education funds, while private schools only indirectly benefit from Federal programs. Public schools, operated by LEAs, must meet a range of State requirements ranging from the establishment of academic standards for all students to the qualifications of the teachers in the schools.

Research and Evaluation. S. 2688 would be strengthened by the addition of a research and evaluation component. There is still much we need to learn about how best to teach Native American languages in school. Therefore, it is important to evaluate the programs supported under the proposed Act, to identify and document effective educational methods practiced at Native American Language Survival Schools, and disseminate these as widely as possible, to the schools and to Tribal Colleges and other institutions of higher education preparing the next generation of Native American teachers. Further, funds should be made available to support research on issues that are important to meet the objectives of this proposal, such as research on Native Language retention. Funds should also be made available for the development of tapes, orthographies, dictionaries, and materials development in native languages.

CONCLUSION

The Administration is committed to ensuring that Native American students receive a high-quality education in not only English, but also their language and culture. Thank you for the opportunity to address this committee. I am willing to answer any questions you many have concerning my testimony.

CHANGES IN EXISTING LAW

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill are required to be set out in the accompanying Committee report. The Committee states that the enactment of S. 2688 will result in the following amendment to P.L. 101-477 (104 Stat. 1153). Deletions are in brackets; new material is in italic.

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).]

DEFINITIONS

SEC. 103. In this Act:

(1) INDIAN.—The term “Indian” has the meaning given that term in section 9161 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7881).

(2) INDIAN TRIBAL GOVERNMENT.—The term “Indian tribal government” has the meaning given that term in section 502 of Public Law 95-134 (42 U.S.C. 4368b).

(3) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(4) *INDIAN RESERVATION.*—The term “Indian reservation” has the meaning given the term “reservation” in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

(5) *NATIVE AMERICAN.*—The term “Native American” means an Indian, Native Hawaiian, or Native American Pacific Islander.

(6) *NATIVE AMERICAN LANGUAGE.*—The term “Native American language” means the historical, traditional languages spoken by Native Americans.

(7) *NATIVE AMERICAN LANGUAGE COLLEGE.*—The term “Native American Language College” means—

(A) a tribally-controlled community college or university (as defined in section 2 of the Tribally-Controlled Community College or University Assistance Act of 1978 (25 U.S.C. 1801)), or a college applying for a Native American Language Survival School in a Native American language which that college regularly offers as part of its curriculum and which has the support of an Indian tribal government traditionally affiliated with that Native American language; or government traditionally affiliated with that Native American language; or

(B) Ka Haka ‘Ula O Ke‘elikolani College.

(8) *NATIVE AMERICAN LANGUAGE EDUCATIONAL ORGANIZATION.*—The term “Native American Language Educational Organizations” means an organization that—

(A) is governed by a board consisting primarily of Native Americans and as many speakers of 1 or more Native Americans languages as possible;

(B) is currently providing instruction through the use of a Native American language to at least 10 preschool, elementary or high school students for at least 700 hours of instruction per year per student; and

(C) has provided such instruction for at least 10 preschool, elementary or high school students through a Native American language for at least 700 hours per year per student for not less than 3 years prior to applying for a grant under this Act.

(D) may be a public school that meets the requirements of (A), (B) and (C) above.

(9) *NATIVE AMERICAN LANGUAGE NEST.*—The term “Native American Language Nest” means a site-based educational program enrolling families with children below the age of 7 which is conducted through a Native American language for at least 700 hours per year per student with the specific goal of strengthening, revitalizing, or re-establishing a Native American language and culture as a living language and culture of daily life.

(10) *NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOL.*—The term “Native American Language Survival School” means a Native American language dominant site-based educational program which expands from a Native American Language Nest, either as a separate entity or inclusive of a Native American Language Nest, to enroll families with children eligible for elementary or secondary education and which provides a complete education through a Native American language with the

specific goal of strengthening, revitalizing, or reestablishing a Native American language and culture as a living language and culture of daily life.

(11) *NATIVE AMERICAN PACIFIC ISLANDER.*—The term “Native American Pacific Islander” means any descendant of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

(12) *NATIVE HAWAIIAN.*—The term “Native Hawaiian” has the meaning given that term in section 9212 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7912).

(13) *SECRETARY.*—The term “Secretary” means the Secretary of the Department of Education.

(14) *TRADITIONAL LEADERS.*—The term “traditional leaders” includes Native Americans who have special expertise in Native American culture and Native American languages.

