

112TH CONGRESS
1ST SESSION

S. 1519

To strengthen Indian education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 7, 2011

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

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 shall develop stand-
2 ards-based education assessments and class-
3 room lessons to accommodate diverse learning
4 styles, which assessments may be used by the
5 State in place of the general assessments de-
6 scribed in subparagraph (A).”.

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

9 (1) to provide support for learning in their Na-
10 tive language and culture; and

11 (2) to provide English language instruction.

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

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

20 “(m) QUALIFICATIONS FOR NATIVE LANGUAGE
21 TEACHERS.—

22 “(1) IN GENERAL.—Notwithstanding any other
23 provision of law, the requirements of subsection (a)
24 on local educational agencies and States with respect

1 to highly qualified teachers, shall not apply to a
2 teacher of a Native language.

3 “(2) ALTERNATIVE LICENSURE OR CERTIFI-
4 CATION.—Each State educational agency receiving
5 assistance under this part shall develop an alter-
6 native licensure or certification for teachers of a Na-
7 tive language.”.

8 (e) GRANT PROGRAM TO ENSURE THE SURVIVAL
9 AND CONTINUING VITALITY OF NATIVE AMERICAN LAN-
10 GUAGES.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) DIRECTOR.—The term “Director”
13 means the Director of the Bureau of Indian
14 Education.

15 (B) ELIGIBLE ENTITY.—The term “eligible
16 entity” means any agency or organization that
17 is eligible for financial assistance under section
18 803(a) of the Native American Programs Act of
19 1974 (42 U.S.C. 2991b(a)).

20 (C) SECRETARY.—The term “Secretary”
21 means the Secretary of the Interior, acting
22 through the Director.

23 (2) ESTABLISHMENT OF GRANT PROGRAM.—
24 The Secretary shall establish a program to provide
25 eligible entities with grants for the purpose of assist-

1 ing Native Americans to ensure the survival and
2 continuing vitality of Native American languages.

3 (3) USE OF AMOUNTS.—

4 (A) IN GENERAL.—An eligible entity may
5 use amounts received under this subsection to
6 carry out activities that ensure the survival and
7 continuing vitality of Native American lan-
8 guages, including—

9 (i) the establishment and support of
10 community Native American language
11 projects designed to bring older and young-
12 er Native Americans together to facilitate
13 and encourage the transfer of Native
14 American language skills from one genera-
15 tion to another;

16 (ii) the establishment of projects that
17 train Native Americans to—

18 (I) teach a Native American lan-
19 guage to others; or

20 (II) serve as interpreters or
21 translators of a Native American lan-
22 guage;

23 (iii) the development, printing, and
24 dissemination of materials to be used for

1 the teaching and enhancement of a Native
2 American language;

3 (iv) the establishment or support of a
4 project to train Native Americans to
5 produce or participate in television or radio
6 programs to be broadcast in a Native
7 American language;

8 (v) the compilation, transcription, and
9 analysis of oral testimony to record and
10 preserve a Native American language;

11 (vi) the purchase of equipment, in-
12 cluding audio and video recording equip-
13 ment, computers, and software, required to
14 carry out a Native American language
15 project; and

16 (vii)(I) the establishment of Native
17 American language nests, which are site-
18 based educational programs that—

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

1 (bb) provide classes in a Native
2 American language for parents (or
3 legal guardians) of students enrolled
4 in a Native American language nest
5 (including Native American language-
6 speaking parents); and

7 (cc) ensure that a Native Amer-
8 ican language is the dominant me-
9 dium of instruction in the Native
10 American language nest;

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

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

22 (bb) develop instructional courses
23 and materials for learning Native
24 American languages and for instruc-

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

1 (cc) develop instructional mate-
2 rials for the Native American lan-
3 guage restoration programs;

4 (dd) work toward a goal of in-
5 creasing proficiency and fluency in at
6 least 1 Native American language;
7 and

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

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

15 (i) Native American language pro-
16 grams, including—

17 (I) Native American language
18 immersion programs;

19 (II) Native American language
20 and culture camps;

