

113TH CONGRESS  
1ST SESSION

# S. 1131

To strengthen Indian education, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 11, 2013

Mr. UDALL of New Mexico (for himself and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## 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-

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

9 (2) establish an advisory group for the contest  
10 described in paragraph (1) that shall include stu-  
11 dents enrolled at a Tribal College or University, a  
12 representative from the Bureau of Indian Education,  
13 and engineering and fiscal advisors.

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

18 (c) WINNERS.—The Secretary of the Interior shall—

19 (1) determine the winners of the program con-  
20 test conducted under this section; and

21 (2) award the winners appropriate recognition  
22 and reward.

1 **SEC. 3. DEPARTMENT OF THE INTERIOR AND DEPARTMENT**  
2 **OF EDUCATION JOINT OVERSIGHT BOARD.**

3 (a) IN GENERAL.—The Secretary of Education and  
4 the Secretary of the Interior shall jointly establish a De-  
5 partment of the Interior and Department of Education  
6 Joint Oversight Board, that shall—

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

8 (2) coordinate technical assistance, resource  
9 distribution, and capacity building between the 2 de-  
10 partments on the education of and for Native Amer-  
11 ican students.

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

18 **SEC. 4. IMPROVE SUPPORT FOR TEACHERS AND ADMINIS-**  
19 **TRATORS OF NATIVE AMERICAN STUDENTS.**

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

1 **“SEC. 7123. TEACHER AND ADMINISTRATOR PIPELINE FOR**  
2 **TEACHERS AND ADMINISTRATORS OF NATIVE**  
3 **AMERICAN STUDENTS.**

4 “(a) GRANTS AUTHORIZED.—The Secretary shall  
5 award grants to eligible entities to enable such entities to  
6 create or expand a teacher or administrator, or both, pipe-  
7 line for teachers and administrators of Native American  
8 students.

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

11 “(1) a local educational agency;

12 “(2) an institution of higher education;

13 “(3) a Tribal College or University (as defined  
14 in section 316 of the Higher Education Act of  
15 1965); or

16 “(4) a nonprofit organization.

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

21 “(d) ACTIVITIES.—An eligible entity that receives a  
22 grant under this section shall create a program that shall  
23 prepare, recruit, and provide continuing education for  
24 teachers and administrators of Native American students,  
25 in particular for teachers of—

1           “(1) science, technology, engineering, and  
2           mathematics;

3           “(2) subjects that lead to health professions;  
4           and

5           “(3) green skills and ‘middle skills’, including  
6           electrical, welding, technology, plumbing, and green  
7           jobs.

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

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

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

20          (a) STANDARDS-BASED ASSESSMENTS.—Section  
21          1111(b)(3) of the Elementary and Secondary Education  
22          Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding  
23          at the end the following:

24                               “(E) STANDARDS-BASED EDUCATION AS-  
25                               SESSMENTS.—Notwithstanding any other provi-

1           sion of this Act, a State, in consultation with  
 2           Indian tribes or Tribal Colleges and Univer-  
 3           sities, shall develop standards-based education  
 4           assessments and classroom lessons to accommo-  
 5           date diverse learning styles, which assessments  
 6           may be used by the State in place of the gen-  
 7           eral assessments described in subparagraph  
 8           (A).”.

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

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

13           (2) to provide English language instruction.

14          (c) RESEARCH.—The Comptroller General of the  
 15          United States shall conduct research on culture- and lan-  
 16          guage-based education to identify the factors that improve  
 17          education and health outcomes.

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

22           “(m) QUALIFICATIONS FOR NATIVE LANGUAGE  
 23          TEACHERS.—

24           “(1) IN GENERAL.—Notwithstanding any other  
 25          provision of law, the requirements of subsection (a)

1 for local educational agencies and States with re-  
 2 spect to highly qualified teachers, shall not apply to  
 3 a teacher of a Native language.

4 “(2) ALTERNATIVE LICENSURE OR CERTIFI-  
 5 CATION.—Each State educational agency receiving  
 6 assistance under this part shall, through collabora-  
 7 tion with Indian tribes or Tribal Colleges and Uni-  
 8 versities, as appropriate, develop a licensure or cer-  
 9 tification process for teachers of a Native lan-  
 10 guage.”.