(15) *TRIBAL ORGANIZATION.*—The term “tribal organization” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

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GENERAL AUTHORITY

NATIVE AMERICAN LANGUAGE NESTS

SEC. 108. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, organizations that demonstrate the potential to become Native American Language Educational Organizations, or a consortia of such organizations, colleges, or tribal governments for the purpose of establishing Native American Language Nest programs for students below the age of 7 and their families.

(b) REQUIREMENTS.—A Native American Language Nest program receiving funds under this section shall—

(1) provide instruction and child care through the use of a Native American language for at least 10 children below the age of 7 for at least 700 hours per year per student;

(2) provide compulsory classes for parents of students enrolled in a Native American Language Nest in a Native American language, including Native American language-speaking parents;

(3) provide compulsory monthly meetings for parents and other family members of students enrolled in a Native American Language Nest;

(4) provide a preference in enrollment for students and families who are fluent in a Native American language;

(5) receive at least 5 percent of its funding from another source, which may include Federally-funded programs, such as a Head Start program funded under the Head Start Act (42 U.S.C. 9801 et seq.); and

(6) ensure that a Native American language becomes the dominant medium of instruction in the Native American Language Nest with within a period of six years of funding under this Act.

NATIVE AMERICAN LANGUAGE SURVIVAL SCHOOLS

SEC. 109. (a) IN GENERAL.—The Secretary is authorized to provide funds, through grant or contract, to Native American Language Educational Organizations, Native American Language Colleges, Indian tribal governments, or a consortia of such organizations, colleges, or tribal governments to operate, expand, and increase Native American Language Survival Schools throughout the United States and its territories for Native American children and Native American language-speaking children, including the provision of direct educational services and school support services.

(b) ELIGIBILITY.—As a condition of receiving funds under subsection (a), a Native American Language Educational Organization, a Native American Language College, an Indian tribal government, or a consortia of such organizations, colleges, or tribal governments—

(1) shall—

(A) have at least 3 years experience in operating and administering a Native American Language Survival School, a Native American Language Nest, or other educational programs in which instruction is conducted in a Native American language; and

(B) include students who are subject to State compulsory education laws; and

(2) may include students from infancy through grade 12, as well as their families.

(c) PRIORITY.—In making grants or entering into contracts, the Secretary shall give priority to:

(1) the provision of direct educational services;

(2) applicants with the support of the appropriate tribal government or governments; and

(3) applicants that have researched language revitalization and the unique characteristics and circumstances of the languages of their schools.

(d) USE OF FUNDS.—

(1) REQUIRED USES.—A Native American Language Survival School receiving funds under this section shall—

(A) consist of not less than 700 hours of instruction per student conducted annually through a Native American language or languages for at least 15 students for whom a Native American Language Survival School is their principal place of instruction;

(B) provide direct educational services and school support services to students that may also include—

(i) support services for children with special needs;

(ii) transportation;

(iii) boarding;

(iv) food service;

(v) teacher and staff housing;

(vi) purchase of basic materials

(vii) adaptation of teaching materials;

(viii) translation and development; or

(ix) other appropriate services;

(C) provide direct or indirect educational and support services for the families of enrolled students on site,

through colleges, or through other means to increase their knowledge and use of the Native American language and culture, and may impose a requirement of family participation as a condition of student enrollment; and

(D) ensure that within 3 years of enrollment all students achieve functional fluency appropriate to the unique circumstances and endangerment status of the Native American language with the ultimate goal of academic/cognitive fluency.

(2) PERMISSIBLE USES.—A Native American Language Survival School receiving funds under this section may—

(A) include Native American Language Nests and other educational programs for students who are not Native American language speakers but who seek to establish fluency through instruction in a Native American language or to re-establish fluency as descendants of Native American language speakers;

(B) provide instruction through more than one language;

(C) provide instruction through a regional program (as opposed to one site) to better serve geographically dispersed students;

(D) include a program of concurrent and summer college or university education course enrollment for secondary school students enrolled in Native American Language Survival Schools, as appropriate;

(E) provide special support for Native American languages for which there are very few or no remaining Native American language speakers;

(F) develop comprehensive curricula in Native American language instruction and instruction through Native American languages, including:

(i) curricula that can be used by public schools for instruction through a Native American language or teaching Native American languages as subjects;

(ii) community Native American language use in communities served by Native American Language Survival Schools; and

(iii) knowledge of a specific Native American language gained through research for the purpose of directly aiding the development of curriculum materials.

