

117TH CONGRESS
2D SESSION

S. 3835

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

MARCH 14, 2022

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 2022”.

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, authors, and in many
6 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 turally 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 Federal Government’s adoption of
15 the relocation, termination, and other discrimi-
16 natory and genocidal policies, including the In-
17 dian Boarding School Policy, and similar poli-
18 cies employed in the Territory of Hawaii, to
19 strip American Indian, Alaska Native, and Na-
20 tive Hawaiian children of their indigenous iden-
21 tities, language, and culture;

22 (C) the unique government-to-government
23 relationship between the Federal Government
24 and Indian Tribes; and

1 (D) the Federal Government’s treaty-based
 2 trust responsibilities to Native American peo-
 3 ples and Indian Tribes.

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

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

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

24 (C) may include 1 or more Tribal edu-
 25 cational agencies.

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

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

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

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

20 (7) NATIVE AMERICAN.—The term “Native
21 American” has the meaning given the term in sec-
22 tion 103 of the Native American Languages Act (25
23 U.S.C. 2902).

24 (8) NATIVE HAWAIIAN EDUCATION ORGANIZA-
25 TION.—The term “Native Hawaiian education orga-

nization” has the meaning given the term in section 6207 of the Native Hawaiian Education Act (20 U.S.C. 7517).

(9) NATIVE HISTORIES AND CULTURES.—The term “Native histories and cultures” means accurate, fact-based, and thorough information about the histories and cultures of Native American peoples prior to the first European contact, during the colonization of North America, and until the present date.

(10) NATIVE HISTORIES AND CULTURES EDUCATION PROGRAM.—The term “Native histories and cultures education program” means a program that—

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

(i) improve awareness and understanding of the experiences of Native American peoples and Native histories and cultures; and

(ii) describe and educate individuals on the structures of Indian Tribes as sovereign entities with separate executive, legislative, and judicial government structures;

1 (B) uses the base curriculum; and

2 (C) incorporates local and regionally ap-
 3 propriate information on the histories and cul-
 4 tures of Indian Tribes and Native American
 5 peoples in that area that is developed in con-
 6 sultation with such Indian Tribes and Native
 7 American peoples.

8 (11) PROFESSIONAL DEVELOPMENT.—The
 9 term “professional development” has the meaning
 10 given the term in section 8101 of the Elementary
 11 and Secondary Education Act of 1965 (20 U.S.C.
 12 7801).

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

17 (13) TRIBAL EDUCATIONAL AGENCY.—The
 18 term “Tribal educational agency” has the meaning
 19 given the term in section 6132(b)(3) of the Elemen-
 20 tary and Secondary Education Act of 1965 (20
 21 U.S.C. 7452).

22 (14) TRIBAL ORGANIZATION.—The term “Trib-
 23 al organization” means a tribal organization, as de-
 24 fined in section 4 of the Indian Self-Determination
 25 and Education Assistance Act (25 U.S.C. 5304).

1 **SEC. 4. PURPOSES.**

2 The purposes of this Act are to—

3 (1) expand the Museum’s educational efforts
4 and develop and make freely accessible base cur-
5 rriculum resources and materials that—

6 (A) have been developed after significant
7 consultation, engagement, and coordination
8 with Indian Tribes, Tribal organizations, and
9 stakeholders representing Native American peo-
10 ples and interests, including Native Hawaiian
11 education organizations; and

12 (B) are available for students, educators,
13 parents, and interested individuals and groups;

14 (2) support partnerships among States, Indian
15 Tribes, Tribal organizations, and Native Hawaiian
16 education organizations to develop additional edu-
17 cational resources and materials related to Native
18 histories and cultures that are local and regionally
19 specific; and

20 (3) provide opportunities for State educational
21 agencies to implement Native histories and cultures
22 education programs built around the base cur-
23 rriculum provided by the Museum with additional lo-
24 cally and regionally appropriate information.

1 **SEC. 5. NATIVE HISTORIES AND CULTURES EDUCATION**
2 **PROGRAM.**

3 (a) SOLICITATION OF FEEDBACK AND DEVELOP-
4 MENT OF BASE CURRICULUM FOR NATIVE HISTORIES
5 AND CULTURES.—

6 (1) IN GENERAL.—The Director of the Museum
7 shall—

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

12 (i) engage in robust and active con-
13 sultation with Indian Tribes and Tribal or-
14 ganizations; and

15 (ii) solicit comments from organiza-
16 tions representing the interests of Native
17 American peoples in the United States,
18 and any other relevant stakeholders, in-
19 cluding Native Hawaiian education organi-
20 zations;

21 (B) develop, not later than 1 year after the
22 end of the period described in subparagraph
23 (A), a base curriculum on Native histories and
24 cultures that—

1 (i) is appropriate for all grade levels
2 of elementary school and secondary school
3 education;

4 (ii) includes the significant contribu-
5 tions Native Americans have made to the
6 Nation as leaders in their communities and
7 States, and as scholars, scientists, entre-
8 preneurs, artists, authors, educators, and
9 in other fields;

