

118TH CONGRESS
1ST SESSION

S. 3019

To develop and disseminate accurate, relevant, and accessible resources to promote understanding about Native American and Tribal histories.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To develop and disseminate accurate, relevant, and accessible resources to promote understanding about Native American and Tribal histories.

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 “Native Histories and
5 Cultures Education Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Native American peoples are a vital part of
9 our Nation’s past and present.

1 (2) Native American peoples have made signifi-
2 cant contributions to the United States and continue
3 to serve as leaders in communities across the Nation
4 and with distinction as public servants, scholars, sci-
5 entists, entrepreneurs, artists, and authors, and in
6 many other professions and specialties.

7 (3) The United States has a unique govern-
8 ment-to-government relationship with Indian Tribes
9 and treaty-based trust responsibilities owed to Na-
10 tive American peoples and Indian Tribes.

11 (4) Congress has played a critical role in recog-
12 nizing the cultures and contributions of Native
13 American peoples throughout the history of the
14 United States by establishing the National Museum
15 of the American Indian in 1989 to—

16 (A) advance the study of Native American
17 language, literature, history, art, anthropology,
18 and life; and

19 (B) provide for Native American research
20 and study programs.

21 (5) Indian Tribes, Tribal Colleges and Univer-
22 sities, Native American organizations, and Native
23 American communities have worked diligently to
24 bring accurate Native American histories and cul-

1 naturally informed educational opportunities to Amer-
2 ican classrooms.

3 (6) Washington, Oregon, Montana, Arizona,
4 New Mexico, Wisconsin, Maine, Connecticut, Vir-
5 ginia, Florida, Minnesota, and Hawaii include Na-
6 tive American education in content standards for
7 kindergarten through grade 12 education.

8 (7) It is important for students in the United
9 States to have a complete and accurate education
10 about—

11 (A) the experience of Native American peo-
12 ples in the United States today and throughout
13 history;

14 (B) the misrepresentation of Native Amer-
15 ican peoples that pervades popular culture, pro-
16 fessional sports, and beyond through the use of
17 unsanctioned mascots and Native imagery;

18 (C) the Federal Government’s adoption of
19 the relocation, termination, and other discrimi-
20 natory and genocidal policies, including the In-
21 dian Boarding School Policy, and similar poli-
22 cies employed in the Territory of Hawaii, to
23 strip American Indian, Alaska Native, and Na-
24 tive Hawaiian children of their indigenous iden-
25 tities, language, and culture;

1 (D) the unique government-to-government
 2 relationship between the Federal Government
 3 and Indian Tribes; and

4 (E) the Federal Government’s treaty-based
 5 trust responsibilities to Native American peo-
 6 ples and Indian Tribes.

7 (8) The Federal Government can improve the
 8 representation of Native American peoples, their his-
 9 tories, and their contributions, as well as the unique
 10 relationship between Indian Tribes and the Federal
 11 Government, in more classrooms by supporting com-
 12 munity-based curricula development.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) **BASE CURRICULUM.**—The term “base cur-
 16 rriculum” means a nationally focused curriculum on
 17 Native histories and cultures developed by the Direc-
 18 tor of the Museum under section 5(a)(1).

19 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
 20 ty” means a partnership that—

21 (A) shall include a State educational agen-
 22 cy and 1 or more Indian Tribes, Tribal organi-
 23 zations, or Native Hawaiian education organiza-
 24 tions;

1 (B) may include 1 or more local edu-
2 cational agencies; and

3 (C) may include 1 or more Tribal edu-
4 cational agencies.

5 (3) INDIAN TRIBE.—The term “Indian Tribe”
6 means the recognized governing body of any Indian
7 or Alaska Native Tribe, band, nation, pueblo, village,
8 community, component band, or component reserva-
9 tion, individually recognized (including parentheti-
10 cally) in the list published most recently as of the
11 date of enactment of this Act pursuant to section
12 104 of the Federally Recognized Indian Tribe List
13 Act of 1994 (25 U.S.C. 5131).

14 (4) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given the term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).