(G) provide programs in pre-service and in-service teacher training, staff training, personnel development programs, programs to upgrade teacher and staff skills, and community resource development training, that shall include a program component which has as its objective increased Native American language speaking proficiency for teachers and staff employed in Native American Language Survival Schools and Native American Language Nests. Programs may include—

(i) visits or exchanges among Native American Language Survival Schools and Native American Language Nests of school or nest teachers, staff, students, or families of students;

(ii) participation in conference or special non-degree programs focusing on the use of a Native American

language or languages of the education of students, teachers, staff, students, or families of students;

(iii) full or partial scholarships and fellowships to colleges or universities for the professional development of faculty and staff, and to meet requirements for the involvement of the family or the community of Native American Language Survival Schools students in Native American Language Survival Schools, and to develop resource persons for Native American Language Nests programs in public schools. A recipient of a fellowship or scholarship awarded under the authority of this subsection who is enrolled in a program leading to a degree or certificate shall—

(I) be trained in the Native American Language Nests of the Native American Language Survival Schools, if such program is available through that Native American Language Survival Schools;

(II) complete a minimum annual number of hours in Native American language study or training during the period of the fellowship or scholarship; and

(III) enter into a contract which obligates the recipient to provide his or her professional services, either during the fellowship or scholarship period or upon completion of a degree or certificate, in Native American language instruction in the Native American language associated with the Native American Language Survival Schools in which the service obligation is to be fulfilled.

(iv) training in the language and culture associated with a Native American Language Survival School either under community or academic experts in programs which may include credit courses;

(v) structuring of personnel operations to support Native American language and cultural fluency and program effectiveness;

(vi) Native American language planning, documentation, reference material and archives development; and

(vii) recruitment for participation in teacher, staff, student, and community development.

(H) rent, lease, purchase, construct, maintain or repair educational facilities to ensure the academic achievement of Native American Language Survival School students.

DEMONSTRATION PROGRAMS REGARDING LINGUISTICS ASSISTANCE

SEC. 110. (a) DEMONSTRATION PROGRAMS.—The Secretary shall provide funds, through grant or contract, for the establishment of 3 demonstration programs that will provide assistance to Native American Language Survival Schools and Native American Language Nests. Such demonstration programs shall be established at—

(1) Ka Haka 'Ula O Ke'elikolani College of the University of Hawaii at Hilo, in consortium with the 'Aha Punana Leo, Inc., and with other entities if deemed appropriate by such College, to—

(A) conduct a demonstration program in the development and operation of the various components of a regional Native American Language Survival School program and college level Native American language teaching and use that is supportive of Native American Language Survival Schools; and

(B) provide assistance in the establishment, operation, and administration of Native American Language Nests and Native American Language Survival Schools by such means as training, hosting informational visits to demonstration sites, and providing a national clearinghouse for data and information relevant to teaching Native American languages, outreach, courses, conferences, and other means; and

(2) Piegan Institute of Browning, Montana to demonstrate the operation of a Native American Language Nest and Survival School; and

(3) the Alaska Native Language Center of the University of Alaska at Fairbanks, in consortium with other entities as deemed appropriate by such Center, to conduct a demonstration program, training, outreach, conferences, visitation programs, and other assistance in developing orthographies, resource materials, language documentation, language preservation, material archiving, and community support development.

(b) *USE OF TECHNOLOGY.*—The demonstration programs authorized to be established under this section may employ synchronic and asynchronic telecommunications and other appropriate means to maintain coordination and cooperation with one another and with participating Native American Language Survival Schools and Native American Language Nests.

(c) *DIRECTION TO THE SECRETARY.*—The demonstration programs authorized to be established under this section shall provide direction to the Secretary in developing a site visit evaluation of Native American Language Survival Schools and Native American Language Nests.

(d) *FOLLOW-UP AND DATA COLLECTION.*—The demonstration programs authorized to be established under this section may conduct follow-up data collection and analysis on students while they are in school to assess how Survival School students are performing in comparison to other students, as well as identify instructional methods that are working and those which may not be working.

(e) *ENDOWMENTS AND FACILITIES.*—The demonstration programs authorized to be established under this section may establish endowments for the purpose of furthering their activities relative to the study and preservation of Native American languages, and may use funds to provide for the rental, lease, purchase, construction, maintenance, and repair of facilities.

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. There are authorized to be appropriated such sums as may be necessary to carry out the activities authorized by this Act for fiscal years 2001 through 2006.