10 (iii) explains the unique government-
11 to-government relationship between the
12 Federal Government and Indian Tribes
13 and the trust and treaty-based responsibil-
14 ities owed to Native American peoples and
15 Indian Tribes;

16 (iv) includes the important role Native
17 American peoples have played in the his-
18 tory of the United States and through
19 present day;

20 (v) teaches the experiences of Native
21 American peoples in the United States
22 today and throughout history, including
23 the Federal Government's adoption of the
24 Indian Boarding School Policy, and similar
25 policies employed in the Territory of Ha-

1 waii, to strip American Indian, Alaska Na-
 2 tive, and Native Hawaiian children of their
 3 indigenous identities, language, and cul-
 4 ture; and

5 (vi) includes other appropriate sub-
 6 jects that will enable people to understand
 7 and appreciate the histories, cultures, and
 8 perspectives of Native American peoples
 9 and how such histories, cultures, and per-
 10 spectives have and will continue to be part
 11 of the fabric of the United States;

12 (C) make available for public comment the
 13 base curriculum and make adjustments as ap-
 14 propriate;

15 (D) engage in outreach promoting the
 16 availability of the base curriculum to educators,
 17 State educational agencies, local educational
 18 agencies, Indian Tribes, Tribal organizations,
 19 Native Hawaiian education organizations, edu-
 20 cator preparation programs, groups involved
 21 with the provision of professional development
 22 for educators, and other interested stake-
 23 holders, which may include making materials
 24 accessible, at no charge, to educators through

1 means and services that educators frequently
2 use to access educational materials;

3 (E) make the base curriculum and any up-
4 dates to the curriculum developed under this
5 paragraph publicly available, at no charge, on
6 the Museum's website and through other
7 means;

8 (F) provide technical assistance to eligible
9 entities, State educational agencies, local edu-
10 cational agencies, Tribal educational agencies,
11 and educators;

12 (G) solicit public comment from Indian
13 Tribes, Tribal organizations, and organizations
14 representing the interests of Native American
15 peoples in the United States, including Native
16 Hawaiian education organizations, local edu-
17 cational agencies, State educational agencies,
18 educators, or other entities utilizing the base
19 curriculum made freely available under sub-
20 paragraph (E) to assess the success of its im-
21 plementation and collect data used for reporting
22 to Congress under section 6;

23 (H) provide mechanisms to accept feed-
24 back and comment continuously, and make revi-

1 sions and updates to the base curriculum peri-
2 odically; and

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

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

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

18 (b) GRANTS AUTHORIZED.—

19 (1) IN GENERAL.—Upon completion of the ini-
20 tial development of the base curriculum under sub-
21 section (a)(1)(B), the Director of the Museum shall
22 award grants to eligible entities—

23 (A) to use the base curriculum to develop
24 and plan Native histories and cultures edu-

1 cation programs that are locally and regionally
2 specific; and

3 (B) to implement such programs in ele-
4 mentary schools and secondary schools served
5 by the eligible entity.

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

12 (A) A description of the partnership and
13 coordination between all partner entities com-
14 prising the eligible entity, including any formal
15 agreements or memoranda of understanding.

16 (B) A description of any outreach con-
17 ducted beyond the eligible entity to Indian
18 Tribes, Tribal organizations, Native Hawaiian
19 education organizations, Tribal education orga-
20 nizations, or local, regional, or otherwise rel-
21 evant stakeholders.

22 (C) A description of how any Indian Tribe,
23 Tribal organization, or Native Hawaiian edu-
24 cation organization included in the eligible enti-

1 ty will be compensated for their efforts under
2 the grant.

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

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

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

18 (G) A description of how the eligible entity
19 will meet the reporting requirements.

20 (3) USES OF FUNDS.—An eligible entity receiv-
21 ing a grant under this subsection shall use the grant
22 funds to develop, plan, and implement a Native his-
23 tories and cultures education program, including—

24 (A) developing local and regionally specific
25 Native histories and cultures education program

resources for use in conjunction with the base curriculum;

(B) developing a plan for the implementation of a Native histories and cultures education program that would be implemented in public elementary schools and secondary schools served by the eligible entity, including coordination with local educational agencies and teachers;

(C) utilizing the base curriculum and developing additional curriculum to align with the challenging State academic standards and assessments under paragraphs (1) and (2) of section 1111(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b));

(D) planning, development, and coordination among all partner entities comprising the eligible entity, for purposes of developing local and regionally specific Native histories and cultures education program resources, including compensation for any Indian Tribe, Tribal organization, or Native Hawaiian education organization within the eligible entity for these activities;

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

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

14 (G) providing professional development to
15 educators on the Native histories and cultures
16 education program, including the importance of
17 the program;

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

23 (I) coordination with undergraduate,
24 postbaccalaureate, or master's educator prepa-
25 ration programs, including training and out-

1 reach for educator candidates and school leader
2 candidates;

3 (J) providing outreach and broader com-
4 munity awareness on the initiative carried out
5 under this section; and

6 (K) making revisions to the Native his-
7 tories and cultures education program, as nec-
8 essary based on the base curriculum revisions
9 under subsection (a)(1)(I).