18 (5) LOCAL EDUCATIONAL AGENCY.—The term
19 “local educational agency” has the meaning given
20 the term in section 8101 of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C. 7801).

22 (6) MUSEUM.—The term “Museum” means the
23 National Museum of the American Indian.

24 (7) NATIVE AMERICAN.—The term “Native
25 American” has the meaning given the term in sec-

1 tion 103 of the Native American Languages Act (25
2 U.S.C. 2902).

3 (8) NATIVE HAWAIIAN EDUCATIONAL ORGANI-
4 ZATION.—The term “Native Hawaiian educational
5 organization” has the meaning given the term in
6 section 6207 of the Native Hawaiian Education Act
7 (20 U.S.C. 7517).

8 (9) NATIVE HISTORIES AND CULTURES.—The
9 term “Native histories and cultures” means accu-
10 rate, fact-based, and thorough information about the
11 histories and cultures of Native American peoples
12 prior to the first European contact, during the col-
13 onization of North America, and until the present
14 date.

15 (10) NATIVE HISTORIES AND CULTURES EDU-
16 CATION PROGRAM.—The term “Native histories and
17 cultures education program” means a program
18 that—

19 (A) has as its specific and primary purpose
20 to—

21 (i) improve awareness and under-
22 standing of the experiences of Native
23 American peoples and Native histories and
24 cultures; and

1 (ii) describe and educate individuals
2 on the structures of Indian Tribes as sov-
3 ereign entities with separate executive, leg-
4 islative, and judicial government struc-
5 tures;

6 (B) uses the base curriculum; and

7 (C) incorporates local and regionally ap-
8 propriate information on the histories and cul-
9 tures of Indian Tribes and Native American
10 peoples in that area that is developed in con-
11 sultation with such Indian Tribes and Native
12 American peoples.

13 (11) PROFESSIONAL DEVELOPMENT.—The
14 term “professional development” has the meaning
15 given the term in section 8101 of the Elementary
16 and Secondary Education Act of 1965 (20 U.S.C.
17 7801).

18 (12) STATE EDUCATIONAL AGENCY.—The term
19 “State educational agency” has the meaning given
20 the term in section 8101 of the Elementary and Sec-
21 ondary Education Act of 1965 (20 U.S.C. 7801).

22 (13) TRIBAL EDUCATIONAL AGENCY.—The
23 term “Tribal educational agency” has the meaning
24 given the term “tribal educational agency” in section

1 6132(b)(3) of the Elementary and Secondary Edu-
 2 cation Act of 1965 (20 U.S.C. 7452(b)(3)).

3 (14) TRIBAL ORGANIZATION.—The term “Trib-
 4 al organization” has the meaning given the term in
 5 section 4 of the Indian Self-Determination and Edu-
 6 cation Assistance Act (25 U.S.C. 5304).

7 **SEC. 4. PURPOSES.**

8 The purposes of this Act are to—

9 (1) expand the Museum’s educational efforts
 10 and develop and make freely accessible base cur-
 11 riculum resources and materials that—

12 (A) have been developed after significant
 13 consultation, engagement, and coordination
 14 with Indian Tribes, Tribal organizations, and
 15 stakeholders representing Native American peo-
 16 ples and interests, including Native Hawaiian
 17 educational organizations; and

18 (B) are available for students, educators,
 19 parents, and interested individuals and groups;

20 (2) support partnerships among States, Indian
 21 Tribes, Tribal organizations, and Native Hawaiian
 22 educational organizations to develop additional edu-
 23 cational resources and materials related to Native
 24 histories and cultures that are local and regionally
 25 specific; and

1 (3) provide opportunities for State educational
 2 agencies to implement Native histories and cultures
 3 education programs built around the base cur-
 4 rriculum provided by the Museum with additional lo-
 5 cally and regionally appropriate information.