11 (e) GRANT PROGRAM TO ENSURE THE SURVIVAL  
 12 AND CONTINUING VITALITY OF NATIVE AMERICAN LAN-  
 13 GUAGES.—

14 (1) DEFINITIONS.—In this subsection:

15 (A) COMMISSIONER.—The term “Commis-  
 16 sioner” means the Commissioner of the Admin-  
 17 istration for Native Americans in the Depart-  
 18 ment of Health and Human Services (estab-  
 19 lished under section 803B of the Native Amer-  
 20 ican Programs Act of 1974 (42 U.S.C. 2991b-  
 21 2)).

22 (B) ELIGIBLE ENTITY.—The term “eligible  
 23 entity” means any agency or organization that  
 24 is eligible for financial assistance under section

1           803(a) of the Native American Programs Act of  
2           1974 (42 U.S.C. 2991b(a)).

3           (2) ESTABLISHMENT OF GRANT PROGRAM.—

4           The Commissioner shall establish a program to pro-  
5           vide eligible entities with grants for the purpose of  
6           assisting Native Americans to ensure the survival  
7           and continuing vitality of Native American lan-  
8           guages.

9           (3) USE OF AMOUNTS.—

10           (A) IN GENERAL.—An eligible entity may  
11           use amounts received under this subsection to  
12           carry out activities that ensure the survival and  
13           continuing vitality of Native American lan-  
14           guages, including—

15                   (i) the establishment and support of  
16                   community Native American language  
17                   projects designed to bring older and young-  
18                   er Native Americans together to facilitate  
19                   and encourage the transfer of Native  
20                   American language skills from one genera-  
21                   tion to another;

22                   (ii) the establishment of projects that  
23                   train Native Americans to—

24                           (I) teach a Native American lan-  
25                           guage to others; or



1 (II) serve as interpreters or  
2 translators of a Native American lan-  
3 guage;

4 (iii) the development, printing, and  
5 dissemination of materials to be used for  
6 the teaching and enhancement of a Native  
7 American language;

8 (iv) the establishment or support of a  
9 project to train Native Americans to  
10 produce or participate in television or radio  
11 programs to be broadcast in a Native  
12 American language;

13 (v) the compilation, transcription, and  
14 analysis of oral testimony to record and  
15 preserve a Native American language;

16 (vi) the purchase of equipment, in-  
17 cluding audio and video recording equip-  
18 ment, computers, and software, required to  
19 carry out a Native American language  
20 project; and

21 (vii)(I) the establishment of Native  
22 American language nests, which are site-  
23 based educational programs that—

24 (aa) provide instruction and child  
25 care through the use of a Native

1 American language for at least 10  
2 children under the age of 7 for an av-  
3 erage of at least 500 hours per year  
4 per student;

5 (bb) provide classes in a Native  
6 American language for parents (or  
7 legal guardians) of students enrolled  
8 in a Native American language nest  
9 (including Native American language-  
10 speaking parents); and

11 (cc) ensure that a Native Amer-  
12 ican language is the dominant me-  
13 dium of instruction in the Native  
14 American language nest;

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

19 (aa) provide an average of at  
20 least 500 hours of instruction through  
21 the use of 1 or more Native American  
22 languages for at least 15 students for  
23 whom a Native American language  
24 survival school is the principal place  
25 of instruction;

- 1 (bb) develop instructional courses  
2 and materials for learning Native  
3 American languages and for instruc-  
4 tion through the use of Native Amer-  
5 ican languages;
- 6 (cc) provide for teacher training;
- 7 (dd) work toward a goal of all  
8 students achieving—
- 9 (AA) fluency in a Native  
10 American language; and
- 11 (BB) academic proficiency  
12 in mathematics, reading (or lan-  
13 guage arts), and science; and
- 14 (ee) are located in areas that  
15 have high numbers or percentages of  
16 Native American students; and
- 17 (III) the establishment of Native  
18 American language restoration programs,  
19 which are educational programs that—
- 20 (aa) operate at least 1 Native  
21 American language program for the  
22 community that the educational pro-  
23 gram serves;

1 (bb) provide training programs  
2 for teachers of Native American lan-  
3 guages;

4 (cc) develop instructional mate-  
5 rials for the Native American lan-  
6 guage restoration programs;