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

16 **SEC. 6. REPORTING.**

17 (a) ANNUAL STATE REPORTS.—An eligible entity
18 that receives a grant under section 5 shall annually report
19 on the effectiveness of the Native histories and cultures
20 education program and activities carried out under the
21 grant to the Director of the Institute of Education
22 Sciences, which shall include, at a minimum the following:

23 (1) The number of students served by grant ac-
24 tivities.

1 (2) The number of educators who participated
2 in professional development funded by grant activi-
3 ties.

4 (3) The number of educator preparation pro-
5 grams that provided training, and the number of ed-
6 ucator candidates and school leaders who received
7 training funded by grant activities.

8 (4) The number of local educational agencies
9 utilizing the base curriculum or a Native histories
10 and cultures education program.

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

17 (A) are able to track student success and
18 improvement over time;

19 (B) include State assessment results and
20 other indicators of student success and im-
21 provement, such as improved attendance during
22 the school day, improved classroom grades, im-
23 proved school climate and safety, and improved
24 school discipline disparities;

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

5 (D) reflect improved performance or stu-
 6 dent success in other ways.

7 (6) Reporting on the effectiveness of the pro-
 8 gram, including the results of the performance indi-
 9 cators under paragraph (5), which shall include esti-
 10 mated impact on the student outcomes of partici-
 11 pating Native students. Any performance or enroll-
 12 ment data disaggregation shall be done in a manner
 13 that protects the privacy of students. Such perform-
 14 ance and enrollment data shall not be disaggregated
 15 in the case in which the number of students in a
 16 group is insufficient to yield statistically reliable in-
 17 formation or the results would reveal personally
 18 identifiable information about an individual student.

19 (7) A report or narrative from the Indian
 20 Tribe, Tribal organization, or Native Hawaiian edu-
 21 cation organization that is a part of the eligible enti-
 22 ty regarding—

23 (A) the estimated impact on students en-
 24 rolled in the Indian Tribe or served by the Trib-

al organization or Native Hawaiian education organization; and

(B) the estimated impact, if any, on students enrolled in the Indian Tribe or served by the Tribal organization or Native Hawaiian education organization in terms of culturally relevant methods of determining value and success.

(8) Any feedback on the base curriculum developed under section 5(a)(1)(B).

(b) INSTITUTE OF EDUCATION SCIENCES REPORT.—

(1) IN GENERAL.—The Director of the Institute of Education Sciences shall prepare and make publicly available a biennial report containing—

(A) information on a national and statewide basis, that shall not include the personally identifiable information of students, educators, or other individuals, from the reports submitted under subsection (a) and that may include other information determined appropriate by the Director of the Institute of Education Sciences;

(B) an evaluation of the effectiveness of the Native histories and cultures education programs, including the impact on student per-

1 formance in general and student performance of
2 Native American students in particular from, or
3 informed by, the annual State reports described
4 in subsection (a); and

5 (C) any recommendations based on the
6 evaluation of the Native histories and cultures
7 education programs.

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

19 (c) NATIONAL MUSEUM OF THE AMERICAN INDIAN
20 REPORT.—The Director of the Museum shall submit to
21 the Committee on Indian Affairs of the Senate, the Com-
22 mittee on Health, Education, Labor, and Pensions of the
23 Senate, the Committee on Natural Resources of the House
24 of Representatives, and the Committee on Education and
25 Labor of the House of Representatives—

1 (1) not later than 6 months after the date of
 2 enactment of this Act, a brief status report describ-
 3 ing the activities carried out under section
 4 5(a)(1)(A);

5 (2) not later than 18 months after the date of
 6 enactment of this Act, a report on the base cur-
 7 riculum developed under section 5 and a report on
 8 the Director of the Museum’s development process
 9 and plan for dissemination of the base curriculum;
 10 and

11 (3) every five years thereafter, a report describ-
 12 ing efforts undertaken by the Director of the Mu-
 13 seum to update the base curriculum as described in
 14 section 5(a)(1)(I).

15 **SEC. 7. NATIONAL MUSEUM OF THE AMERICAN INDIAN**
 16 **ACT.**

17 The National Museum of the American Indian Act
 18 (20 U.S.C. 80q et seq.) is amended—

19 (1) in section 3(b)—

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

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

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

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

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

6 “(1) a Director who, subject to the policies of
 7 the Board of Trustees—

8 “(A) shall manage the National Museum;
 9 and

10 “(B) enter into grants with Indian Tribes,
 11 Tribal organizations, Native Hawaiian edu-
 12 cation organizations, State educational agen-
 13 cies, and local educational agencies to further
 14 the purposes described in section 4 of the Na-
 15 tive Histories and Cultures Education Act of
 16 2022 and carry out the responsibilities de-
 17 scribed under such Act.”.

18 **SEC. 8. FUNDING.**

19 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
 20 are authorized to be appropriated—

21 (1) \$1,000,000 for the Museum to carry out
 22 the activities described in section 5(a) and to estab-
 23 lish the administrative capabilities necessary to ad-
 24 minister grants under section 5; and

1 (2) \$30,000,000 to award grants under section
2 5.

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

○