MORAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1188

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1188, a bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

S. 1189

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1236, a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 23

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

S. RES. 213

At the request of Mr. DEMINT, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Nevada (Mr. HELLER), the Senator from Tennessee (Mr. CORKER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 213, a resolution commending and expressing thanks to professionals of the intelligence community.

AMENDMENT NO. 499

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 499 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

AMENDMENT NO. 510

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 510 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, and Mr. INOUYE):

S. 1262. A bill to improve Indian education, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Native culture, language, and access for success in schools bill, Native CLASS.

As a former educator, I understand the critical role of education, not just to the life of a young person, but also to the future of a culture and a community. For too long, the Native people of this country have lived with a substandard education system that lacks cultural relevance and is burdened with administrative challenges and severe underfunding.

Three major reports by the Federal Government on Native education since 1928 have demonstrated little, if any, improvement in the education of Native people in the past 80 years. This ailing system has resulted in some of the worst education outcomes in the country. On average, in the States with the highest Native populations, the graduation rates for Native students are lower than the graduation rates for all other racial/ethnic groups, hovering well below 50 percent. We can no longer tolerate this, especially because our Federal Government has a unique trust

obligation to provide a quality education to its Native people.

Native languages and cultures are the roots of all Native peoples, and to oki, to cut those roots is to inherently harm the Native peoples. The comprehensive legislation I am introducing today puts forward a new vision of Native education, one that is grounded in culture, language, and local community control. The bill provides for many new access opportunities for tribes to be partners in their own education systems and paves the way for innovative language and culture-based instruction programs. Additionally, it provides much stronger accountability by agencies to native communities for the administration of their children's education. The provisions of this bill are the result of consultation and input with a wide range of American Indian, Alaska Native and Native Hawaiian stakeholders.

The introduction of this bill is only the beginning of a dialogue about this new vision of Native education. We will continue to work with our Native stakeholders to improve this bill and ensure that it builds strong roots and meets the unique needs of all our native students.

I thank Mr. JOHNSON and Mr. INOUYE for sponsoring this bill. I urge my other colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native Culture, Language, and Access for Success in Schools Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Subtitle A—Improving the Academic Achievement of the Disadvantaged

SEC. 111. IMPROVING THE EDUCATION OF STUDENTS.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1111—

(A) in subsection (a), by inserting ''representatives of Indian tribes located in the State,'' after ''other staff,'';

(B) in subsection (b)(8), by striking ''1112(c)(1)(D)'' and inserting ''1112(c)(1)(E)'';

(C) in subsection (c)—

(i) in paragraph (13), by striking ''and'';

(ii) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(15) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under the State's jurisdiction, in order to—

''(A) improve the coordination of activities under this Act;

''(B) meet the purpose of this title; and

''(C) meet the unique cultural, language, and educational needs of Indian students.''; and

(D) in subsection (m), by adding at the end the following:

''(4) If such school has been approved, in accordance with section 1116(g), for use of an alternative definition of adequate yearly progress, the school may adopt an appropriate assessment that—

''(A) is developed in consultation with, and with the approval of, the Secretary of the Interior; and

''(B) is consistent with the requirements of this section.'';

(2) in section 1112—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (F) through (Q) as subparagraphs (G) through (R), respectively; and

(ii) by inserting after subparagraph (E), the following:

''(F) a description of the procedure that the local educational agency will use to engage in timely, ongoing, and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency in the development of the local plan, in order to—

''(i) improve the coordination of activities under this Act;

''(ii) meet the purpose of this title; and

''(iii) meet the unique cultural, language, and educational needs of Indian students;'';

(B) in subsection (c)(1)—

(i) by redesignating subparagraphs (D) through (O) as subparagraphs (E) through (P), respectively; and

(ii) by inserting after subparagraph (C), the following:

''(D) engage in timely and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency;''; and

(C) in subsection (d)(1), by striking ''and other appropriate school personnel,'' and inserting ''other appropriate school personnel, representatives of Indian tribes located in the area served by the local educational agency,'';

(3) in section 1115(b)(2)(A), by inserting '', Indian children,'' after ''migrant children'';

(4) in section 1116—

(A) in subsection (b)(3)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the school,'' after ''school staff,'';

(ii) in clause (ix), by striking ''and'' after the semicolon;

(iii) in clause (x), by striking the period at the end; and

(iv) by adding at the end the following:

''(xi) provide an assurance that, if the school receives funds described in title VII, the school will continue to direct such funds to the activities described in title VII.'';

(B) in subsection (c)(7)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the local education agency,'' after ''school staff,'';

(ii) in clause (vii), by striking ''and'' after the semicolon;

(iii) in clause (viii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(ix) incorporate, as appropriate, activities that meet the unique cultural, language, and educational needs of Indian students eligible to be served under title VII of this Act.'';

(C) in subsection (g)(1)—

(i) in subparagraph (B)—

(I) by striking ''The tribal governing body or'' and inserting ''An Indian tribe,'';

(II) by inserting '', or consortium of such entities'' after ''Bureau of Indian Affairs'';

(III) by striking ''body or school board'' and inserting ''Indian tribe, school board, or consortium of such entities''; and

(IV) by inserting ''of the Interior'' after ''such alternative definition unless the Secretary'';

(ii) in subparagraph (C), by striking ''a tribal governing body or school board of a school funded by the Bureau of Indian Affairs'' and inserting ''an Indian tribe, school board of a school funded by the Bureau of Indian Affairs, or consortium of such entities''; and

(iii) by adding at the end the following:

''(D) DEEMED APPROVAL.—A proposed alternative definition of adequate yearly progress submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior issues the notification set forth in subparagraph (E) prior to the expiration of the 30-day period beginning on the date on which the Secretary of the Interior received the proposed alternative definition of adequate yearly progress.

''(E) NOTIFICATION.—If the Secretary of the Interior finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary of the Interior shall—

''(i) notify the entity or entities described in subparagraph (B) of the finding of noncompliance and, in such notification, shall—

''(I) cite the specific provisions in the application that are not in compliance;

''(II) provide an explanation of the basis of the non-compliance;

''(III) request additional information only as to the noncompliant provisions needed to make the proposal compliant;

''(IV) provide a description of the steps that the entity or entities need to take to make the application compliant; and

''(V) provide assistance to overcome the finding of noncompliance; and

''(ii) provide the entity or entities described in subparagraph (B) with the opportunity for a hearing, which shall be completed not more than 60 days after such entity or entities receive the notice of opportunity for a hearing, or at such later date as agreed to by the submitting entity or entities.

''(F) RESPONSE.—If the entity or entities described in subparagraph (B) resubmit the application in an effort to overcome the finding of noncompliance not more than 30 days after the date the notification was received, the Secretary of the Interior shall approve or disapprove the resubmitted application not more than 30 days after the resubmitted application is received, or not more than 30 days after the conclusion of a hearing, whichever is later. If the Secretary of the Interior fails to approve or disapprove the resubmitted application within such time period, the resubmitted application shall be deemed approved.

''(G) RESUBMISSION RESPONSE.—If the Secretary of the Interior finds the resubmitted application described in subparagraph (F) to be in noncompliance, the Secretary of the Interior shall issue a final determination that—

''(i) cites the specific provisions in the application that are not in compliance;

''(ii) provides a detailed explanation of the basis for the finding of noncompliance for each provision found to be noncompliant; and

''(iii) offers assistance to overcome the finding of noncompliance.

''(H) FAILURE TO RESPOND.—If the entity or entities described in subparagraph (B) do not respond to the notification of the Secretary of the Interior described in subparagraph (E) within a 30-day period after receipt of such notification, the application shall be deemed to be disapproved.'';

(5) by inserting after section 1116 the following:

''SEC. 1116A. INDIAN SCHOOL TURN AROUND PROGRAM.

''(a) PURPOSE.—The purpose of this section is to significantly improve outcomes for Indian students in persistently low-performing schools by—

''(1) enabling Indian tribes or tribal education agencies to turn around low-performing schools operated by a local educational agency on Indian lands;

''(2) building the capacity of tribes and tribal education agencies to improve student academic achievement in low-performing and persistently low-performing schools; and

''(3) supporting tribes and tribal education agencies in implementing school intervention models.

''(b) DEFINITIONS.—In this section:

''(1) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term in section 8013.

''(2) INDIAN SCHOOL.—The term 'Indian school' means any school located on Indian lands.

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Native village, Regional Corporation, or Village Corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) TRIBAL EDUCATION AGENCY.—The term 'tribal education agency' means the authorized governmental agency of a federally-recognized American Indian or Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members. A tribal education agency includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, and tribal administrative education entities.

''(c) IDENTIFICATION OF LOW PERFORMING INDIAN SCHOOLS.—

''(1) IN GENERAL.—Each State that receives funds under this part shall annually identify any Indian school operated by a local educational agency that—

''(A) is a school identified under section 1116(b); and

''(B)(i) in the case of an Indian school that is an elementary school, is in the lowest 5 percent of the State's public elementary schools;

''(ii) in the case of an Indian school that is a secondary school that does not award a high school diploma, is in the lowest 5 percent of the State's public secondary schools that do not award a high school diploma; or

''(iii) in the case of an Indian school that is a secondary school that does award a high school diploma—

''(I) is in the bottom 5 percent of the State's public secondary schools that award a high school diploma; or

''(II) has a graduation rate below 60 percent.

''(2) REPORT.—If a school is identified by a State under paragraph (1), the State shall notify the tribe on whose Indian lands any such school is located that the school has been identified as a low-performing school.

''(d) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to Indian tribes or tribal education agencies to enable such tribes or agencies to carry out the activities described in subsection (g).

''(2) DURATION.—

''(A) IN GENERAL.—A grant awarded under this section shall be for a period of 4 years.

''(B) RENEWAL.—The Secretary may renew a grant under this section for an additional 4-year period if the Indian tribe or tribal education agency demonstrates sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B).

''(e) APPLICATION.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall include—

''(A) an analysis of the school described under subsection (c)(1) that the Indian tribe or tribal education agency proposes to serve, and an appropriate intervention model for such school;

''(B) a budget, which shall demonstrate sufficient funds to implement fully and effectively the selected intervention model; and

''(C) a description of how the Indian tribe or tribal education agency will—

''(i) help develop a pipeline of teachers and leaders for the school;

''(ii) collect and report data;

''(iii) support effective extended learning time strategies; and

''(iv) build capacity in the tribe or tribal education agency for assisting schools described under subsection (c)(1).

''(2) ADDITIONAL APPLICATION REQUIREMENTS IF SUBGRANTS ARE AWARDED.—If an Indian tribe or tribal education agency proposes to issue subgrants, as described under subsection (g)(3), such tribe or agency shall include in the application, in addition to the requirements described under paragraph (1), the following:

''(A) A copy of the application form and instructions that the Indian tribe or tribal education agency will provide to potential recipients of subgrants.

''(B) A description of how the Indian tribe or tribal education agency will set priorities for awarding subgrants.

''(C) A description of how the Indian tribe or tribal education agency will monitor each entity that is awarded a subgrant.

''(f) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATION AGENCY RESPONSIBILITIES.—

''(1) IN GENERAL.—If an Indian tribe or tribal education agency receives a grant under this section for an Indian school that has been identified under subsection (c)(1), the Secretary shall notify the State in which the school is located, and the State educational agency and the local educational agency that serve such school shall—

''(A) maintain funding for the school at not less than the amount supplied in the academic year immediately preceding the academic year for which the grant under this section applies;

''(B) at the request of the Indian tribe or tribal education agency, enter into a cooperative agreement to authorize the Indian tribe or tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency on behalf of the school; and

''(C) authorize the Indian tribe or tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof, as necessary.

''(2) MAINTENANCE OF EFFORT REQUIREMENT.—If the maintenance of effort requirement described in paragraph (1)(A) is not met, the Secretary may withhold funding under title I from the State until such requirement is met.

''(3) DISAGREEMENT.—If an Indian tribe or tribal education agency and the State educational agency or local educational agency cannot reach an agreement, the tribe or tribal education agency may submit to the Secretary information that such tribe or agency deems relevant, and the Secretary may make a determination on the disputed issue.

''(g) USE OF FUNDS.—

''(1) SCHOOL INTERVENTION MODEL.—

''(A) IN GENERAL.—An Indian tribe or tribal education agency that receives a grant under this section shall use not less than 90 percent of the grant funds to implement a school intervention model described in subsection (i), either directly or through a turn around partner that is awarded a subgrant, in a school identified under subsection (c)(1).

''(B) USE OF FUNDS FOR COMPREHENSIVE SERVICES.—The Indian tribe or tribal education agency, in implementing any of the school intervention models described in subsection (i) in any school served under the grant—

''(i) shall identify and address issues that may contribute to low academic achievement in the schools identified under subsection (c)(1); and

''(ii) may use funds under this section to provide comprehensive services to address the issues described in subparagraph (A) and meet the full range of student needs.

''(2) SUBGRANTS.—An Indian tribe or tribal education agency that receives a grant under this section may award subgrants.