7 (dd) work toward a goal of in-  
8 creasing proficiency and fluency in at  
9 least 1 Native American language;  
10 and

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

13 (B) NATIVE AMERICAN LANGUAGE RES-  
14 TORATION PROGRAMS.—An eligible entity car-  
15 rying out a program described in subparagraph  
16 (A)(vii)(III) may use amounts made available  
17 under this section to carry out—

18 (i) Native American language pro-  
19 grams, including—

20 (I) Native American language  
21 immersion programs;

22 (II) Native American language  
23 and culture camps;

24 (III) Native American language  
25 programs provided in coordination

1 and cooperation with educational enti-  
2 ties;

3 (IV) Native American language  
4 programs provided in coordination  
5 and cooperation with institutions of  
6 higher education with expertise in the  
7 relevant Native language, particularly  
8 Tribal Colleges and Universities (as  
9 defined in section 316 of the Higher  
10 Education Act of 1965 (20 U.S.C.  
11 1059c));

12 (V) Native American language  
13 programs that use a master-appren-  
14 tice model of learning languages; and

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

19 (ii) Native American language teacher  
20 training programs, including—

21 (I) training programs in Native  
22 American language translation for flu-  
23 ent speakers;

24 (II) training programs for Native  
25 American language teachers;

1 (III) training programs for  
2 teachers in the use of Native Amer-  
3 ican language materials, tools, and  
4 interactive media to teach Native  
5 American language; and

6 (iii) the development of Native Amer-  
7 ican language materials, including books,  
8 audio and visual tools, and interactive  
9 media programs.

10 (4) APPLICATIONS.—

11 (A) IN GENERAL.—Subject to subpara-  
12 graph (B), in awarding a grant under this sub-  
13 section, the Commissioner shall select appli-  
14 cants from among eligible entities on the basis  
15 of applications submitted to the Commissioner  
16 at such time, in such form, and containing such  
17 information as the Commissioner requires.

18 (B) REQUIREMENTS.—An application  
19 under subparagraph (A) shall include, at a min-  
20 imum—

21 (i) a detailed description of the cur-  
22 rent status of the Native American lan-  
23 guage to be addressed by the project for  
24 which a grant is requested, including a de-  
25 scription of existing programs and

1 projects, if any, in support of that lan-  
2 guage;

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

5 (iii) a statement that the objectives of  
6 the project are in accordance with the pur-  
7 poses of this subsection;

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

10 (v) if appropriate, an identification of  
11 opportunities for the replication or modi-  
12 fication of the project for use by other Na-  
13 tive Americans;

14 (vi) a plan for the preservation of the  
15 products of the Native American language  
16 project for the benefit of future genera-  
17 tions of Native Americans and other inter-  
18 ested persons; and

19 (vii) in the case of an application for  
20 a grant to carry out any purpose specified  
21 in paragraph (3)(A)(vii)(III), a certifi-  
22 cation by the applicant that the applicant  
23 has not less than 3 years of experience in  
24 operating and administering a Native  
25 American language survival school, a Na-

1           tive American language nest, or any other  
2           educational program in which instruction  
3           is conducted in a Native American lan-  
4           guage.

5           (C) PARTICIPATING ORGANIZATIONS.—If  
6           an applicant determines that the objectives of a  
7           proposed Native American language project  
8           would be accomplished more effectively through  
9           a partnership with an educational entity, the  
10          applicant shall identify the educational entity as  
11          a participating organization in the application.

12          (5) LIMITATIONS ON FUNDING.—

13           (A) FEDERAL SHARE.—The Federal share  
14           of the total cost of a program under this sub-  
15           section shall not exceed 80 percent.

16           (B) NON-FEDERAL SHARE.—

17           (i) IN GENERAL.—The non-Federal  
18           share of the cost of a program under this  
19           subsection may be provided in cash or fair-  
20           ly evaluated in-kind contributions, includ-  
21           ing facilities, equipment, or services.