6 **SEC. 5. NATIVE HISTORIES AND CULTURES EDUCATION**
 7 **PROGRAM.**

8 (a) SOLICITATION OF FEEDBACK AND DEVELOP-
 9 MENT OF BASE CURRICULUM FOR NATIVE HISTORIES
 10 AND CULTURES.—

11 (1) IN GENERAL.—The Director of the Museum
 12 shall—

13 (A) for a period of not less than 9 months,
 14 regarding the learning objectives and develop-
 15 ment of the base curriculum on Native histories
 16 and cultures under subparagraph (B)—

17 (i) engage in robust and active con-
 18 sultation with Indian Tribes and Tribal or-
 19 ganizations; and

20 (ii) solicit comments from organiza-
 21 tions representing the interests of Native
 22 American peoples in the United States,
 23 and any other relevant stakeholders, in-
 24 cluding Native Hawaiian educational orga-

1 nizations and Tribal Colleges and Univer-
2 sities;

3 (B) develop, not later than 1 year after the
4 end of the period described in subparagraph
5 (A), a base curriculum on Native histories and
6 cultures that—

7 (i) is appropriate for all grade levels
8 of elementary school and secondary school
9 education;

10 (ii) includes the significant contribu-
11 tions Native Americans have made to the
12 United States as leaders in their commu-
13 nities and States, and as scholars, sci-
14 entists, entrepreneurs, artists, authors, and
15 educators, and in other fields;

16 (iii) explains the unique government-
17 to-government relationship between the
18 Federal Government and Indian Tribes
19 and the trust and treaty-based responsibil-
20 ities owed to Native American peoples and
21 Indian Tribes;

22 (iv) includes the important role Native
23 American peoples have played in the his-
24 tory of the United States and through
25 present day;

1 (v) teaches the experiences of Native
2 American peoples in the United States
3 today and throughout history, including
4 the Federal Government's adoption of the
5 Indian Boarding School Policy, and similar
6 policies employed in the Territory of Ha-
7 waii, to strip American Indian, Alaska Na-
8 tive, and Native Hawaiian children of their
9 indigenous identities, language, and cul-
10 ture; and

11 (vi) includes other appropriate sub-
12 jects that will enable people to understand
13 and appreciate the histories, cultures, and
14 perspectives of Native American peoples
15 and how such histories, cultures, and per-
16 spectives have been and will continue to be
17 part of the fabric of the United States;

18 (C) make available for public comment the
19 base curriculum and make adjustments as ap-
20 propriate;

21 (D) engage in outreach promoting the
22 availability of the base curriculum to educators,
23 State educational agencies, local educational
24 agencies, Indian Tribes, Tribal organizations,
25 Native Hawaiian educational organizations, ed-

1 educator preparation programs, groups involved
2 with the provision of professional development
3 for educators, and other interested stake-
4 holders, which may include making materials
5 accessible, at no charge, to educators through
6 means and services that educators frequently
7 use to access educational materials;

8 (E) make the base curriculum and any up-
9 dates to the curriculum developed under this
10 paragraph publicly available, at no charge, on
11 the Museum’s website and through other
12 means;

13 (F) provide technical assistance to eligible
14 entities, State educational agencies, local edu-
15 cational agencies, Tribal educational agencies,
16 and educators;

17 (G) solicit public comment from Indian
18 Tribes, Tribal organizations, and organizations
19 representing the interests of Native American
20 peoples in the United States, including Native
21 Hawaiian educational organizations, local edu-
22 cational agencies, State educational agencies,
23 educators, or other entities utilizing the base
24 curriculum made freely available under sub-
25 paragraph (E) to assess the success of its im-

1 plementation and collect data used for reporting
2 to Congress under section 6;

3 (H) provide mechanisms to accept feed-
4 back and comment continuously, and make revi-
5 sions and updates to the base curriculum peri-
6 odically; and

7 (I) formally make revisions and updates to
8 the base curriculum based upon feedback and
9 comments under this paragraph, 1 and 2 years
10 after initial implementation and, as appropriate,
11 periodically thereafter.

12 (2) INCLUSION OF AVAILABLE MATERIALS.—In
13 developing the base curriculum under paragraph (1),
14 the Director of the Museum may use or incorporate
15 any educational material available through the Mu-
16 seum as of the date of enactment of this Act.