''(3) TRIBE OR TRIBAL EDUCATION AGENCY ACTIVITIES.—If an Indian tribe or tribal education agency that receives a grant under this section does not use all of the grant funds to carry out the activities described in paragraphs (1) through (3) in each school to be served under the grant, such tribe or tribal education agency shall use any remaining funds to—

''(A) provide technical assistance and other support, either directly or through the creation of a school turn around office or a turn around partner, to schools identified under subsection (c)(1), which may include—

''(i) the use of school quality review teams; or

''(ii) regular site visits to monitor the implementation of selected intervention models;

''(B) evaluate Indian tribe or tribal education agency implementation of school intervention models and other improvement activities;

''(C) use the results of the evaluations described in subparagraph (B) to improve Indian tribe or tribal education agency strategies for supporting, and providing flexibility for, targeted schools that are identified under subsection (c)(1);

''(D) develop pipelines of teachers and leaders that are trained to work in schools that are low-performing schools, such as the schools identified in subsection (c)(1);

''(E) collect and report data;

''(F) build capacity in the Indian tribe or tribal education agency for assisting schools identified under subsection (c)(1); or

''(G) carry out other activities designed to build Indian tribe or tribal education agency capacity to support school improvement.

''(h) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency receiving a grant under this section shall—

''(A) comply with the reporting and accountability requirements of this part for each school that such Indian tribe or tribal education agency serves; and

''(B) monitor and collect data about the students that such Indian tribe or tribal education agency serves at each school that is served by the grant program, including the following data:

''(i) Core academic indicators, such as—

''(I) the percentage of students at each school who are at or above the proficient level on State academic assessments in reading or language arts and mathematics;

''(II) student progress toward core academic benchmarks;

''(III) the average score for students in each school on State academic assessments in reading or language arts and mathematics;

''(IV) secondary school graduation rates; and

''(V) rates of student enrollment in an institution of higher education.

''(ii) Leading indicators, such as—

''(I) student attendance rates;

''(II) the number and percentage of students completing advanced coursework;

''(III) student participation in State assessments in reading or language arts and mathematics under section 1111(b)(3);

''(IV) school dropout rates;

''(V) discipline incident rates;

''(VI) teacher attendance rates;

''(VII) the distribution of teachers by performance level, based on the teacher evaluation system established by the Indian tribe or tribal education agency; and

''(VIII) reduction in the percentage of students in the lowest level of achievement on State assessments in reading or language arts and mathematics under section 1111.

''(2) REPORT.—Each Indian tribe or tribal education agency receiving a grant under this section shall prepare and submit a report to the Secretary, which shall include the data described in paragraph (1)(B).

''(i) SCHOOL INTERVENTION MODELS.—Each tribe or tribal education agency that receives a grant under this section may choose to implement 1 or more of the following school intervention models:

''(1) TRANSFORMATION MODEL.—A transformation model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) uses rigorous, transparent, and equitable evaluation systems to—

''(i) identify and reward school leaders, teachers, and other staff who, in implementing the model, increase student achievement and, if applicable, secondary school graduation rates; and

''(ii) identify and remove school leaders, teachers, and other staff who, after ample opportunities have been provided for such individuals to improve their professional practice—

''(I) do not increase student achievement;

''(II) if applicable, do not increase secondary school graduation rates; and

''(III) have not demonstrated effectiveness according to the tribe or tribal education agency's evaluation system;

''(C) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(D) implements strategies (such as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions) that are designed to recruit, place, and retain staff who have the skills necessary to meet the needs of students in the school;

''(E) uses data to identify and implement a research-based instruction program that—

''(i) is aligned with State or tribal challenging academic content standards and challenging student academic achievement standards under section 1111(b); and

''(ii) has been proven to raise student academic achievement by not less than 10 percent in 1 year;

''(F) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects; and

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities;

''(G) promotes the continuous use of student data to provide instruction that meets the academic needs of individual students, which may include, in elementary school, individual students' levels of school readiness;

''(H) provides ongoing mechanisms for family, community, and tribal involvement;

''(I) ensures that the school receives ongoing, intensive technical assistance and related support from the tribe or tribal education agency; and

''(J) provides appropriate social-emotional and community-oriented support services for students, and at the discretion of the tribe or tribal education agency, uses not more than 10 percent of the total grant funds for such services.

''(2) RESTART MODEL.—A restart model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) converts a school—

''(i) under a charter or school operator and charter management organization;

''(ii) under an education management organization; or

''(iii) as an autonomous or redesigned school;

''(B) implements a rigorous review process to select such a charter or school operator and charter management organization, or an education management organization, as applicable, which includes an assurance that such operator or organization will make significant changes in the leadership and staffing of the school; and

''(C) enrolls in the school any former student who wishes to attend the school and who is within the grades the school services.

''(3) TURNAROUND MODEL.—A turnaround model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) gives a new principal sufficient operational flexibility (including flexibility in staffing, the school day and school calendar, and budgeting) to fully implement a comprehensive approach to improve student outcomes;

''(C) uses a comprehensive evaluation system to evaluate staff, including the use of student achievement data to measure the effectiveness of staff;

''(D) screens all staff who are employed at the school as of the time when the turnaround model is implemented and retains not more than 50 percent of such staff;

''(E) requires the principal to justify personnel decisions (such as hiring, dismissal, and rewards) based on the results of the comprehensive evaluation system;

''(F) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(G) uses data to—

''(i) identify and implement a research-based instructional program;

''(ii) evaluate school improvement strategies; and

''(iii) inform differentiated instruction, in order to meet the academic needs of individual students;

''(H) encourages the use of extended learning time partnerships;

''(I) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects;

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities; or

''(v) teachers to collaborate, plan, and engage in professional development within and across grades and subjects;

''(J) provides ongoing mechanisms for family, community, and tribal involvement; and

''(K) provides appropriate social and emotional community-oriented support services for students.

''(j) INSUFFICIENT PROGRESS.—If an Indian tribe or tribal education agency fails to demonstrate sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B), such tribe or agency shall be required to—

''(1) modify the existing school intervention model; or

''(2) restart the school using the restart model described in subsection (i)(2).

''(k) RESERVATION OF FUNDS.—From the amount appropriated each fiscal year for grants to State educational agencies and local educational agencies for school improvement actions under this part, the Secretary shall reserve not less than 10 percent of such amount for grants under this section.''; and

(6) in section 1118—

(A) in subsection (a)(2)—

(i) in subparagraph (E) by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) with respect to an agency that serves Indian children, identify the barriers to effective involvement of the parents of such children; and''; and

(B) in subsection (e)—

(i) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(ii) by inserting after paragraph (5), the following:

''(6) in consultation with Indian tribes and parents of Indian children who are served by any school that is served by the agency, shall establish mechanisms to overcome barriers to effective Indian parental involvement, which may include—

''(A) providing literacy programs and use of technology training, as needed, for such parents at locations accessible to the homes of such parents;

''(B) providing or paying the reasonable costs of transportation and child care to enable such parents to participate in literacy programs, use of technology training, and school-related meetings;

''(C) providing training regarding the roles, rights and responsibilities of such parents, including information about culture-based education; and

''(D) contracting with an Indian tribe or tribal education agency to provide the services described in subparagraphs (A), (B) and (C);''.

SEC. 112. STANDARDS-BASED ASSESSMENTS.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

''(E) STANDARDS-BASED EDUCATION ASSESSMENTS.—Notwithstanding any other provision of this Act, a State shall develop standards-based education assessments and classroom lessons to accommodate diverse learning styles, which assessments may be used by the State in place of the general assessments described in subparagraph (A).''.

SEC. 113. NATIVE LANGUAGE TEACHING.

Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended by adding at the end the following:

''(m) QUALIFICATIONS FOR NATIVE LANGUAGE TEACHERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies and States with respect to highly qualified teachers, shall not apply to a teacher of a Native language.

''(2) ALTERNATIVE LICENSURE OR CERTIFICATION.—Each State educational agency receiving assistance under this part shall develop an alternative licensure or certification for teachers of a Native language.''.

SEC. 114. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401—

(A) in subsection (a)(3), by inserting ''and the involvement of their families and their communities.'' after ''their continued education''; and

(B) in subsection (b), by inserting ''subject to section 1402(c),'' after ''section 1002(d)'';

(2) in section 1402, by adding at the end the following:

''(c) RESERVATION FOR THE SECRETARY OF THE INTERIOR.—From the amount appropriated for this part for any fiscal year, the Secretary shall reserve 4 percent of such funds for the Secretary of the Interior to provide educational services for at-risk Indian children, including Indian youth in correctional facilities operated by the Secretary of the Interior or by an Indian tribe.'';

(3) in section 1414(c)—

(A) in paragraph (9), by inserting '', Indian tribes, tribal education agencies,'' after ''local educational agencies'';

(B) by redesignating paragraphs (12) through (19) as paragraphs (13) through (20), respectively;

(C) by inserting after paragraph (11), the following:

''(12) describe the procedure that the State agency will use to consult, on an ongoing basis, with Indian tribes in the State to determine the needs of Indian children and youth who are neglected, delinquent, or at-risk, including such children and youth in a correctional facility or institution;'';

(D) in paragraph (19), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (20), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(21) provides an assurance that the program under this subpart will utilize curriculum that is culturally appropriate, based on the demographics of the neglected or delinquent children and youth served by such program.'';

(4) in section 1416—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) includes an assurance that the State agency has consulted with Indian tribes in the State in the development of the comprehensive plan under this part.'';

(5) in section 1418—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) projects that facilitate the transition of children and youth from State-operated institutions, or institutions in the State operated by the Secretary of the Interior or Indian tribes, to schools served by local educational agencies or to schools funded by the Bureau of Indian Education; or'';

(B) in subsection (b), by inserting ''Indian tribes,'' after local educational agencies;

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following:

''(c) CONSULTATION WITH INDIAN TRIBES.—The State agency shall consult with Indian tribes in the State in the development of transition projects, and coordinate such State projects with transition and reentry projects operated by such tribes.'';

(6) in section 1419(2), by inserting ''and Indian tribal programs'' after ''State agency programs'';

(7) in section 1421—

(A) in the matter preceding paragraph (1), by inserting '', including correctional facilities in the State operated by the Secretary of the Interior or Indian tribes'' after ''locally operated correctional facilities''; and

(B) in paragraph (3), by inserting '', including schools funded by the Bureau of Indian Education,'' after ''local schools'';

(8) in section 1422—

(A) in subsection (a), by striking ''(including facilities involved in community day programs).'' and inserting ''(including facilities involved in community day programs and facilities in the State that are operated by the Secretary of the Interior or Indian tribes).''; and

(B) in subsection (d), by inserting '', schools funded by the Bureau of Indian Education,'' after ''returning to local educational agencies'';

(9) in section 1423—

(A) in paragraph (2)—

(i) in subsection (A), by inserting ''and, as appropriate, an Indian tribe in the State'' after ''program to be assisted''; and

(ii) in subsection (B), by inserting '', including such facilities operated by the Secretary of the Interior and Indian tribes'' after ''juvenile justice system'';

(B) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively;

(C) by inserting after paragraph (3) the following:

''(4) a description of the process for consultation and coordination with Indian tribes in the State regarding services provided under the program to Indian children and youth;'';

(D) in paragraph (13), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (14), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(15) a description of the demographics of the children and youth served and an assurance that the curricula and co-curricular activities will be culturally appropriate for such children and youth.'';

(10) in section 1424 (20 U.S.C. 6454)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) programs for at-risk Indian children and youth, including such individuals in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes.'';

(11) by redesignating subpart 3 as subpart 4;

(12) by redesignating sections 1431 and 1432 as sections 1441 and 1442, respectively;

(13) by inserting after subpart 2 the following:

''Subpart 3—Education Programs for Indian Children and Youth

''SEC. 1432. GRANTS TO INDIAN TRIBES.

''(a) PURPOSE.—The purpose of this section is to authorize an educational program to be known as the 'Indian Children and Youth At-Risk Education Program', which shall—

''(1) carry out high quality and culturally appropriate education programs to prepare Indian children and youth who are in correctional facilities (or enrolled in community day programs for neglected or delinquent children and youth) operated by the Secretary of the Interior or Indian tribes for secondary school completion, training, employment, or further education; and

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount reserved for the Secretary of the Interior under section 1402(c), and subject to paragraph (2), the Secretary of the Interior shall award grants, on a competitive basis, to Indian tribes with high numbers or percentages of children and youth in juvenile detention facilities that are operated by the Secretary of the Interior or Indian tribes in order to enable such Indian tribes to carry out the activities described in section 1434.

''(2) CONTRACT IN LIEU OF GRANT.—At the request of an Indian tribe, the Secretary of the Interior shall enter into a contract under the Indian Self-Determination and Education Assistance Act for operation of a program under this subpart in lieu of making a grant to such tribe.

''(3) NOTIFICATION.—The Secretary of the Interior shall notify Indian tribes of the availability of funding under this subpart.

''(c) TRIBAL APPLICATIONS.—Each Indian tribe desiring to receive a grant under this subpart shall submit an application to the Secretary of the Interior at such time, in such manner, and accompanied by such information as the Secretary of the Interior may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes;

''(D) alternative school programs serving Indian children and youth who are involved with the juvenile justice system; or

''(E) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how participating entities will coordinate with facilities working with delinquent Indian children and youth to ensure that such children and youth are participating in an education program comparable to the education program in the local school that such youth would otherwise attend.

''(4) A description of how the program will develop culturally appropriate academic curricula and co-curricular activities to supplement the educational program provided by a facility working with delinquent Indian children and youth.

''(5) A description of the program that the Indian tribe will carry out for Indian children and youth returning from correctional facilities.

''(6) As appropriate, a description of the types of services that such tribe will provide for such children and youth and other at-risk children and youth, either directly or in cooperation with local educational agencies and schools funded by the Bureau of Indian Education.