22           (ii) SOURCE OF NON-FEDERAL  
23           SHARE.—The non-Federal share—

24                   (I) may be provided from any  
25                   private or non-Federal source; and



1 (II) may include amounts (in-  
2 cluding interest) distributed to an In-  
3 dian tribe—

4 (aa) by the Federal Govern-  
5 ment pursuant to the satisfaction  
6 of a claim made under Federal  
7 law;

8 (bb) from amounts collected  
9 and administered by the Federal  
10 Government on behalf of an In-  
11 dian tribe or the members of an  
12 Indian tribe; or

13 (cc) by the Federal Govern-  
14 ment for general tribal adminis-  
15 tration or tribal development  
16 under a formula or subject to a  
17 tribal budgeting priority system,  
18 including—

19 (AA) amounts involved  
20 in the settlement of land or  
21 other judgment claims;

22 (BB) severance or other  
23 royalty payments; or

24 (CC) payments under  
25 the Indian Self-Determina-

1                                   tion Act (25 U.S.C. 450f et  
2                                   seq.) or a tribal budget pri-  
3                                   ority system.

4                   (C) DURATION.—

5                   (i) IN GENERAL.—Subject to clause  
6                   (ii), the Commissioner may make grants  
7                   made under this subsection on a 1-year, 2-  
8                   year, or 3-year basis.

9                   (ii) NATIVE AMERICAN LANGUAGE  
10                   RESTORATION PROGRAM.—The Commis-  
11                   sioner shall only make a grant available  
12                   under paragraph (3)(A)(vii)(III) on a 3-  
13                   year basis.

14           (6) ADMINISTRATION.—

15           (A) EXPERT PANEL.—

16           (i) IN GENERAL.—Not later than 180  
17           days after date of enactment of this sub-  
18           section, the Commissioner shall appoint a  
19           panel of experts for the purpose of assist-  
20           ing the Commissioner to review—

21                   (I) applications submitted under  
22                   paragraph (4);

23                   (II) evaluations carried out to  
24                   comply with paragraph (4)(B)(iv);  
25                   and

1 (III) the preservation of products  
2 required by paragraph (4)(B)(vi).

3 (ii) COMPOSITION.—

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

6 (aa) a designee of the Insti-  
7 tute of American Indian and  
8 Alaska Native Culture and Arts  
9 Development;

10 (bb) representatives of na-  
11 tional, tribal, and regional orga-  
12 nizations that focus on Native  
13 American language or Native  
14 American cultural research, de-  
15 velopment, or training; and

16 (cc) other individuals who  
17 are recognized as experts in the  
18 area of Native American lan-  
19 guage.

20 (II) RECOMMENDATIONS.—The  
21 Commissioner shall solicit rec-  
22 ommendations for appointments to  
23 the panel from Indian tribes and trib-  
24 al organizations.

1 (iii) DUTIES.—The duties of the panel  
2 shall include—

3 (I) making recommendations re-  
4 garding the development and imple-  
5 mentation of regulations, policies, pro-  
6 cedures, and rules of general applica-  
7 bility with respect to the administra-  
8 tion of this subsection;

9 (II) reviewing applications re-  
10 ceived under paragraph (4);

11 (III) providing to the Commis-  
12 sioner a list of recommendations for  
13 the approval of applications in accord-  
14 ance with—

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

18 (bb) the relative need for the  
19 project; and

20 (IV) reviewing evaluations sub-  
21 mitted to comply with paragraph  
22 (4)(B)(iv).

23 (B) PRODUCTS GENERATED BY  
24 PROJECTS.—

1 (i) IN GENERAL.—Subject to clause  
2 (ii), for preservation and use in accordance  
3 with the responsibilities of the respective  
4 organization under Federal law, a copy of  
5 any product of a Native American lan-  
6 guage project for which a grant is made  
7 under this subsection—

8 (I) shall be transmitted—

9 (aa) to the Institute of  
10 American Indian and Alaska Na-  
11 tive Culture and Arts Develop-  
12 ment; and

13 (bb) to the Tribal Colleges  
14 or Universities where the lan-  
15 guage addressed in the grant  
16 program is inherent; and

17 (II) may be transmitted, at the  
18 discretion of the grantee, to national  
19 and regional repositories of similar  
20 material.

21 (ii) EXEMPTION.—

22 (I) IN GENERAL.—In accordance  
23 with the Federal recognition of the  
24 sovereign authority of each Indian  
25 tribe over all aspects of the culture

1 and language of that Indian tribe and  
2 subject to subclause (II), an Indian  
3 tribe may make a determination—

4 (aa) not to transmit a copy  
5 of a product under clause (i);

6 (bb) not to permit the redis-  
7 tribution of a copy of a product  
8 transmitted under clause (i); or

9 (cc) to restrict in any man-  
10 ner the use or redistribution of a  
11 copy of a product transmitted  
12 under clause (i).