17 (3) COORDINATION.—The Director of the Insti-
18 tute of Museum and Library Services shall make
19 available any educational material or resources re-
20 quested by the Director of the Museum to develop
21 the base curriculum under paragraph (1).

22 (b) GRANTS AUTHORIZED.—

23 (1) IN GENERAL.—Upon completion of the ini-
24 tial development of the base curriculum under sub-

1 section (a)(1)(B), the Director of the Museum shall
2 award grants to eligible entities—

3 (A) to use the base curriculum to develop
4 and plan Native histories and cultures edu-
5 cation programs that are local and regionally
6 specific; and

7 (B) to implement such programs in ele-
8 mentary schools and secondary schools served
9 by the eligible entity.

10 (2) APPLICATIONS.—An eligible entity desiring
11 a grant under this subsection shall submit an appli-
12 cation to the Director of the Museum at such time,
13 in such manner, and based on such competitive cri-
14 teria as the Director of the Museum may require.
15 Each such application shall include the following:

16 (A) A description of the partnership and
17 coordination between all partner entities com-
18 prising the eligible entity, including any formal
19 agreements or memoranda of understanding.

20 (B) A description of any outreach con-
21 ducted beyond the eligible entity to Indian
22 Tribes, Tribal organizations, Native Hawaiian
23 educational organizations, Tribal educational
24 agencies, or local, regional, or otherwise rel-
25 evant stakeholders.

1 (C) A description of how any Indian Tribe,
2 Tribal organization, or Native Hawaiian edu-
3 cational organization included in the eligible en-
4 tity will be compensated for their efforts under
5 the grant.

6 (D) A description of the local and regional,
7 historical, and cultural materials that the eligi-
8 ble entity will seek to include in the educational
9 materials and Native histories and cultures edu-
10 cation program developed under the grant.

11 (E) A description of how such materials
12 will align with the challenging State academic
13 standards and assessments under paragraphs
14 (1) and (2) of section 1111(b) of the Elemen-
15 tary and Secondary Education Act of 1965 (20
16 U.S.C. 6311(b)).

17 (F) A description of how such materials
18 will align with a State's academic standards
19 and assessments related to social studies and
20 history or other relevant subject.

21 (G) A description of how the eligible entity
22 will meet the reporting requirements.

23 (3) USES OF FUNDS.—An eligible entity receiv-
24 ing a grant under this subsection shall use the grant

1 funds to develop, plan, and implement a Native his-
2 tories and cultures education program, including—

3 (A) developing local and regionally specific
4 Native histories and cultures education program
5 resources for use in conjunction with the base
6 curriculum;

7 (B) developing a plan for the implementa-
8 tion of a Native histories and cultures education
9 program that would be implemented in public
10 elementary schools and secondary schools
11 served by the eligible entity, including coordina-
12 tion with local educational agencies and teach-
13 ers;

14 (C) utilizing the base curriculum and de-
15 veloping additional curriculum to align with the
16 challenging State academic standards and as-
17 sessments under paragraphs (1) and (2) of sec-
18 tion 1111(b) of the Elementary and Secondary
19 Education Act of 1965 (20 U.S.C. 6311(b));

20 (D) planning, development, and coordina-
21 tion among all partner entities comprising the
22 eligible entity, for purposes of developing local
23 and regionally specific Native histories and cul-
24 tures education program resources, including
25 compensation for any Indian Tribe, Tribal orga-

1 nization, or Native Hawaiian educational orga-
2 nization within the eligible entity for these ac-
3 tivities;

4 (E) planning and coordination with other
5 relevant stakeholders, such as local and regional
6 Indian Tribes or Tribal organizations, Native
7 Hawaiian educational organizations, museums,
8 cultural centers, historical societies, institutions
9 of higher education, and curricula experts, for
10 the purpose of developing local and regionally
11 specific Native histories and cultures education
12 program resources;

13 (F) coordination with and outreach to stu-
14 dents, educators, parents, and organizations
15 representing Native American students, par-
16 ents, or families;