''(7) A description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(8) A description of how the tribe will coordinate the program with existing educational programs of local educational agencies and schools funded by the Bureau of Indian Education to meet the unique educational needs of Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(9) As appropriate, a description of how the program will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, including—

''(A) prenatal health care;

''(B) nutrition;

''(C) mental health and substance abuse services;

''(D) targeted reentry and outreach programs; and

''(E) referrals to community resources related to the health of the child or youth.

''(10) A description of partnerships with tribal, State, private or public organizations, or corporations to develop vocational training, curriculum-based youth entrepreneurship education, and mentoring services for participating students.

''(11) As appropriate, a description of how the program will involve parents in efforts to—

''(A) improve the educational achievement of their children;

''(B) assist in dropout prevention activities; and

''(C) prevent the involvement of their children in delinquent activities.

''(12) A description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs, such as programs under title I of Public Law 105-220 and vocational and technical education programs serving at-risk children and youth.

''(13) A description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevent Act of 1974 and other comparable programs, if applicable.

''(14) A description of the efforts participating schools will make to ensure that correctional facilities working with children and youth are aware of any existing individualized education programs for such children or youth.

''(15) As appropriate, a description of the steps participating schools will take to find alternative placements for children and youth who are interested in continuing their education but unable to participate in a regular school program.

''(16) As appropriate, a description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs serving at-risk children and youth.

''(17) As appropriate, a description of how the program will coordinate with probation officers to assist in meeting the needs of children and youth returning from correctional facilities.

''(d) USES OF FUNDS.—Funds provided to Indian tribes under this subpart may be used for the purposes described in section 1424.

''(e) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SUBPART.—Each correctional facility entering into an agreement with an Indian tribe under section 1432(2) to provide services to Indian children and youth under this subpart shall—

''(1) if feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly in the case of a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if a child or youth is identified as in need of special education services while in the correctional facility, notify such child's local school;

''(3) provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities, taking into consideration the unique needs of such children and youth;

''(6) ensure that education programs in the correctional facility aim to help students meet high academic achievement standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and participating program partners;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this subpart with other local, State, tribal, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220, and vocational and technical education funds;

''(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

''(11) work with local partners to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.

''(f) TECHNICAL ASSISTANCE.—At the request of an Indian tribe that receives assistance under this subpart, the Secretary of the Interior may, to the extent resources are available, provide technical assistance—

''(1) to improve the performance of a program funded under this subpart;

''(2) to recruit and retain qualified educational professionals to assist in the delivery of services under such program; and

''(3) to perform the program evaluations required by section 1441.

''SEC. 1433. EDUCATIONAL ALTERNATIVES TO DETENTION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to decrease the number of incarcerated Indian children and youth;

''(2) to decrease the rate of high school dropouts among Indian youth;

''(3) to provide educational alternatives to incarceration for at-risk Indian children and youth; and

''(4) to increase community and family involvement in the education of at-risk Indian children and youth.

''(b) ELIGIBLE ENTITIES.—In this section, the term eligible entity means—

''(1) an Indian tribe, tribal education agency, or tribal organization;

''(2) a Bureau-funded school, as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021);

''(3) a correctional facility, in consortium with a tribe, tribal education agency, or tribal organization; or

''(4) a State educational agency or local educational agency in consortium with a tribe, tribal education agency or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(c) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

''(2) CONTRACTS.—At the request of an Indian tribe, the Secretary shall transfer program funding to the Secretary of the Interior, who shall enter into a contract under the Indian Self-Determination and Education Assistance Act with the tribe for operation of a program under this section in lieu of making a grant to such tribe.

''(3) DURATION.—Grants awarded under this section shall be for a period of not less than 3 years and not more than 5 years.

''(d) AUTHORIZED ACTIVITIES.—Grant funds under this section shall be used for activities to provide educational alternatives for Indian youth who have been sentenced to incarceration or juvenile detention, in a manner consistent with the purposes of this section. Such activities may include—

''(1) half- or full-day alternative education programs for disruptive youth who are temporarily suspended;

''(2) school-based drug and substance abuse prevention programs;

''(3) truancy prevention programs;

''(4) multi-year alternative educational programs; and

''(5) home or community detention programs.

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes; or

''(D) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how the program will develop culturally appropriate academic curriculum and co-curricular activities.

''(4) As appropriate, a description of the types of services that the eligible entity will provide to at-risk Indian children, youth, and families.

''(5) As appropriate, a description of any partnerships with tribal, local, or State law enforcement or judicial systems to provide education alternatives to detention and wrap around services, which may include—

''(A) behavioral health services;

''(B) family counseling;

''(C) teen pregnancy counseling;

''(D) substance abuse services;

''(E) alcohol abuse services; or

''(F) job training.

''(6) As appropriate, a description of evaluation activities to develop educational plans for at-risk Indian children and youth who are transitioning back to a local educational agency or earning a secondary school diploma, or the recognized equivalent of a secondary school diploma.

''(f) EVALUATION.—Each eligible entity that receives a grant under this section shall—

''(1) evaluate the grant program, not less than once every 3 years, to determine the program's success, consistent with the purposes of this section; and

''(2) prepare and submit a report containing the information described in paragraph (1) to the Secretary, the Coordinating Council on Juvenile Justice and Delinquency Prevention, and Indian tribes.

''(g) DEFINITION.—The term ''tribal education agency'' means—

''(1) the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members; and

''(2) includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.'';

(14) in section 1441, as redesignated by paragraph (12)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall'' and inserting ''Each State agency, local educational agency, or Indian tribe that conducts a program evaluation under subpart 1, 2, or 3 shall''; and

(ii) in paragraph (3), by inserting ''or school funded by the Bureau of Indian Education'' after ''local educational agency'';

(B) in subsection (c), by striking ''a State agency or local educational agency'' and inserting ''a State agency, local educational agency, or Indian tribe''; and

(C) by striking subsection (d) and inserting the following:

''(d) EVALUATION RESULTS.—

''(1) IN GENERAL.—Each State agency, local educational agency, and Indian tribe shall—

''(A) submit evaluation results to the State educational agency and the Secretary; and

''(B) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''(2) INDIAN TRIBES.—Each Indian tribe shall also submit evaluation results to the Secretary of the Interior.

''(e) EVALUATION OF PROGRAMS FOR AT-RISK INDIAN YOUTH.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of the Native Culture, Language, and Access for Success in Schools Act, the Secretary and the Secretary of the Interior, in collaboration with the Attorney General, shall prepare a report that—

''(A) compiles demographic information about at-risk Indian youth, including Indian youth in correctional facilities operated by the Department of the Interior and Indian tribes;

''(B) evaluates existing educational programs for at-risk Indian youth; and

''(C) provides recommendations for improvement of such educational programs.

''(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary and the Secretary of the Interior shall submit the report described in paragraph (1) to the Health, Education, Labor and Pensions Committee and the Indian Affairs Committee of the Senate,

the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives, and to Indian tribes.'';

(15) in section 1442, as redesignated by paragraph (12), by inserting at the end the following:

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Alaska Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(16) in section 1903(b)(2)—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(H) representatives of Indian tribes located in the State.''.

Subtitle B—Preparing, Training, and Recruiting High Quality Teachers and Principals

SEC. 121. PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) in part A—

(A) by striking paragraph (3) of section 2102 (20 U.S.C. 6602) and inserting the following:

''(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means—

''(A) a local educational agency—

''(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(ii)(I) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(II) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing; or

''(B) a school funded by the Bureau of Indian Education.'';

(B) by striking clause (ii) of section 2111(b)(1)(A) (20 U.S.C. 6611(b)(1)(A)) and inserting the following:

''(ii) 5 percent for the Secretary of the Interior to be distributed to schools operated or funded by the Bureau of Indian Education, as provided in section 2123(c).'';

(C) in section 2113(c)(18) (20 U.S.C. 6613(c)(18))—

(i) in subparagraph (A) by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by inserting at the end the following:

''(C) provides access to clearinghouse information to schools in the State that are funded by the Bureau of Indian Education.'';

(D) in section 2122 (20 U.S.C. 6622)—

(i) in subsection (b)—

(I) in paragraph (2), by inserting '', including Indian students,'' after ''minority students''; and

(II) in paragraph (9)—

(aa) in subparagraph (C) by striking ''and'' after the semicolon;

(bb) in subparagraph (D) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(E) for teachers in schools that serve Indian children, become familiar with the Indian communities served by the local educational agency and incorporate culturally responsive teaching and learning strategies for Indian children into the educational program.''; and

(ii) in subsection (c), by inserting '', in the case of a local educational agency that serves an Indian tribal community, representatives of Indian tribes,'' after ''part A of title I'';

(E) in section 2123 (20 U.S.C. 6623)—

(i) in subsection (a)(3)—

(I) in subparagraph (B)—

(aa) in clause (ii), by inserting ''students from Indian reservation communities,'' after ''(including students who are gifted and talented),'';

(bb) in clause (iv), by striking ''limited English proficient and immigrant children; and'' and inserting ''children from Indian reservation communities, limited English proficient children, and immigrant children;''

(cc) in clause (v), by striking the period at the end and inserting ''; and''; and

(dd) by inserting at the end the following:

''(vi) in the case of a local educational agency that serves Indian children, provide training in effective incorporation of culturally responsive teaching and learning strategies for Indian children.''; and

(II) in subparagraph (D), by inserting ''Indian students,'' after ''disadvantaged families,''; and

(ii) by adding at the end the following:

''(c) BUREAU OF INDIAN EDUCATION SCHOOLS.—A school funded by the Bureau of Indian Education that receives funds reserved under section 2111(b)(1)(A)(ii) shall use such funds to carry out 1 or more of the activities described in subsection (a), and may use such funds to improve housing, as needed to recruit and retain highly-qualified teachers and principals.'';

(F) in section 2131(1) (20 U.S.C. 6631(1))—

(i) in subparagraph (A)(i) by inserting '', or a tribally controlled college or university (as defined in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801))'' after ''principals''; and

(ii) in subparagraph (B) by inserting ''an Indian tribe,'' after ''principal organization,'';

(G) by inserting after subpart 5, the following:

''Subpart 6—Indian Educator Scholarship Program

''SEC. 2161. INDIAN EDUCATOR SCHOLARSHIP PROGRAM.

''(a) GRANTS AUTHORIZED.—In order to carry out the United States trust responsibility for the education of Indian children, and to provide a more stable base of education professionals to serve in public elementary schools and secondary schools with a significant number of Indian students and schools funded by the Bureau of Indian Education, the Secretary shall make scholarship grants to Indians who are enrolled full- or part-time in appropriately accredited institutions of higher education and pursuing a course of study in elementary and secondary education or school administration. Such scholarships shall be designated Indian educator scholarships and shall be made in accordance with this section.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall determine the applicants who will receive scholarships under subsection (a).

''(2) CRITERIA.—In order to be eligible for participation in the Indian educator scholarship program, an individual must—

''(A) be an Indian, as defined in section 7151;

''(B) be accepted for enrollment, or be enrolled, as a full- or part-time student in a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education;

''(C) submit an application to participate in the Indian educator scholarship program at such time and in such manner as the Secretary shall determine; and

''(D) sign and submit to the Secretary at the time that such application is submitted, a written contract, as described in subsection (c).

''(c) CONTENTS OF CONTRACT.—

''(1) IN GENERAL.—The written contract between the Secretary and the individual, as described in subsection (b)(2)(D), shall contain the following:

''(A) A statement that the Secretary agrees to provide the individual with a scholarship, as described in subsection (d), in each school year or years for a period during which such individual is pursuing a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education.

''(B) A statement that the individual agrees—

''(i) to accept provision of the Indian educator scholarship;

''(ii) to maintain enrollment in such course of study until the individual completes the course of study;

''(iii) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Secretary, taking into account the requirements of the educational institution offering such course of study); and

''(iv) to serve through full-time employment at an eligible school for a time period (referred to in this section as the 'period of obligated service') equal to the greater of—

''(I) 1 year for the equivalent of each school year for which the individual was provided a scholarship under the Indian educator scholarship program; or

''(II) 2 years.

''(C) A statement of the damages to which the United States is entitled, under subsection (e), for the individual's breach of the contract.

''(D) Such other statement of the rights and liabilities of the Secretary and of the individual, in accordance with the provisions of this section.

''(2) PERIOD OF OBLIGATED SERVICE.—

''(A) ELIGIBLE SCHOOLS.—An individual shall meet the requirement for the period of obligated service under the written contract between the individual and the Secretary, as described in paragraph (1), if such individual is employed full-time—

''(i) in a school funded by the Bureau of Indian Education; or

''(ii) in a public school that serves a significant number of Indian students.

''(B) DEFERMENT FOR ADVANCED STUDY.—At the request of an individual who has entered into a contract described in this subsection and who has receive a baccalaureate degree in education, the Secretary shall defer the period of obligated service of such individual under such contract to enable such individual to complete a course of study leading to an advanced degree in education, or needed to become certified for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) A period of advanced study shall not be counted as satisfying any period of obligated service that is required under this section.

''(ii) The period of obligated service of the individual shall commence at the later of—

''(I) 90 days after the completion of the advanced course of study;

''(II) at the commencement of the first school year that begins after the completion of the advanced course of study; or

''(III) by a date specified by the Secretary.

''(C) PART-TIME STUDY.—In the case of an individual receiving a scholarship under this section who is enrolled part-time in an approved course of study—

''(i) a scholarship under this section shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(ii) the period of obligated service shall be equal to the greater of—

''(I) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship, as determined by the Secretary; or

''(II) 2 years; and

''(iii) the amount of the monthly stipend specified in subsection (d) shall be reduced pro rata, as determined by the Secretary, based on the number of hours of study in which such individual is enrolled.