21 (III) Native American language
22 programs provided in coordination
23 and cooperation with educational enti-
24 ties;

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

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

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

17 (ii) Native American language teacher
18 training programs, including—

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

22 (II) training programs for Native
23 American language teachers;

24 (III) training programs for
25 teachers in the use of Native Amer-

1 ican language materials, tools, and
2 interactive media to teach Native
3 American language; and

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

8 (4) APPLICATIONS.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), in awarding a grant under this sub-
11 section, the Secretary shall select applicants
12 from among eligible entities on the basis of ap-
13 plications submitted to the Secretary at such
14 time, in such form, and containing such infor-
15 mation as the Secretary requires.

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

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

- 1 (ii) a detailed description of the
2 project for which the grant is requested;
- 3 (iii) a statement that the objectives of
4 the project are in accordance with the pur-
5 poses of this subsection;
- 6 (iv) a detailed description of the plan
7 of the applicant to evaluate the project;
- 8 (v) if appropriate, an identification of
9 opportunities for the replication or modi-
10 fication of the project for use by other Na-
11 tive Americans;
- 12 (vi) a plan for the preservation of the
13 products of the Native American language
14 project for the benefit of future genera-
15 tions of Native Americans and other inter-
16 ested persons; and
- 17 (vii) in the case of an application for
18 a grant to carry out any purpose specified
19 in paragraph (3)(A)(vii)(III), a certifi-
20 cation by the applicant that the applicant
21 has not less than 3 years of experience in
22 operating and administering a Native
23 American language survival school, a Na-
24 tive American language nest, or any other
25 educational program in which instruction

1 is conducted in a Native American lan-
2 guage.

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

10 (5) LIMITATIONS ON FUNDING.—

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

14 (B) NON-FEDERAL SHARE.—

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

20 (ii) SOURCE OF NON-FEDERAL
21 SHARE.—The non-Federal share—

22 (I) may be provided from any
23 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 Secretary may make grants made
7 under this subsection on a 1-year, 2-year,
8 or 3-year basis.

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

14 (6) ADMINISTRATION.—

15 (A) IN GENERAL.—The Secretary shall
16 carry out this section through the Bureau of In-
17 dian Education.

18 (B) EXPERT PANEL.—

19 (i) IN GENERAL.—Not later than 180
20 days after date of enactment of this sub-
21 section, the Secretary shall appoint a panel
22 of experts for the purpose of assisting the
23 Secretary to review—

24 (I) applications submitted under
25 paragraph (4);

1 (II) evaluations carried out to
2 comply with paragraph (4)(B)(iii);
3 and

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

6 (ii) COMPOSITION.—

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

9 (aa) a designee of the Insti-
10 tute of American Indian and
11 Alaska Native Culture and Arts
12 Development;

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

19 (cc) other individuals who
20 are recognized as experts in the
21 area of Native American lan-
22 guage.

23 (II) RECOMMENDATIONS.—Rec-
24 ommendations for appointments to

1 the panel shall be solicited from In-
2 dian tribes and tribal organizations.

3 (iii) DUTIES.—The duties of the panel
4 shall include—

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

11 (II) reviewing applications re-
12 ceived under paragraph (4);

13 (III) providing to the Secretary a
14 list of recommendations for the ap-
15 proval of applications in accordance
16 with—

17 (aa) regulations issued by
18 the Secretary; and

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

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

24 (C) PRODUCTS GENERATED BY
25 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 Secretary to a product de-
18 scribed in clause (i) for purposes
19 of administering this subsection
20 or evaluating the product; or

21 (bb) to sell a product de-
22 scribed in clause (i), or a copy of
23 that product, for profit to the en-
24 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 2013 through 2018.

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 2012.

15 (2) \$750,000,000 for fiscal year 2013.

16 (3) \$750,000,000 for fiscal year 2014.

17 **SEC. 8. DEFINITION OF TRIBAL SCHOOL.**

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

21 “(44) TRIBAL SCHOOL.—The term ‘tribal
22 school’ means—

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

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

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

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

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

○