13 (II) RESTRICTIONS.—Subclause  
14 (I) does not authorize an Indian  
15 tribe—

16 (aa) to limit the access of  
17 the Commissioner to a product  
18 described in clause (i) for pur-  
19 poses of administering this sub-  
20 section or evaluating the product;  
21 or

22 (bb) to sell a product de-  
23 scribed in clause (i), or a copy of  
24 that product, for profit to the en-  
25 tities referred to in clause (i).

1           (7) AUTHORIZATION OF APPROPRIATIONS.—

2           There are authorized to be appropriated to carry out  
3           this subsection such sums as are necessary for each  
4           of fiscal years 2014 through 2019.

5           (f) CONFORMING AMENDMENTS.—

6           (1) IN GENERAL.—Section 803C of the Native  
7           American Programs Act of 1974 (42 U.S.C. 2991b–  
8           3) is repealed.

9           (2) AUTHORIZATION OF APPROPRIATIONS.—  
10          Section 816 of the Native American Programs Act  
11          of 1974 (42 U.S.C. 2992d) is amended—

12                 (A) in subsection (a), by striking “sections  
13                 803(d), 803A, 803C, 804, subsection (e) of this  
14                 section” and inserting “sections 803(d), 803A,  
15                 and 804, subsection (d)”;

16                 (B) in subsection (b), by striking “other  
17                 than sections 803(d), 803A, 803C, 804, sub-  
18                 section (e) of this section” and inserting “sec-  
19                 tions 803(d), 803A, and 804, subsection (d)”;  
20                 and

21                 (C) by striking subsection (e).

1 **SEC. 6. INCREASED ACCESS TO RESOURCES FOR TRIBAL**  
2 **SCHOOLS, SCHOOLS SERVED BY THE BUREAU**  
3 **OF INDIAN EDUCATION, AND NATIVE AMER-**  
4 **ICAN STUDENTS.**

5 (a) RESERVATION FOR BUREAU-FUNDED SCHOOLS  
6 AND PROGRAMS AND SCHOOLS OPERATED BY A TRIBE  
7 OR TRIBAL ORGANIZATION.—

8 (1) IN GENERAL.—The Secretary of Education  
9 shall ensure that any program administered by the  
10 Department of Education that awards grants, con-  
11 tracts, or other assistance to benefit elementary  
12 schools and secondary schools (as such terms are de-  
13 fined in section 9101 of the Elementary and Sec-  
14 ondary Education Act of 1965 (20 U.S.C. 7801)) or  
15 prekindergarten or early childhood programs, pro-  
16 vides a reservation, as described in this subsection,  
17 for 1 or more of the following categories of entities,  
18 as determined appropriate by the Secretary of Edu-  
19 cation for each such grant, contract, or assistance  
20 program:

21 (A) Bureau-funded schools (as defined in  
22 section 1141 of the Education Amendments of  
23 1978 (25 U.S.C. 2021)).

24 (B) Prekindergarten programs or early  
25 childhood programs or services operated by a



1           tribe or Indian organization (as defined in such  
2           section).

3           (C) Elementary schools or secondary  
4           schools operated by a tribe or Indian organiza-  
5           tion (as defined in such section).

6           (2) AMOUNT OF RESERVATION.—

7           (A) EXISTING RESERVATION OF FUNDS.—

8           In the case of a grant, contract, or assistance  
9           program provided by the Department of Edu-  
10          cation to benefit elementary schools and sec-  
11          ondary schools (as such terms are defined in  
12          section 9101 of the Elementary and Secondary  
13          Education Act of 1965 (20 U.S.C. 7801)) or  
14          prekindergarten or early childhood programs  
15          for which funds are reserved for entities de-  
16          scribed in paragraph (1), or for a group that  
17          may include such entities—

18                   (i) if the existing reservation of funds  
19                   is for an amount that is less than 0.5 per-  
20                   cent, the amount of such reservation shall  
21                   be increased to 0.5 percent; and

22                   (ii) if the existing reservation of funds  
23                   is for an amount that is equal to or greater  
24                   than 0.5 percent, the amount of such res-  
25                   ervation shall be maintained.