''(d) SCHOLARSHIP.—

''(1) IN GENERAL.—A scholarship provided to a student under the Indian educator scholarship program for a school year shall consist of payment to, or in accordance with paragraph (2), on behalf of, the student in the amount of—

''(A) the tuition of the student for the school year or, for a part-time student, the tuition for the appropriate portion of the school year;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

''(C) a stipend of $800 per month (adjusted in accordance with paragraph (3)) for each of the 12 consecutive months beginning with the first month of such school year.

''(2) PAYMENT TO AN INSTITUTION OF HIGHER EDUCATION.—The Secretary may contract with an institution of higher education in which a participant in the Indian educator scholarship program is enrolled for the payment to such institution of the amounts of tuition and other reasonable educational expenses described in subparagraph (A) and (B) of paragraph (1). Payment to such institution may be made without regard to section 3324(a) and (b) of title 31.

''(3) STIPEND.—The amount of the monthly stipend described in paragraph (1)(C) shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 2011, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (under section 5303 of title 5) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

''(e) LIABILITY; FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE; REPAYMENT.—

''(1) LIABILITY.—An individual who has entered into a written contract with the Secretary under this section shall be liable to the United States for the amount which has been paid to, or on behalf of, such individual under the contract, if such individual—

''(A) fails to maintain an acceptable level of academic standing in the institution of higher education in which the individual is enrolled (as determined by the Secretary taking into account the requirements of the educational institution offering such course of study);

''(B) is dismissed from such institution of higher education for disciplinary reasons;

''(C) voluntarily terminates the training in such institution of higher education for which such individual is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the institution of higher education in which such individual is enrolled not to accept payment, under this section.

''(2) FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE.—

''(A) IN GENERAL.—Subject to paragraph (C), if for any reason not specified in paragraph (1), an individual breaches the written contract under this section by failing either to begin such individual's period of obligated service or failing to complete such obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the following formula:

$$A=3Z(t - s/t)$$

''in which—

''(i) 'A' is the amount the United States is entitled to recover;

''(ii) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

''(iii) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (c)(2) of this section; and

''(iv) 's' is the number of months of such period served by such individual in accordance with this section.

''(B) AMOUNTS NOT PAID.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1395ccc of title 42.

''(C) DELAY IN THE PERIOD OF OBLIGATED SERVICE.—An individual who has entered into a written contract with the Secretary under this section may petition the Secretary to delay the date on which the individual would otherwise be required to begin the period of obligated service if such individual has not succeeded in obtaining employment required by this section. In support of such petition, the individual shall supply such reasonable information as the Secretary may require. The Secretary shall retain full discretion whether to grant or decline such a delay and to determine the duration of any delay that is granted.

''(3) REPAYMENT.—

''(A) IN GENERAL.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(B) RECOVERY OF DAMAGES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once every 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.

''(4) DEATH.—Upon the death of an individual who receives, or has received, an Indian educator scholarship, any obligation of such individual for service or payment that relates to such scholarship shall be canceled.

''(5) WAIVER.—

''(A) REQUIRED WAIVER.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian educator scholarship, if the Secretary determines that—

''(i) it is not possible for the recipient to meet the obligation or make the payment;

''(ii) requiring the recipient to meet the obligation or make the payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) PERMISSIBLE WAIVER.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—

''(A) IN GENERAL.—Subject to subparagraph (B), and notwithstanding any other provision of law, with respect to a recipient of an Indian educator scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11.

''(B) EXCEPTION.—The prohibition described in subparagraph (A) shall not apply if—

''(i) such discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due; and

''(ii) the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''(f) PLACEMENT ASSISTANCE.—The Secretary shall assist the recipient of an Indian educator scholarship in learning about placement opportunities in eligible schools by transmitting the name and educational credentials of such recipient to—

''(1) State educational agency clearinghouses for recruitment and placement of kindergarten, elementary school, and secondary school teachers and administrators in States with a substantial number of Indian children;

''(2) elementary schools and secondary schools funded by the Bureau of Indian Education; and

''(3) tribal education agencies (as defined in section 1116A(b)).

''(g) OTHER PROVISIONS.—Notwithstanding any other provision of this title, sections 2101, 2102, 2103, and subparts 1 through 5 of this part shall not apply to a grant or scholarship awarded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2012, and each of the 5 succeeding fiscal years.''.

(2) in part B, by striking subparagraph (B) of section 2202(a)(2) (20 U.S.C. 6662(a)(2)) and inserting the following:

''(B) ALLOTMENT.—From the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i), the Secretary shall allot—

''(i) one-half of one percent to the Secretary of the Interior for grants involving schools funded by the Bureau of Education; and

''(ii) the amount remaining after funds are distributed in accordance with clause (i), to the State educational agencies in proportion to the number of children aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.''; and

(3) in part C—

(A) in section 2302(b)(2) by striking ''or public charter schools'' and inserting '', public charter schools, or schools funded by the Bureau of Indian Education'';

(B) in section 2304—

(i) in subsection (a)(1)(B), by inserting ''or with a school funded by the Bureau of Indian Education,'' after section ''2101''; and

(ii) in subsection (d)(3), in the matter preceding subparagraph (A), by striking ''or public charter school'' and inserting ''public charter school, or school funded by the Bureau of Indian Education''.

Subtitle C—Native American Languages Programs

SEC. 131. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

Subpart 1 of part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6821 et seq.) is amended by adding at the end the following:

''SEC. 3117. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the academic achievement of American Indian and Alaska Native students through Native American languages programs; and

''(2) to foster the acquisition of Native American languages.

''(b) DEFINITIONS.—In this section:

''(1) AVERAGE.—The term 'average', when used with respect to the number of hours of instruction through the use of a Native American language, means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an Indian tribe;

''(C) an Indian organization;

''(D) a federally supported elementary school or secondary school for Indian children;

''(E) an Indian institution (including an Indian institution of higher education); or

''(F) a consortium of any of the entities described in subparagraphs (A) through (E).

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out the activities described in this section.

''(2) DURATION.—

''(A) IN GENERAL.—The Secretary shall award grants under this section on a multiyear basis for a duration of not less than 4 years.

''(B) RENEWAL.—Grants awarded under this section may be renewed.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, in addition to the information required in this section.

''(2) CONTENTS.—An application submitted under paragraph (1) shall include a certification from the eligible entity that the entity has not less than 3 years of experience in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

''(e) USES OF GRANT FUNDS.—

''(1) REQUIRED USES.—An eligible entity that receives a grant under this section shall use the grant funds for the following activities:

''(A) Native American language programs, which are site-based educational programs that—

''(i) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours;

''(ii) provide for the involvement of parents (or legal guardians) of students participating in such a program;

''(iii) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

''(iv) provide for teacher training; and

''(v) work toward a goal of all students participating in such a program achieving—

''(I) fluency in a Native American language; and

''(II) academic proficiency in mathematics, English, reading (or language arts), and science.

''(B) Native American language restoration programs, which are educational programs that—

''(i) provide instruction in at least 1 Native American language;

''(ii) provide training programs for teachers of Native American languages;

''(iii) develop instructional materials for the programs; and

''(iv) work toward a goal of increasing proficiency and fluency for participating students in at least 1 Native American language.

''(2) PERMISSIBLE USES.—An eligible entity that receives a grant under this section may use the grant funds for—

''(A) Native American language and culture camps;

''(B) Native American language programs provided in coordination and cooperation with educational entities;

''(C) Native American language programs provided in coordination and cooperation with local institutions of higher education;

''(D) Native American language programs that use a master-apprentice model of learning languages;

''(E) Native American language programs provided through a regional program to better serve geographically dispersed students;

''(F) Native American language teacher training programs, such as training programs in Native American language translation for fluent speakers, training programs for Native American language teachers, training programs for teachers in schools to utilize Native American language materials, tools, and interactive media to teach a Native American language; and

''(G) the development of Native American language materials, such as books, audio and visual tools, and interactive media programs.

''(f) ASSURANCE.—A eligible entity awarded a grant under this section shall provide an assurance that each instructor of a Native American language under a program supported with grant funds under this section is certified to teach such language by the Indian tribe whose language will be taught.

''(g) EVALUATION.—After the completion of the fourth year of a grant awarded under this section, the Secretary shall—

''(1) carry out a comprehensive evaluation of the programs carried out by the grantee with grant funds; and

''(2) provide a report on the evaluation to the grantee, the tribe or tribes whose children are served by the program, and parents of the children served.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 132. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

''Subpart 5—State and Tribal Education Agency Agreements

''SEC. 3151. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

''(a) PURPOSE.—The purpose of this section is to facilitate efforts by tribal education agencies and State educational agencies to partner with each other in order to—

''(1) improve the academic achievement of Indian children and youth who reside on reservations and tribal lands; and

''(2) promote tribal self-determination in education.

''(b) DEFINITION.—The term 'tribal education agency' means an agency or administrative unit of an Indian tribe that is authorized by the tribe to have primary responsibility for regulating, administering, or supervising early learning or elementary and secondary education on reservations or tribal lands.

''(c) AUTHORITY FOR ELIGIBLE TRIBAL EDUCATION AGENCIES.—

''(1) IN GENERAL.—In order to receive the authority and funds authorized under paragraph (3), an eligible tribal education agency shall enter into an agreement, subject to approval by the Secretary, with the appropriate State educational agency to assume the State educational agency's responsibility for carrying out activities specified in the agreement under 1 or more of the programs identified in paragraph (3)(B)(ii) on the eligible tribal education agency's reservation or tribal lands.

''(2) ELIGIBILITY.—In order for a tribal education agency to receive the authority or funds described in paragraph (3), pursuant to an agreement with the State educational agency—

''(A) the eligible tribal education agency's tribe must have a reservation or tribal lands (which may be an Alaska Native village), as recognized under Federal or State law, on which 1 or more publicly administered schools are operating under State law; and

''(B) not less than 50 percent of the students enrolled in each such school must be Indians.

''(3) ELIGIBLE TRIBAL EDUCATION AGENCY WITH AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has an approved agreement in place, as described in paragraph (1), the Secretary shall, consistent with the agreement—

''(A) treat the eligible tribal education agency as a State educational agency for the purposes of—

''(i) carrying out on the reservation or tribal lands, the activities specified in the agreement under 1 or more of the programs listed in subparagraph (B)(ii); and

''(ii) section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(B) provide, or have the State educational agency provide, to the eligible tribal education agency a proportion of the funds that are available to—

''(i) carry out State-level activities; and

''(ii) as applicable, award subgrants under 1 or more of the following programs, as provided for in the agreement:

''(I) State grants under part A of title I.

''(II) Grants under this Act that support school turnaround efforts.

''(III) Grants under this Act for the purpose of assessing achievement.

''(IV) The teacher and principal training and recruiting fund under part A of title II.

''(V) Grants under the English Language Acquisition, Language Enhancement, and Academic Achievement Act under part A of title III.

''(VI) The education of migratory children program under part C of title I.

''(VII) Grants provided for the education of homeless children and youth.

''(VIII) Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk under part D of title I.

''(IX) Programs under this Act for rural and low-income schools.

''(4) ELIGIBLE TRIBAL EDUCATION AGENCY WITHOUT AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has not yet entered into an agreement, as described in paragraph (1), the Secretary may provide technical assistance to the eligible tribal education agency in order to facilitate such an agreement.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible tribal education agency that desires to receive the authority or funds described in paragraph (c)(3), pursuant to an agreement with a State educational agency, shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(2) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS AN AGREEMENT.—An application from an eligible tribal education agency that has an agreement in place with the State educational agency and is seeking the Secretary's approval of such agreement, in order to gain the authority and funds described under subsection (c)(3), shall—

''(A) describe the eligible tribal education agency's current role and responsibilities on the reservation or tribal lands; and

''(B) provide a copy of the agreement described under subsection (c)(1), which shall, at a minimum—

''(i) identify each program listed in subsection (c)(3)(B)(ii) for which the applicant will assume some or all of the State-level responsibility on the reservation or tribal lands under the agreement;

''(ii) describe the State-level activities that the tribal education agency will carry out under such program, and the division of roles and responsibilities between the tribal education agency and the State educational agency in carrying out such activities, including, if applicable, any division of responsibility for awarding subgrants to local educational agencies;

''(iii) identify the administrative and fiscal resources that the applicant will have available to carry out such activities; and

''(iv) provide evidence of any other collaboration with the State educational agency in administering State-level activities for the programs listed in subsection (c)(3)(B)(ii).

''(3) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS NOT YET ENTERED INTO AN AGREEMENT WITH A STATE EDUCATIONAL AGENCY.—An application from an eligible tribal education agency that has not yet entered into an agreement with a State educational agency, as described under subsection (c)(1), shall include a description of—

''(A) the program authority that the eligible tribal education agency would like to obtain and the State-level activities that the eligible tribal education agency would like to carry out;

''(B) the eligible tribal education agency's role and responsibilities on the reservation or tribal lands and administrative and fiscal capability and resources at the time of the application; and

''(C) the proposed process and time period for entering into the agreement described under subsection (c)(1).

''(e) SPECIAL RULE.—If the tribal education agency and State educational agency are unable to reach an agreement that the Secretary approves, the Secretary may, at the request of either agency and for a reasonable period, use all or a portion of the State's administrative funds for the program listed in subsection (c)(3)(B)(ii) for which an application is made, in order to facilitate an agreement (such as through alternative dispute resolution).