17 (G) providing professional development to
18 educators on the Native histories and cultures
19 education program, including the importance of
20 the program;

21 (H) implementing a Native histories and
22 cultures education program in public elemen-
23 tary schools and secondary schools in accord-
24 ance with the implementation plan developed
25 under subparagraph (B);

1 (I) coordination with undergraduate,
2 postbaccalaureate, or master's educator prepa-
3 ration programs, including training and out-
4 reach for educator candidates and school leader
5 candidates;

6 (J) providing outreach and broader com-
7 munity awareness on the initiative carried out
8 under this section; and

9 (K) making revisions and updates to the
10 Native histories and cultures education pro-
11 gram, as necessary based on the base cur-
12 rriculum revisions and updates under subsection
13 (a)(1)(I).

14 (c) SUPPLEMENT NOT SUPPLANT.—An eligible enti-
15 ty receiving a grant under subsection (b) shall use grant
16 funds to supplement, and not supplant, any funds that
17 would, in the absence of such grant funds, be made avail-
18 able from State and local sources for the activities de-
19 scribed in subsection (b).

20 **SEC. 6. REPORTING.**

21 (a) ANNUAL STATE REPORTS.—An eligible entity
22 that receives a grant under section 5 shall annually report
23 on the effectiveness of the Native histories and cultures
24 education program and activities carried out under the

1 grant to the Director of the Institute of Education
2 Sciences, which shall include, at a minimum, the following:

3 (1) The number of students served by grant ac-
4 tivities.

5 (2) The number of educators who participated
6 in professional development funded by grant activi-
7 ties.

8 (3) The number of educator preparation pro-
9 grams that provided training, and the number of ed-
10 ucator candidates and school leaders who received
11 training, funded by grant activities.

12 (4) The number of local educational agencies
13 utilizing the base curriculum or a Native histories
14 and cultures education program.

15 (5) A description of the performance indicators
16 and performance measures used to evaluate pro-
17 grams and activities with an emphasis on the aca-
18 demic and cultural needs of participating Native
19 American students, including performance indicators
20 and measures that—

21 (A) are able to track student success and
22 improvement over time;

23 (B) include State assessment results and
24 other indicators of student success and im-
25 provement, such as improved attendance during

1 the school day, improved classroom grades, im-
2 proved school climate and safety, and improved
3 school discipline disparities;

4 (C) for high school students, may include
5 indicators such as graduation rates, grade point
6 average, credits earned, postsecondary enroll-
7 ment, and career readiness; or

8 (D) reflect improved performance or stu-
9 dent success in other ways.

10 (6) Reporting on the effectiveness of the pro-
11 gram, including the results of the performance indi-
12 cators under paragraph (5), which shall include esti-
13 mated impact on the student outcomes of partici-
14 pating Native American students. Any performance
15 or enrollment data disaggregation shall be done in a
16 manner that protects the privacy of students. Such
17 performance and enrollment data shall not be
18 disaggregated in the case in which the number of
19 students in a group is insufficient to yield statis-
20 tically reliable information or the results would re-
21 veal personally identifiable information about an in-
22 dividual student.

23 (7) A report or narrative from the Indian
24 Tribe, Tribal organization, or Native Hawaiian edu-

1 educational organization that is a part of the eligible en-
 2 tity regarding—

3 (A) the estimated impact on students en-
 4 rolled in the Indian Tribe or served by the Trib-
 5 al organization or Native Hawaiian educational
 6 organization; and

7 (B) the estimated impact, if any, on stu-
 8 dents enrolled in the Indian Tribe or served by
 9 the Tribal organization or Native Hawaiian
 10 educational organization in terms of culturally
 11 relevant methods of determining value and suc-
 12 cess.

13 (8) Any feedback on the base curriculum devel-
 14 oped under section 5(a)(1)(B).