1           (B) NO EXISTING RESERVATION OF  
2 FUNDS.—In the case of a grant, contract, or as-  
3 sistance program provided by the Department  
4 of Education to benefit elementary schools and  
5 secondary schools (as such terms are defined in  
6 section 9101 of the Elementary and Secondary  
7 Education Act of 1965 (20 U.S.C. 7801)) or  
8 prekindergarten or early childhood programs  
9 for which no funds are reserved for the entities  
10 described in paragraph (1), the Secretary of  
11 Education shall reserve 0.5 percent of such  
12 funds for such entities, as determined by the  
13 Secretary of Education in accordance with  
14 paragraph (1).

15           (3) USE OF RESERVED FUNDS.—Funds re-  
16 served under this section shall be used in accordance  
17 with the uses of funds described for each particular  
18 grant, contract, or assistance program. In addition  
19 to program support, such reserved funds may be  
20 used, in an amount determined by the Secretary of  
21 Education, for technical assistance or capacity build-  
22 ing to ensure that the schools or programs described  
23 in paragraph (1) are provided the assistance to com-  
24 pete for such grants, contracts, or other assistance.

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

4 (b) SAFE AND HEALTHY SCHOOLS FOR NATIVE  
 5 AMERICAN STUDENTS.—Subpart 2 of part A of title IV  
 6 of the Elementary and Secondary Education Act of 1965  
 7 (20 U.S.C. 7131 et seq.) is amended by adding at the end  
 8 the following:

9 **“SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE**  
 10 **AMERICAN STUDENTS.**

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

13 “(1) establish a program to improve school en-  
 14 vironments and student skill development for healthy  
 15 choices for Native American students, including—

16 “(A) prevention regarding—

17 “(i) alcohol and drug misuse;

18 “(ii) suicide;

19 “(iii) violence;

20 “(iv) pregnancy; and

21 “(v) obesity;

22 “(B) nutritious eating programs; and

23 “(C) anger and conflict management pro-  
 24 grams;

1           “(2) establish a program for school dropout  
2 prevention for Native American students; and

3           “(3) collaborate with the Secretary of Agri-  
4 culture to establish tribal-school specific school gar-  
5 dens and nutrition programs that are within the  
6 tribal cultural context.”.

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

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

14           (1) \$750,000,000 for fiscal year 2014.

15           (2) \$750,000,000 for fiscal year 2015.

16           (3) \$750,000,000 for fiscal year 2016.

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

18           For carrying out the following programs, there are  
19 authorized to be appropriated \$91,087,500 for fiscal year  
20 2014 which shall become available on July 1, 2014, and  
21 shall remain available through September 30, 2015:

22           (1) Programs under title V of the Tribally Con-  
23 trolled Colleges and Universities Assistance Act of  
24 1978 (25 U.S.C. 1861 et seq.).

1           (2) The Institute of American Indian and Alas-  
 2 ka Native Culture and Arts Development established  
 3 under the American Indian, Alaska Native, and Na-  
 4 tive Hawaiian Culture and Art Development Act (20  
 5 U.S.C. 4401 et seq.).

6           (3) Institutional operations grants for the Has-  
 7 kell Indian Nations University and Southwestern In-  
 8 dian Polytechnic Institute under the authority of the  
 9 Act of November 2, 1921 (25 U.S.C. 13), popularly  
 10 known as the Snyder Act.

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

15 **SEC. 9. DEFINITION OF TRIBAL SCHOOL.**

16           (a) ESEA DEFINITION.—Section 9101 of the Ele-  
 17 mentary and Secondary Education Act of 1965 (20 U.S.C.  
 18 7801) is amended by adding at the end the following:

19           “(44) TRIBAL SCHOOL.—The term ‘tribal  
 20 school’ means—

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

24           “(B) a prekindergarten program, early  
 25 childhood program or service, or elementary

1 school or secondary school, operated by an In-  
2 dian tribe or tribal organization (as defined in  
3 section 4 of the Indian Self-Determination and  
4 Education Assistance Act (25 U.S.C. 450b));

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

7 “(D) a school in which a predominance of  
8 the students who attend the school are Native  
9 American or Alaska Native students, as deter-  
10 mined by the Secretary.”.

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

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