''(f) REVIEW AND REPORTING.—

''(1) REVIEW.—The Secretary shall require an eligible tribal education agency and a State educational agency that have an approved agreement to—

''(A) periodically review the agreement; and

''(B) if appropriate, revise the agreement and submit the revised agreement to the Secretary for approval.

''(2) REPORT.—An eligible tribal education agency and a State educational agency that have an approved agreement shall report to the Secretary every 2 years about the effectiveness of the agreement.''.

Subtitle D—21st Century Schools

SEC. 141. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

''From funds made available to carry out this subpart, the Secretary shall—

''(1) establish a program to improve school environments and student skill development for healthy choices for Native American students, including—

''(A) prevention regarding—

''(i) alcohol and drug misuse;

''(ii) suicide;

''(iii) violence;

''(iv) pregnancy; and

''(v) obesity;

''(B) nutritious eating programs; and

''(C) anger and conflict management programs;

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

''(3) collaborate with the Secretary of Agriculture to establish tribal-school specific school gardens and nutrition programs that are within the tribal cultural context.''.

Subtitle E—Indian, Native Hawaiian, and Alaska Native Education

SEC. 151. PURPOSE.

Section 7102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7402) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska native students by meeting their unique cultural, language, and educational needs.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) strengthening American Indian and Alaska Native students' knowledge of their languages, history, traditions, and cultures;''.

SEC. 152. PURPOSE OF FORMULA GRANTS.

Section 7111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421) is amended to read as follows:

''SEC. 7111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies to develop elementary school and secondary school programs for Indian students that are designed to meet the unique cultural, language and educational needs of such students.''.

SEC. 153. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

Section 7112 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7422) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) GRANT AWARDS.—The Secretary''; and

(B) by adding at the end the following:

''(2) CONSORTIA.—

''(A) IN GENERAL.—Two or more local educational agencies may form a consortium to apply for and carry out a program under this subpart, as long as each local educational agency participating in the consortium—

''(i) provides an assurance to the Secretary that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

''(ii) shall be subject to all requirements, assurances, and obligations applicable to local educational agencies under this subpart.

''(B) APPLICABILITY.—The Secretary shall treat each consortium described in subparagraph (A) as if such consortium were a local educational agency for purposes of this subpart.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) ENROLLMENT REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(i) was at least 10; or

''(ii) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(B) SPECIAL RULE.—Notwithstanding any other provision of this Act, in any case where an Indian tribe that represents a plurality of the eligible Indian children who are served by a local educational agency eligible for a grant under this subpart requests that the local educational agency enter into a cooperative agreement with such tribe to assist in the planning and operation of the program funded by such grant, the local educational agency shall enter into such an agreement as a condition for receiving funds under this subpart.''; and

(B) in paragraph (2), by striking ''a reservation'' and inserting ''an Indian reservation'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such grant, an'' and inserting the following: ''such grant—

''(A) an Indian tribe that represents a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant; or

''(B) a consortium of Indian tribes representing a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant.''; and

(B) in paragraph (2)—

(i) by inserting ''or consortium of Indian tribes'' after ''each Indian tribe'';

(ii) by inserting ''or such consortium'' after ''such Indian tribe''; and

(iii) by inserting ''or consortium'' after ''any such tribe''; and

(4) by adding at the end the following:

''(d) INDIAN COMMITTEE.—If neither a local educational agency pursuant to subsection (b), nor an Indian tribe or consortium of Indian tribes pursuant to subsection (c), applies for a grant under this subpart, a committee of Indian individuals in the community of the local educational agency may apply for such grant and the Secretary shall apply the special rule in subsection (c)(2) to such committee in the same manner as such rule applies to an Indian tribe or consortium of Indian tribes.''.

SEC. 154. AMOUNT OF GRANTS.

Section 7113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7423) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$3,000'' and inserting ''$10,000'';

(B) in paragraph (2)—

(i) by inserting ''and Indian tribes'' after ''Local educational agencies''; and

(ii) by inserting ''and operating programs'' after ''obtaining grants''; and

(C) by striking ''$4,000'' and inserting ''$15,000''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''AFFAIRS'' and inserting ''EDUCATION''; and

(B) in paragraph (1)(A)(i), by striking ''Affairs'' and inserting ''Education''.

SEC. 155. APPLICATIONS.

Section 7114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''is consistent with the State and local'' and inserts ''supports the State, tribal, and local''; and

(ii) in subparagraph (B), by striking '', that are'' and all that follows through ''all children''; and

(B) in paragraph (3), by striking '', especially programs carried out under title I,'';

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by adding at the end the following:

''(C) the parents of Indian children and representatives of Indian tribes on the committee described in subsection (c)(5) will participate in the planning of the professional development materials; and''; and

(D) in paragraph (6)(B)—

(i) in clause (i), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(iii) each Indian tribe whose children are served by the local educational agency; and'';

(2) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(B) by inserting after paragraph (1) the following:

''(2) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart;'';

(C) in paragraph (3) (as redesignated by subparagraph (1))—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the follow

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(D) in paragraph (4)(C) (as redesignated by paragraph (1)), by striking ''and teachers,'' and inserting ''teachers, and representatives of Indian tribes with reservations located within 50 miles of any of the schools (if any such tribe has children in any such school)'';

(E) in paragraph (5)—

(i) in subparagraph (A)—

(I) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(II) by inserting after clause (i) the following:

''(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools, if any such tribe has children in any such school;'';

(ii) in subparagraph (B), by inserting ''and representatives of Indian tribes described in subparagraph (A)(ii), if applicable'' before the semicolon at the end; and

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''and'' after the semicolon; and

(II) by adding at the end the following:

''(iii) determined that the program will directly enhance the educational experience of American Indian and Alaska Native students; and''; and

(3) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for grants, and shall undertake appropriate outreach activities to encourage and assist such entities to submit applications.''.

SEC. 156. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (11) as paragraphs (2) through (12), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the activities that support Native American language programs and Native American language restoration programs, such as those programs described in section 7123;'';

(C) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''and directly support the attainment of challenging State academic content and student academic achievement standards'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''that meet the needs of Indian children and their families'' and inserting '', including programs that promote parental involvement in school activities and promote parental involvement to increase student achievement, in order to meet the unique needs of Indian children and their families;''

(E) in paragraph (6) (as redesignated by subparagraph (A));

(F) in paragraph (10) (as redesignated by subparagraph (A)), by striking '', consistent with State standards''; and

(G) in paragraph (12) (as redesignated by subparagraph (A)), by striking '', and incorporate appropriately qualified tribal elders and seniors''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and'' after the semicolon; and

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.''.

SEC. 157. STUDENT ELIGIBILITY FORMS.

Section 7117(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7427(e)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) RECORDS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and the local educational agency and Secretary shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.''.

SEC. 158. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421 et seq.) is further amended by adding at the end the following:

''SEC. 7120. TECHNICAL ASSISTANCE.

''The Secretary shall, directly or through a contract, provide technical assistance to a local educational agency upon request (in addition to any technical assistance available under any other provision of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

''(1) the development of applications under this subpart;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart; and

''(3) integration of activities under this title with other educational activities established by the local educational agency.''.

SEC. 159. AMENDMENTS RELATING TO TRIBAL COLLEGES AND UNIVERSITIES.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended—

(1) in section 7121(b), by striking ''Indian institution (including an Indian institution of higher education)'' and inserting ''Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965''; and

(2) in section 7122—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965;''; and

(ii) in paragraph (4), by striking the period and inserting '', in consortium with not less than 1 Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965.''; and

(B) in subsection (f)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting after ''the Secretary—'' the following:

''(1) shall give priority to tribally-chartered institutions of higher education;'';

(iii) in paragraph (2), as redesignated, by striking ''shall'' and inserting ''may''; and

(iv) in paragraph (3), as redesignated, by striking ''basis of—'' and all that follows through ''grants'' and inserting ''basis of the length of any period during which the eligible entity has received a grant or grants''.

SEC. 160. TRIBAL EDUCATIONAL AGENCY COOPERATIVE AGREEMENTS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

"SEC. 7123. TRIBAL EDUCATION AGENCY COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, an Indian tribe may enter into a cooperative agreement with a State educational agency or a local education agency that serves a school within the Indian lands of such Indian tribe.

''(b) COOPERATIVE AGREEMENT.—Upon the request of an Indian tribe that includes, within the Indian lands of the tribe, a school served by a State educational agency or a local educational agency that receives assistance under this Act, the State educational agency or local educational agency shall enter into a cooperative agreement with the Indian tribe with respect to such school. The Indian tribe and the State educational agency or local educational agency, as the case may be, shall determine the terms of the agreement, and the agreement may—

''(1) authorize the tribal education agency of the Indian tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or local educational agency; and

''(2) authorize the tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary.

''(c) DISAGREEMENT.—If an Indian tribe has requested a cooperative agreement under subsection (b) with a State educational agency or local educational agency that receives assistance under this Act, and the Indian tribe and State educational agency or local educational agency cannot reach an agreement, the Indian tribe may submit to the Secretary the information that the Secretary determines relevant to make a determination. The Secretary shall provide notice the affected State educational agency or local educational agency not later than 30 days after receiving the Indian tribe's submission. After such notice is made, the State educational agency or local educational agency has 30 days to submit information that the Secretary determines relevant in relation to the disagreement. After the 30 days provided to the State educational agency or local educational agency has elapsed, the Secretary shall make a determination.

''(d) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project cooperative agreement by the participating Indian tribes of an intertribal consortium.

''(e) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

SEC. 161. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

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

"SEC. 7124. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

''(a) PURPOSE.—There is established a pilot project to be known as the 'Tribal Education Agency Pilot Project' that authorizes not more than 5 qualifying Indian tribes per year to be eligible to receive grants with the Secretary to administer State educational agency functions authorized under this Act for schools that meet the eligibility criteria described in subsection (e). These functions include all grants, including grants allocated through formulas and discretionary grants allocated on a competitive basis, that are awarded under this Act.

''(b) PLANNING PHASE.—

''(1) IN GENERAL.—Each Indian tribe seeking to participate in the Tribal Education Agencies Pilot Project shall complete a planning phase. The planning phase shall include—

''(A) the development of an education plan for the schools that meet the eligibility criteria described in subsection (e) and that will be served under the pilot project; and

''(B) demonstrated coordination and collaboration partnerships, including cooperative agreements with each local educational agency that serves a school meeting the criteria described in subsection (e).

''(2) EXEMPTION.—The Secretary may waive the planning phase, upon the application of an Indian tribe, if the Indian tribe has—

''(A) been operating a tribal education agency successfully for 2 or more years; and

''(B) can demonstrate compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(c) FUNDING AGREEMENT.—After an Indian tribe has successfully completed the planning phase, the Secretary shall award a grant and enter into a funding agreement to the Indian tribe to enable the tribal education agency of the tribe to administer all State educational agency functions described in subsection (a) for the schools that meet the eligibility criteria described in subsection (e). Each funding agreement shall—

''(1) identify the programs, services, functions, and activities that the tribal education agency will be administering for such schools;

''(2) determine the amount of funds to be provided to the Indian tribe by the allocations or grant amounts that would otherwise be provided to the State educational agency, as appropriate; and

''(3) ensure that the Secretary provides such funds directly to the tribe to administer such programs.

''(d) ELIGIBILITY.—In order to serve a school through a funding agreement under this section, the Indian tribe shall demonstrate—

''(1) that the school meets 1 or more of the following criteria:

''(A) The school is funded by the Bureau of Indian Affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

''(B) The school receives payments under title VII because of students living on Indian land.

''(C) The school is located on Indian land.

''(D) A majority of the students in the school are American Indian or Alaska Native; and

''(2) that the Indian tribe—

''(A) has the capacity to administer the functions for which the tribe applies for such school, including compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code; and

''(B) satisfies such other factors that the Secretary deems appropriate.

''(e) GEOGRAPHICAL DIVERSITY.—In awarding grants under this section, the Secretary shall ensure that grants are provided and grant amounts are used in a manner that results in national geographic diversity among Indian tribes applying for grants under this section.

''(f) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project by the participating Indian tribes of an intertribal consortium.

''(g) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress a written report 3 years after the date of enactment of this Act that—

''(1) identifies the relative costs and benefits of tribal education agencies, as demonstrated by the grants;

''(2) identifies the funds transferred to each tribal education agency and the corresponding reduction in the Federal bureaucracy; and

''(3) includes the separate views of each Indian tribe participating in the pilot project.

''(h) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 162. IMPROVE SUPPORT FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

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

"SEC. 7125. TEACHER AND ADMINISTRATOR PIPELINE FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

''(a) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to create or expand a teacher or administrator, or both, pipeline for teachers and administrators of Native American students.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a local educational agency;

''(2) an institution of higher education; or

''(3) a nonprofit organization.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Tribal Colleges and Universities (as defined in section 316 of the Higher Education Act of 1965).

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

''(1) science, technology, engineering, and mathematics;,

''(2) subjects that lead to health professions; and

''(3) green skills and 'middle skills', including electrical, welding, technology, plumbing, and green jobs.

''(e) INCENTIVES FOR TEACHERS AND ADMINISTRATORS.—An eligible entity that receives a grant under this section may provide incentives to teachers and principals who

make a commitment to serve high-need, high-poverty, tribal schools, including in the form of scholarships, loan forgiveness, incentive pay, or housing allowances.