15 (b) INSTITUTE OF EDUCATION SCIENCES RE-
 16 PORTS.—

17 (1) IN GENERAL.—The Director of the Institute
 18 of Education Sciences shall prepare and make pub-
 19 licly available a biennial report containing—

20 (A) information on a national and state-
 21 wide basis, that shall not include the personally
 22 identifiable information of students, educators,
 23 or other individuals, from the reports submitted
 24 under subsection (a) and that may include
 25 other information determined appropriate by

1 the Director of the Institute of Education
2 Sciences;

3 (B) an evaluation of the effectiveness of
4 the Native histories and cultures education pro-
5 grams, including the impact on student per-
6 formance in general and student performance of
7 Native American students in particular from, or
8 informed by, the annual State reports described
9 in subsection (a); and

10 (C) any recommendations based on the
11 evaluation of the Native histories and cultures
12 education programs.

13 (2) REPORTS TO CONGRESS.—The Director of
14 the Institute of Education Sciences shall submit to
15 the Committee on Indian Affairs of the Senate, the
16 Committee on Health, Education, Labor, and Pen-
17 sions of the Senate, the Committee on Natural Re-
18 sources of the House of Representatives, and the
19 Committee on Education and the Workforce of the
20 House of Representatives, 1 year after the date of
21 enactment of this Act and every 5 years thereafter,
22 a report describing the impact of the program, as
23 determined by the metrics collected under subsection
24 (a).

1 (c) NATIONAL MUSEUM OF THE AMERICAN INDIAN
2 REPORTS.—The Director of the Museum shall submit to
3 the Committee on Indian Affairs of the Senate, the Com-
4 mittee on Health, Education, Labor, and Pensions of the
5 Senate, the Committee on Natural Resources of the House
6 of Representatives, and the Committee on Education and
7 the Workforce of the House of Representatives—

8 (1) not later than 6 months after the date of
9 enactment of this Act, a brief status report describ-
10 ing the activities carried out under section
11 5(a)(1)(A);

12 (2) not later than 18 months after the date of
13 enactment of this Act, a report on the base cur-
14 riculum developed under section 5 and a report on
15 the Director of the Museum’s development process
16 and plan for dissemination of the base curriculum;
17 and

18 (3) every 5 years thereafter, a report describing
19 efforts undertaken by the Director of the Museum to
20 revise and update the base curriculum as described
21 in section 5(a)(1)(I).

22 **SEC. 7. NATIONAL MUSEUM OF THE AMERICAN INDIAN**
23 **ACT.**

24 The National Museum of the American Indian Act
25 (20 U.S.C. 80q et seq.) is amended—

1 (1) in section 3(b)—

2 (A) in paragraph (3), by striking “and”
3 after the semicolon;

4 (B) in paragraph (4), by striking the pe-
5 riod at the end and inserting “; and”; and

6 (C) by adding at the end the following:

7 “(5) advance the study and awareness of Native
8 American histories and cultures by providing edu-
9 cational resources to educators and schools.”; and

10 (2) in section 6, by striking subsection (a)(1)
11 and inserting the following:

12 “(1) a Director who, subject to the policies of
13 the Board of Trustees, shall—

14 “(A) manage the National Museum; and

15 “(B) enter into grants with Indian Tribes,
16 Tribal organizations, Native Hawaiian edu-
17 cational organizations, State educational agen-
18 cies, and local educational agencies to further
19 the purposes described in section 4 of the Na-
20 tive Histories and Cultures Education Act of
21 2023 and carry out the responsibilities de-
22 scribed under such Act.”.

23 **SEC. 8. FUNDING.**

24 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
25 are authorized to be appropriated—

1 (1) \$1,000,000 for the Museum to carry out
2 the activities described in section 5(a) and to estab-
3 lish the administrative capabilities necessary to ad-
4 minister grants under section 5; and

5 (2) \$30,000,000 to award grants under section
6 5.

7 (b) DONATIONS, GIFTS, BEQUESTS, AND DEVICES OF
8 PROPERTY.—The Director of the Museum is authorized
9 to solicit, accept, hold, administer, invest, and use donated
10 funds and gifts, bequests, and devises of property, both
11 real and personal, to support the initiative under this Act.

○