''(f) SCHOOL AND COMMUNITY ORIENTATION.—An eligible entity that receives a grant under this section shall develop an evidence-based, culturally-based school and community orientation for new teachers and administrators of Native American students.''.

SEC. 163. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

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

''SEC. 7126. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the skills of qualified individuals that teach Indian people; and

''(2) to provide an incentive for qualified teachers to continue to utilize their enhanced skills in schools serving Indian communities.

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(2) an Indian tribe or organization, in consortium with a local educational agency; or

''(3) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—For fiscal years 2012 through 2018, the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to—

''(1) reimburse individuals who teach Indian people with out-of-pocket costs associated with obtaining National Board Certification; and

''(2) providing a minimum of $5,000 but not more than a $10,000 increase in annual compensation for National Board Certified individuals for the duration of the Demonstration Project.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may require. In reviewing applications under this section, the Secretary shall ensure that the eligible entities—

''(1) are located within the boundaries of a reservation; and

''(2) maintain an average enrollment of at least 30 percent of students that reside within the boundaries of a reservation.

''(e) RESTRICTIONS ON COMPENSATION INCREASES.—The Secretary shall require and ensure that National Board Certified individuals continue to teach at the eligible entity as a condition of receiving annual compensation increases provided for in this section.

''(f) PROGRESS REPORTS.—In fiscal years 2015 and 2018, the Comptroller General of the United States shall provide a report on the progress of the entities receiving awards in meeting applicable progress standards.''.

SEC. 164. TRIBAL LANGUAGE IMMERSION SCHOOLS.

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

''SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS.

''(a) PURPOSE.—It is the purpose of this section to establish a grant program to permit eligible schools to use American Indian, Alaska Native, and Native Hawaiian languages as the primary language of instruction of all curriculum taught at the schools (referred to in this section as 'immersion schools') in order to increase the number of American Indian, Alaska Native, and Native Hawaiian graduates at all levels of education, and to increase the proficiencies of these students in the curriculum being taught.

''(b) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section, the Secretary may award grants to eligible schools to develop and maintain, or to improve and expand, programs that support articulated Native language learning in kindergarten through postsecondary education programs.

''(c) ELIGIBLE SCHOOL; DEFINITION.—In this section—

''(1) the term 'eligible school' means a school that provides elementary or secondary education or a Tribal College or University, including an elementary or secondary school operated by a Tribal College or University, that has, or can present a plan for development of, an immersion school or courses in which instruction is provided for a minimum 900 hours per academic year; and

''(2) the term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965.

''(d) APPLICATION.—An eligible school seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, that includes the following information:

''(1) The number of students attending the school.

''(2) The number of present hours of tribal language instruction being provided to students at the school, if any.

''(3) The status of school with regard to any applicable Tribal Education Department or agency, public education system, or accrediting body.

''(4) A statement that the school is engaged in meeting targeted proficiency levels for students as may be required by applicable Federal, State, or tribal law.

''(5) A statement identifying how the proficiency levels for students being educated, or to be educated, at the tribal language immersion school are, or will be, assessed.

''(6) A list of the instructors at the tribal language immersion school and their qualifications.

''(7) A list of any partners or subcontractors with the tribal language immersion school who may assist in the provision of instruction in the immersion setting, and the role of such partner or subcontractor.

''(8) Any other information that the Secretary may require.

''(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—When submitting an application for a grant under this section, each eligible school shall submit:

''(1) A certificate from a federally recognized Indian tribe, or a letter from any organized American Indian, Alaska Native, or Native Hawaiian community, on whose lands the school is located, or which is served by the school, or from a tribally controlled college or university (as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978) that is operating the school, indicating that the school has the capacity to provide language immersion education and that there are sufficient native speakers at the school or available to be hired by the school who are trained as educators who can provide the education services required by the school in the native language used at the immersion school and who will satisfy any requirements of any applicable law for educators generally.

''(2) An assurance that the school will participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the immersion school.

''(3) A demonstration of the capacity to have native language speakers provide the basic education offered by the school for the minimum 900 hours per academic year as required under the grant.

''(f) ACTIVITIES AUTHORIZED.—The following activities are the activities that may be carried out by the eligible schools that receive a grant under this section:

''(1) Development of an articulated instructional curriculum for the language of the tribe, American Indian, Alaska Native, or Hawaiian community served by the school applying for the grant.

''(2) In-service and preservice development of teachers and paraprofessionals who will be providing the instruction in the native language involved.

''(3) Development of contextual, experiential programs, and curriculum materials related to the indigenous language of the community which the immersion school serves.

''(g) NUMBER, AMOUNT, AND DIVERSITY OF LANGUAGES IN GRANTS.—Based on the amount appropriated by Congress as authorized by this section, and the number of eligible schools applying for a grant under this section, the Secretary may determine the amounts and length of each grant made under this section and shall ensure, to the maximum extent practicable, that diversity in languages is represented in such grants.

''(h) REPORT TO SECRETARY.—Each eligible school receiving a grant under this section shall provide an annual report to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(i) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other section authorizing funds to be appropriated for carrying out the purposes of this title, there is authorized to be appropriated to carry out this section $5,000,000 for the first full fiscal year following the date of enactment of this section, and such sums as are necessary in the 4 following fiscal years.''.

SEC. 165. COORDINATION OF INDIAN STUDENT INFORMATION.

Subpart 3 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7451 et seq.) is amended by adding at the end the following:

''SEC. 7137. COORDINATION OF INDIAN STUDENT INFORMATION.

''(a) PURPOSE.—Consonant with the United States' unique and continuing trust responsibility to Indian people for the education of Indian children as described in section 7101, it is the purpose of this section to enable the Secretary to establish or improve the effectiveness and efficiency of programs for coordination among educational agencies and schools for the linkage and exchange of student records of Indian children.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, the States, and Indian tribes, is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, Indian tribes, Indian organizations, tribal education agencies, institutions of higher education, other public and private nonprofit organizations, and consortia of all such entities, to improve the collection, coordination, and electronic exchange of Indian student records between State educational agencies, local educational agencies, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(A) entities that are Indian tribes, Indian organizations, tribal education agencies; or

''(B) consortia that include 1 or more such entities.

''(3) GRANT DURATION.—Each grant awarded under this section shall be for a duration of not more than 5 years.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall assist the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing effective methods for—

''(A) the electronic transfer of student records of Indian children;

''(B) the determination of the number of Indian children in each State, disaggregated by the local educational agency in which such children reside; and

''(C) the determination of the extent to which Indian children under the age of 18 who have not achieved a secondary school diploma are not enrolled in any school.

''(2) INFORMATION SYSTEMS.—

''(A) IN GENERAL.—Using amounts made available under subsection (e), the Secretary, in consultation with the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education, shall award grants or contracts to, or enter agreements with, State educational agencies and local educational agencies, and provide funds to the Secretary of the Interior in accordance with subsection (d) in order to ensure the linkage of Indian student records systems for the purpose of electronically exchanging, among and between State educational agencies, local educational agencies, and schools, health and educational information regarding all Indian students. The Secretary of Education shall ensure such linkage occurs in a cost-effective manner, and to the extent practicable, utilizes systems, if any, used prior to the date of enactment of this section.

''(B) DATA ELEMENTS.—The Secretary shall identify the data elements that each State receiving assistance under this subsection and the Secretary of the Interior shall collect and maintain for each Indian student enrolled in a school, which, at a minimum, shall include—

''(i) the student's enrollment and disenrollment in any elementary and secondary school, and the grade levels successfully completed at such school;

''(ii) the student's immunization records and other health information;

''(iii) the student's elementary and secondary academic history (including partial credit), credit accrual, and results from any assessments required by Federal law;

''(iv) other academic information essential to ensuring that Indian children achieve high standards; and

''(v) the student's eligibility for services under the Individuals with Disabilities Education Act.

''(C) NOTICE AND COMMENT.—After fulfilling the consultation required under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that the Secretary of the Interior and each State shall be required to collect for purposes of electronic transfer of Indian student information with respect to schools assisted under this Act and the requirements the Secretary of the Interior and the States shall meet for immediate electronic access to such information. Such publication shall occur not later than 180 days after the date of enactment of this section.

''(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this Act, or an elementary school or secondary school funded by the Bureau of Indian Education, shall make student records available at request of any other educational agency or school at no cost to the requesting agency or school if the request is made in order to meet the needs of an Indian child who is enrolled, or was enrolled, in the school receiving assistance under this Act.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report—

''(A) describing the status of the implementation of this section; and

''(B) including recommendations from the Secretary and the Secretary of the Interior regarding the collection, coordination and exchange of health and educational information on Indian children by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) REQUIRED CONTENTS.—The Secretary shall include in the report and recommendations described in paragraph (1)—

''(A) a report on the progress made by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing and linking electronic records transfer systems;

''(B) recommendations for the development, linkage, and maintenance of such systems;

''(C) recommendations for measures that may be taken to ensure the continuity and enhancement of services to Indian students;

''(D) a report from the Secretary of the Interior describing the extent to which funding supplied to elementary schools and secondary schools funded by the Bureau of Indian Education pursuant to subsection (e)(2)(B) is sufficient to enable those schools to develop and operate electronic records transfer systems; and

''(E) a report on recommendations made by Indian tribes, Indian organizations, tribal departments of education, and elementary schools and secondary schools funded by the Bureau of Indian Education, and consortia of such entities, regarding implementation of this section and the extent to which such recommendations were taken into account.

''(3) PUBLICATION IN FEDERAL REGISTER.—Not later than 14 days after the report described in paragraph (1) is submitted to Congress, the Secretary shall publish such report in the Federal Register.

''(e) AVAILABILITY OF FUNDS.—

''(1) RESERVATION.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve $20,000,000 of the amount appropriated pursuant to subsection (c) of section 7152.

''(2) ALLOTMENT FOR THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—From the amounts reserved pursuant to paragraph (1), the Secretary shall transfer to the Secretary of the Interior $8,000,000 for each fiscal year to be used as described in subparagraph (B).

''(B) DISTRIBUTION AND USE OF FUNDS.—The Secretary of the Interior shall distribute all funds transferred pursuant to subparagraph (A) to elementary schools and secondary schools funded by the Bureau of Indian Education for use by such schools to pay the costs of establishing and participating in systems for the orderly linkage and exchange of student records of Indian children. To facilitate such establishment and participation by such schools, the Secretary of the Interior shall, at the request of any such school, supply technical assistance. Amounts required to be supplied to elementary and secondary schools operated by Indian tribes or tribal organizations pursuant to contracts issued under authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or pursuant to grants issued under authority of the Tribally Controlled Schools Act (25 U.S.C. 2501 et seq.) shall be added to the respective contracts or grants of such tribes or tribal organizations.

''(f) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on Indian children.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 166. AUTHORIZATION OF APPROPRIATIONS.

Section 7152 (20 U.S.C. 7492) is amended to read as follows:

''SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $130,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) SUBPART 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated $50,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(c) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $25,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

Subtitle F—Impact Aid

SEC. 171. IMPACT AID.

Section 8004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7704) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''benefits of such programs and activities'';

(B) in paragraph (5)—

(i) by inserting ''local education'' after ''to such''; and

(ii) by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''educational program'';

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) ANNUAL SUMMARY.—On an annual basis, a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall provide Indian tribes with—

''(1) a summary of programs and activities that were created for the claimed children, or in which the claimed children participate; and

''(2) the funding received under section 8003 in the prior and current fiscal years attributable to such claimed children.''; and

(4) by inserting after subsection (g), as so redesignated, the following:

''(h) TIMELY PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 the full amount that the

agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

''(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' each place it appears.''.

Subtitle G—General Provisions

SEC. 181. HIGHLY QUALIFIED DEFINITION.

Section 9109(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C)(ii)(VII), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) when used with respect to any public elementary school or secondary school teacher teaching Native American language, history, or culture in a State or any Bureau of Indian Affairs funded or operated school, means a teacher certified by an Indian tribe as highly qualified to teach such subjects.''.

SEC. 182. APPLICABILITY OF ESEA TO BUREAU OF INDIAN EDUCATION SCHOOLS.

Section 9103 (20 U.S.C. 7821) is amended to read as follows:

''SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION SCHOOLS.

''(a) IN GENERAL.—For the purpose of any competitive program under this Act, a school described in subsection (b) shall have the same eligibility for and be given the same consideration as a local educational agency with regard to such program.

''(b) DESCRIPTION OF SCHOOLS.—A school described in this subsection is—

''(1) a school funded by the Bureau of Indian Education (including a school operated under a contract or grant with the Bureau of Indian Education), or a consortium of such schools; or

''(2) a school funded by the Bureau of Indian Education in consortium with an Indian tribe, institution of higher education, tribal organization or community organization.

''(c) OUTREACH.—The Secretary shall perform outreach to schools and consortia described in subsection (b) to encourage such schools and consortia to apply for each competitive program under this Act, and shall provide technical assistance as needed to enable such schools and consortia to submit applications for such programs.

''(d) COLLABORATION.—The Secretary shall collaborate with the Secretary of the Interior to provide training and technical assistance to the Bureau of Indian Education, Indian tribes, and schools operated under contracts and grants from the Bureau of Indian Education, regarding—

''(1) curriculum selection, including development of culturally appropriate curricula;

''(2) the development and use of appropriate assessments; and

''(3) effective instructional practices.''.

SEC. 183. INCREASED ACCESS TO RESOURCES FOR TRIBAL SCHOOLS, SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION, AND NATIVE AMERICAN STUDENTS.

(a) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. TECHNICAL ASSISTANCE AND CAPACITY BUILDING FOR TRIBAL SCHOOLS AND SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION.

''Notwithstanding any other provision of this Act, the Secretary shall ensure that any program supported with funds provided under this Act that awards grants, contracts, or other assistance to public schools, provides a 1 percent reservation for technical assistance or capacity building for tribal schools or schools served by the Bureau of Indian Education to ensure such tribal schools or schools served by the Bureau of Indian Education are provided the assistance to compete for such grants, contracts, or other assistance.''.

TITLE II—AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO PROVIDE FUNDING FOR INDIAN PROGRAMS.

Title XIV of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 279) is amended—

(1) by striking subsection (a) of section 14001 and inserting the following:

''(a) OUTLYING AREAS; BUREAU OF INDIAN EDUCATION.—

''(1) OUTLYING AREAS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of one percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

''(2) BUREAU OF INDIAN EDUCATION.—From the amounts appropriated to carry out section 14006 and section 14007, the Secretary of Education shall allocate not less than 1 percent, but not more than 5 percent, to the schools funded by the Bureau of Indian Education on the basis of their respective needs, as determined by the Secretary of Education, in consultation with the Secretary of the Interior, for activities consistent with such sections under such terms and conditions as the Secretary may determine.''; and

(2) in section 14005(d), by striking paragraph (6) (as added by section 1832(b) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, 125 Stat. 164)) and inserting the following:

''(6) IMPROVING EARLY CHILDHOOD CARE AND EDUCATION.—The State will take actions to—

''(A) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning programs;

''(B) design and implement an integrated system of high quality early learning programs and services; and

''(C) in collaboration with Indian tribes in the State, ensure that the actions described in (A) and (B) are taken to ensure that high-quality early learning programs and services are provided to Indian children in the State, which may be accomplished through subgrants to such tribes; and

''(D) ensure that any use of assessments conforms with the recommendations of the National Research Council's reports on early childhood.''.

SEC. 202. QUALIFIED SCHOLARSHIPS FOR EDUCATION AND CULTURAL BENEFITS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) INDIAN EDUCATION AND CULTURAL BENEFITS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, gross income does not include the value of—

''(A) any qualified Indian education benefit, or

''(B) any qualified Indian cultural benefit.

''(2) QUALIFIED INDIAN EDUCATION BENEFIT.—For purposes of this subsection, the term 'qualified Indian education benefit' means—

''(A) any educational grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, and

''(B) any educational grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member.

''(3) QUALIFIED INDIAN CULTURAL BENEFIT.—For purposes of this subsection, the term 'qualified Indian cultural benefit' means—

''(A) any grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, for the study of the language, culture, and ways of life of the tribe, and

''(B) any grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member, for the study of the language, culture, and ways of life of the tribe.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 45A(c)(6).

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given such term by section 4(l) of the Indian Self-Determination and Education Assistance Act.

''(C) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof.

''(5) DENIAL OF DOUBLE BENEFIT.—This subsection shall not apply to the amount of any qualified Indian education benefit or qualified Indian cultural benefit which is not includible in gross income of the beneficiary of such benefit by reason of any other provision of this title, or to the amount of any such benefit for which a deduction is allowed to such beneficiary under any other provision of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 203. TRIBAL EDUCATION POLICY ADVISORY GROUP.

Section 1126 of the Education Amendments of 1978 (25 U.S.C. 2006) is amended by adding at the end the following:

''(h) TRIBAL EDUCATION POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall establish a Tribal Education Policy Advisory Group (referred to in this subsection as the 'TEPAG') to advise the Secretary and the Assistant Secretary on all policies, guidelines, programmatic issues, and budget development for the school system funded by the Bureau of Indian Education.

''(2) DUTIES.—

''(A) IN GENERAL.—The Secretary shall consult with the TEPAG prior to proposing any regulations, establishing or changing any policies, or submitting any budget proposal applicable to the Bureau of Indian Education school system.

''(B) RECOMMENDATIONS.—The Secretary shall include in the proposed budget developed annually for the Bureau of Indian Education any recommendations made by the TEPAG resulting from the consultation under subparagraph (A).

''(C) SUPPLEMENT, NOT SUPPLANT.—The consultation required by subparagraph (A) shall be in addition to and shall not replace the consultation requirement of section 1131.

''(3) COMPOSITION.—

''(A) IN GENERAL.—The TEPAG shall be composed of 26 members, who shall be selected in accordance with subparagraphs (B) through (D).

''(B) TRIBAL MEMBERS.—

''(i) IN GENERAL.—The TEPAG shall be composed of 22 elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials), 1 from each education line office of the Bureau of Indian Education, who shall act as principal members of the TEPAG.

''(ii) SELECTION PROCESS.—The tribes and schools served by each education line office shall establish a process to select the principal member and alternate member of that education line office to TEPAG.

''(iii) ALTERNATES.—The alternate member of an education line office selected under clause (ii) may participate in TEPAG meetings in the absence of the principal member of that education line office.

''(C) NATIONAL TRIBAL ORGANIZATION MEMBER.—The Secretary shall appoint a principal member and an alternate member to the TEPAG from among national organizations comprised of Indian tribes, who shall be elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials).

''(D) FEDERAL MEMBERS.—The Secretary, the Assistant Secretary for Indian Affairs, and the Director of the Bureau of Indian Education shall be ex-officio members of the TEPAG.

''(4) ADMINISTRATION.—

''(A) MEETINGS.—The TEPAG shall meet in person not less than 3 times per fiscal year and may hold additional meetings by telephone conference call.

''(B) PROTOCOLS.—The Secretary and the TEPAG shall jointly develop protocols for the operation and administration of TEPAG.

''(C) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the TEPAG.

''(D) SUPPORT.—

''(i) IN GENERAL.—The Secretary shall be responsible for all costs associated with carrying out the functions of the TEPAG, including reimbursement for the travel, lodging, and per diem expenses of each principal or alternate TEPAG member selected under subparagraphs (B) and (C) of paragraph 3.

''(ii) ADDITIONAL REQUEST.—

''(I) IN GENERAL.—To facilitate the work of the TEPAG, the Secretary may request additional funding in the annual budget submission of the Secretary to support technical and substantive assistance to the TEPAG.

''(II) RECOMMENDATIONS.—If the Secretary requests additional funding under subclause (I), the Secretary shall take into consideration the amount of funding requested by the TEPAG for technical and substantive assistance when making the additional funding request.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 204. DIVISION OF BUDGET ANALYSIS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary'';

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) a determination of the amount necessary to sustain academic and residential programs at Bureau-funded schools, calculated pursuant to subpart H of part 39 of title 25, Code of Federal Regulations (or successor regulations); and''; and

(2) in subsection (d), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary''.

SEC. 205. QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

Part B of title II of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458) is amended by adding at the end the following:

''SEC. 205. AUTHORIZATION TO ESTABLISH QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

''(a) IN GENERAL.—Pursuant to the authority granted under section 54F(d)(4) of the Internal Revenue Code of 1986, the Secretary shall establish a qualified school construction bond escrow account for the purpose of implementing section 54F of the Internal Revenue Code of 1986.

''(b) TRANSFER TO ESCROW ACCOUNT.—

''(1) IN GENERAL.—The Secretary shall allocate to the escrow account described in subsection (a) amounts described in section 54F(d)(4) of the Internal Revenue Code of 1986.

''(2) OTHER FUNDS.—The Secretary shall accept and disburse to the escrow account described in subsection (a) amounts received to carry out this section from other sources, including other Federal agencies, non-Federal public agencies, and private sources.''.

SEC. 206. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by—

(1) redesignating paragraphs (15) through (34) as paragraphs (16) through (35), respectively; and

(2) by inserting after paragraph (14) the following:

''(15) Keweenaw Bay Ojibwa Community College.''.

SEC. 207. WORKFORCE INVESTMENT ACT OF 1998.

Title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.) is amended—

(1) in section 203—

(A) in paragraph (5)(D), by inserting '', including a Tribal College or University'' after ''education'';

(B) in paragraph (15), by amending subparagraph (B) to read as follows:

''(B) a Tribal College or University; or'';

(C) by redesignating paragraph (18) as paragraph (19); and

(D) by inserting after paragraph (17) the following:

''(18) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.'';

(2) in section 211(a)—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) shall reserve 1.5 percent to carry out section 244, except that the amount so reserved shall not exceed $8,000,000.''; and

(3) by inserting after section 243 the following:

''SEC. 244. AMERICAN INDIAN TRIBAL COLLEGE OR UNIVERSITY ADULT EDUCATION AND LITERACY PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out an American Indian Tribal College and University Adult Education and Literacy Grant Program to enable Tribal Colleges or Universities to develop and implement innovative, effective, and replicable programs designed to enhance life skills and transition individuals to employability and postsecondary education and to provide technical assistance to such institutions for program administration.

''(b) APPLICATION.—To be eligible to receive a grant under this section, a Tribal College or University shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The Secretary shall, to the extent practicable, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.

''(c) ELIGIBLE ACTIVITIES.—Activities that may be carried out under a grant awarded under this section include—

''(1) adult education and literacy services, including workplace literacy services;

''(2) family literacy services;

''(3) English literacy programs, including limited English proficiency programs;

''(4) civil engagement and community participation, including U.S. citizenship skills;

''(5) opportunities for American Indians and Alaska Natives to qualify for a secondary school diploma, or its recognized equivalent; and

''(6) demonstration and research projects and professional development activities designed to develop and identify the most successful methods and techniques for addressing the educational needs of American Indian adults.

''(d) GRANTS AND CONTRACTS.—Funding shall be awarded under this section to Tribal Colleges or Universities on a competitive basis through grants, contracts, or cooperative agreements of not less than 3 years in duration.

''(e) CONSIDERATION AND INCLUSION.—In making awards under this section, the Secretary may take into account the considerations set forth in section 231(e). In no case shall the Secretary make an award to a Tribal College or University that does not include in its application a description of a multiyear strategy, including performance measures, for increasing the number of adult American Indian or Alaska Natives that attain a secondary diploma or recognized equivalent.''.

SEC. 208. TECHNICAL AMENDMENTS TO TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) GRANTS AUTHORIZED.—Section 5203(b)(3) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502(b)(3)) is amended—

(1) by striking ''as defined in section 1128(h)(1)'' and inserting ''as defined in section 1128(a)(1)''; and

(2) by striking ''under section 1128 of such'' and inserting ''under section 1128(c) of that''.

(b) AMENDMENTS TO GRANTS.—Section 5203 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502) is amended by adding at the end the following:

''(h) AMENDMENTS TO GRANTS.—

''(1) IN GENERAL.—At the request of the school board of a tribally controlled school, the Secretary shall approve a request to

amend a grant issued to that school board under this part unless the Secretary, not later than 90 days after the date of receipt of the request, provides written notification to the school board that contains a specific finding that clearly demonstrates, or is supported by a controlling legal authority, that—

''(A) the services to be rendered to the eligible Indian students under the proposed amendment to the grant do not meet the requirements of this part;

''(B) adequate protection of trust resources is not assured;

''(C) the grant or the proposed amendment to the grant cannot be properly completed or maintained;

''(D) the amount of funds proposed under the amendment is in excess of the applicable funding level for the grant, as determined under section 5204; or

''(E) the program, function, service, or activity (or portion of the program, function, service, or activity) that is the subject of the proposed amendment is beyond the scope of programs, functions, services, or activities covered under this part because the proposed amendment includes activities that cannot lawfully be carried out by the grantee.

''(2) APPEALS.—The Secretary shall provide the school board of a tribally controlled school with a hearing on the record in the same manner as provided under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).''.

(c) COMPOSITION OF GRANTS.—Section 5204(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(b)) is amended—

(1) in paragraph (4)(B)(iv), by striking ''section 5209(e)'' and inserting ''section 5208(e)''; and

(2) in paragraph (5)(B), by striking ''section 5209(e)'' and inserting ''section 5208(e)''.

(d) DURATION OF ELIGIBILITY DETERMINATION.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) in paragraph (2), by striking ''section 5206(b)(1)(A)'' and inserting ''section 5205(b)(1)(A)''; and

(2) in paragraph (4)(A), by striking ''section 5206(f)(1)(C)'' and inserting ''section 5205(f)(1)(C)''.

TITLE III—ADDITIONAL EDUCATION PROVISIONS

SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.

(a) SUPPORT.—The Secretary of Education shall expand programs for Native American school children—

(1) to provide support for learning in their Native language and culture; and

(2) to provide English language instruction.

(b) RESEARCH.—The Secretary of Education shall conduct research on culture- and language-based education to identify the factors that improve education and health outcomes.

SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Indian Education.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any agency or organization that is eligible for financial assistance under section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(b) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary shall establish a program to provide eligible entities with grants for the purpose of assisting Native Americans to ensure the survival and continuing vitality of Native American languages.

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—An eligible entity may use amounts received under this section to carry out activities that ensure the survival and continuing vitality of Native American languages, including—

(A) the establishment and support of community Native American language projects designed to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

(B) the establishment of projects that train Native Americans to—

(i) teach a Native American language to others; or

(ii) serve as interpreters or translators of a Native American language;

(C) the development, printing, and dissemination of materials to be used for the teaching and enhancement of a Native American language;

(D) the establishment or support of a project to train Native Americans to produce or participate in television or radio programs to be broadcast in a Native American language;

(E) the compilation, transcription, and analysis of oral testimony to record and preserve a Native American language;

(F) the purchase of equipment, including audio and video recording equipment, computers, and software, required to carry out a Native American language project; and

(G)(i) the establishment of Native American language nests, which are site-based educational programs that—

(I) provide instruction and child care through the use of a Native American language for at least 10 children under the age of 7 for an average of at least 500 hours per year per student;

(II) provide classes in a Native American language for parents (or legal guardians) of students enrolled in a Native American language nest (including Native American language-speaking parents); and

(III) ensure that a Native American language is the dominant medium of instruction in the Native American language nest;

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

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

(II) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(III) provide for teacher training;

(IV) work toward a goal of all students achieving—

(aa) fluency in a Native American language; and

(bb) academic proficiency in mathematics, reading (or language arts), and science; and

(V) are located in areas that have high numbers or percentages of Native American students; and

(iii) the establishment of Native American language restoration programs, which are educational programs that—

(I) operate at least 1 Native American language program for the community which the educational program serves;

(II) provide training programs for teachers of Native American languages;

(III) develop instructional materials for the Native American language restoration programs;

(IV) work toward a goal of increasing proficiency and fluency in at least 1 Native American language; and

(V) provide instruction in at least 1 Native American language.

(2) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAMS.—An eligible entity carrying out a program described in paragraph (1)(G)(iii) may use amounts made available under this section to carry out—

(A) Native American language programs, including—

(i) Native American language immersion programs;

(ii) Native American language and culture camps;

(iii) Native American language programs provided in coordination and cooperation with educational entities;

(iv) Native American language programs provided in coordination and cooperation with local institutions of higher education;

(v) Native American language programs that use a master-apprentice model of learning languages; and

(vi) Native American language programs provided through a regional program to better serve geographically dispersed students;

(B) Native American language teacher training programs, including—

(i) training programs in Native American language translation for fluent speakers;

(ii) training programs for Native American language teachers;

(iii) training programs for teachers in the use of Native American language materials, tools, and interactive media to teach Native American language; and

(C) the development of Native American language materials, including books, audio and visual tools, and interactive media programs.

(d) APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), in awarding a grant under this section, the Secretary shall select applicants from among eligible entities on the basis of applications submitted to the Secretary at such time, in such form, and containing such information as the Secretary requires.

(2) REQUIREMENTS.—An application under paragraph (1) shall include, at a minimum—

(A) a detailed description of the current status of the Native American language to be addressed by the project for which a grant is requested, including a description of existing programs and projects, if any, in support of that language;

(B) a detailed description of the project for which the grant is requested;

(C) a statement that the objectives of the project are in accordance with the purposes of this section;

(D) a detailed description of the plan of the applicant to evaluate the project;

(E) if appropriate, an identification of opportunities for the replication or modification of the project for use by other Native Americans;

(F) a plan for the preservation of the products of the Native American language project for the benefit of future generations of Native Americans and other interested persons; and

(G) in the case of an application for a grant to carry out any purpose specified in subsection (c)(1)(G)(iii), a certification by the applicant that the applicant has not less than 3 years of experience in operating and administering a Native American language survival school, a Native American language nest, or any other educational program in which instruction is conducted in a Native American language.

(3) PARTICIPATING ORGANIZATIONS.—If an applicant determines that the objectives of a proposed Native American language project would be accomplished more effectively

through a partnership with an educational entity, the applicant shall identify the educational entity as a participating organization in the application.

(e) LIMITATIONS ON FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of a program under this section shall not exceed 80 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this section may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(B) SOURCE OF NON-FEDERAL SHARE.—The non-Federal share—

(i) may be provided from any private or non-Federal source; and

(ii) may include amounts (including interest) distributed to an Indian tribe—

(I) by the Federal Government pursuant to the satisfaction of a claim made under Federal law;

(II) from amounts collected and administered by the Federal Government on behalf of an Indian tribe or the members of an Indian tribe; or

(III) by the Federal Government for general tribal administration or tribal development under a formula or subject to a tribal budgeting priority system, including—

(aa) amounts involved in the settlement of land or other judgment claims;

(bb) severance or other royalty payments; or

(cc) payments under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or a tribal budget priority system.

(3) DURATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may make grants made under this section on a 1-year, 2-year, or 3-year basis.

(B) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAM.—The Secretary shall only make a grant available under subsection (c)(1)(G)(iii) on a 3-year basis.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall carry out this section through the Bureau of Indian Education.

(2) EXPERT PANEL.—

(A) IN GENERAL.—Not later than 180 days after date of enactment of this section, the Secretary shall appoint a panel of experts for the purpose of assisting the Secretary to review—

(i) applications submitted under subsection (d);

(ii) evaluations carried out to comply with subsection (d)(2)(C); and

(iii) the preservation of products required by subsection (d)(2)(F).

(B) COMPOSITION.—

(i) IN GENERAL.—The panel shall include—

(I) a designee of the Institute of American Indian and Alaska Native Culture and Arts Development;

(II) representatives of national, tribal, and regional organizations that focus on Native American language or Native American cultural research, development, or training; and

(III) other individuals who are recognized as experts in the area of Native American language.

(ii) RECOMMENDATIONS.—Recommendations for appointments to the panel shall be solicited from Indian tribes and tribal organizations.

(C) DUTIES.—The duties of the panel shall include—

(i) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this section;

(ii) reviewing applications received under subsection (d);

(iii) providing to the Secretary a list of recommendations for the approval of applications in accordance with—

(I) regulations issued by the Secretary; and

(II) the relative need for the project; and

(iv) reviewing evaluations submitted to comply with subsection (d)(2)(C).

(3) PRODUCTS GENERATED BY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), for preservation and use in accordance with the responsibilities of the respective organization under Federal law, a copy of any product of a Native American language project for which a grant is made under this section—

(i) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

(ii) may be transmitted, at the discretion of the grantee, to national and regional repositories of similar material.

(B) EXEMPTION.—

(i) IN GENERAL.—In accordance with the Federal recognition of the sovereign authority of each Indian tribe over all aspects of the culture and language of that Indian tribe and subject to clause (ii), an Indian tribe may make a determination—

(I) not to transmit a copy of a product under subparagraph (A);

(II) not to permit the redistribution of a copy of a product transmitted under subparagraph (A); or

(III) to restrict in any manner the use or redistribution of a copy of a product transmitted under subparagraph (A).

(ii) RESTRICTIONS.—Clause (i) does not authorize an Indian tribe—

(I) to limit the access of the Secretary to a product described in subparagraph (A) for purposes of administering this section or evaluating the product; or

(II) to sell a product described in subparagraph (A), or a copy of that product, for profit to the entities referred to in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2018.

(h) REPEAL; CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3) is repealed.

(2) CONFORMING AMENDMENTS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(A) in subsection (a), by striking ''sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)'';

(B) in subsection (b), by striking ''other than sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)''; and

(C) by striking subsection (e).

SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM CONTEST.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) establish an in-school facility innovation program contest in which institutions of higher education, including a Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), are encouraged to consider solving the problem of how to improve school facilities for tribal schools and schools served by the Bureau of Indian Education for problem-based learning in their coursework and through extracurricular opportunities; and

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

(b) SUBMISSION OF FINALISTS TO THE INDIAN AFFAIRS COMMITTEE.—The Secretary of the Interior shall submit the finalists to the Committee on Indian Affairs of the Senate.

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

(1) determine the winners of the program contest conducted under this section; and

(2) award the winners appropriate recognition and reward.

SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN SCHOOL FUNDS.

Notwithstanding any other provision of law, beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or reassumption by the Bureau of Indian Education, remain available to the Bureau for a period of 5 years from the date of retrocession or reassumption for the benefit of the programs approved for the school on October 1, 1995.

SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF EDUCATION JOINT OVERSIGHT BOARD.

(a) IN GENERAL.—The Secretary of Education and the Secretary of the Interior shall jointly establish a Department of the Interior and Department of Education Joint Oversight Board, that shall—

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

(2) coordinate technical assistance, resource distribution, and capacity building between the 2 departments on the education of and for Native American students.

(b) INFORMATION TO BE SHARED.—The Joint Oversight Board shall facilitate the communication, collaboration, and coordination between the 2 departments of education policies, access to and eligibility for Federal resources, and budget and school leadership development, and other issues, as appropriate.

SEC. 306. FEASIBILITY STUDY TO TRANSFER BUREAU OF INDIAN EDUCATION TO DEPARTMENT OF EDUCATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall carry out a study that examines the feasibility of transferring the Bureau of Indian Education from the Department of the Interior to the Department of Education.

(b) CONTENTS.—The study shall include an assessment of the impacts of a transfer described in subsection (a) on—

(1) affected students;

(2) affected faculty, staff, and other employees;

(3) the organizational and operating structure of the Bureau of Indian Education;

(4) applicable Federal laws, including laws relating to Indian preference; and

(5) intergovernmental agreements.

SEC. 307. TRIBAL SELF GOVERNANCE FEASIBILITY STUDY.

(a) STUDY.—The Secretary of Education shall conduct a study to determine the feasibility of entering into self governance compacts and contracts with Indian tribal governments who wish to operate public schools that reside within their lands.

(b) CONSIDERATIONS.—In conducting the study described in subsection (a), the Secretary of Education shall consider the feasibility of—

(1) assigning and paying to an Indian tribe all expenditures for the provision of services and related administration funds that the Secretary would otherwise pay to a State educational agency and a local educational agency for 1 or more public schools located on the Indian lands of such Indian tribe;

(2) providing assistance to Indian tribes in developing capacity to administer all programs and services that are currently under

the jurisdiction of the State educational agency or local educational agency; and

(3) authorizing the Secretary to treat an Indian tribe as a State for the purposes of carrying out programs and services funded by the Secretary that are currently under the jurisdiction of the State.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Education shall submit, to the Committee on Indian Affairs and the Committee on Health, Education, Labor and Pensions of the Senate and the Education and the Workforce Committee of the House of Representatives, a report that includes—

(1) the results of the study conducted under subsection (a);

(2) a summary of any consultation that occurred between the Secretary and Indian tribes in conducting this study;

(3) projected costs and savings associated with the Department of Education entering into self governance contracts and compacts with Indian tribes, and any estimated impact on programs and services described in paragraphs (2) and (3) of subsection (a) in relation to probable costs and savings; and

(4) legislative actions that would be required to authorize the Secretary to enter into self governance compacts and contracts with Indian tribes to provide such programs and services.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) INDIAN LANDS.—The term ''Indian lands'' has the meaning given that term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

SEC. 308. ESTABLISHMENT OF CENTER FOR INDIGENOUS EXCELLENCE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' shall have the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ''Native American'' and ''Native American language'' shall have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(3) NATIVE AMERICAN LANGUAGE NESTS AND SURVIVAL SCHOOLS.—The terms ''Native American language nest'' and ''Native American language survival school'' shall have the meanings given such terms in section 803C(b)(7) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3).

(4) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term ''Native Hawaiian or Native American Pacific Islander native language educational organization'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) STEM.—The term ''STEM'' means a science, technology, engineering, and mathematics program.

(7) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ''tribally sanctioned educational authority'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(b) IN GENERAL.—There shall be established a Center for Indigenous Excellence to—

(1) support Native American governments, communities, schools, and programs in the development and demonstration of Native American language and culture-based education from the preschool to graduate education levels as appropriate for their distinctive populations, circumstances, visions, and holistic approaches for the benefit of the entire community;

(2) provide direction to Federal, State, and local government entities relative to Native American language and culture-based education;

(3) demonstrate nationally and internationally recognized educational best practices through integrated programming in Native American language and culture-based education from the preschool to graduate education levels that benefits the entire specific indigenous group regardless of its geographic dispersal, including—

(A) teacher certification;

(B) curriculum and materials development;

(C) distance education support;

(D) research; and

(E) holistic approaches;

(4) serve as an alternative pathway of choice for meeting federally mandated academic assessments, teacher qualifications, and curriculum design for Native American language nests and Native American language survival schools; and

(5) serve as a coordinating entity and depository for federally funded research into Native American language and culture-based education including STEM applications that will address workforce needs of Native American communities.

(c) ELIGIBLE ENTITIES.—For the purpose of determining the site of the Center for Indigenous Excellence, the Secretary shall consider the following to be an eligible entity:

(1) A tribally sanctioned educational authority.

(2) A Native American language college.

(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

(4) An institution of higher education with a commitment to serve Native American communities.

(5) A local educational agency with a commitment to serve Native American communities.

(d) CRITERIA FOR SELECTION.—The Secretary shall determine the site of the Center for Indigenous Excellence based on—

(1) a record of excellence, on a national and international level, with regard to Native American language and culture-based education;

(2) a high representation of Native Americans among its personnel;

(3) a high representation of speakers of 1 or more Native American languages among its personnel; and

(4) a location in a community with a high representation of Native Americans.

(e) ESTABLISHMENT OF PARTNERSHIPS AND CONSORTIA.—

(1) IN GENERAL.—Once established, the Center for Indigenous Excellence may develop partnerships or consortia with other entities throughout the United States with expertise appropriate to the mission of the Center and include such entities in its work.

(2) ASSISTANCE TO PARTNERS.—The Center shall provide assistance to partners, to the extent practicable, in curriculum development, technology development, teacher and staff training, research, and sustaining Native American language nests, Native American survival schools, and Native American language schools.

By Mr. KOHL (for himself and Mr. MANCHIN):

S. 1263. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator MANCHIN to introduce the Silver Alert Act of 2011. This legislation increases the chances of quickly locating missing senior citizens by establishing a national communications network to help regional and local search efforts.

Every year, thousands of adults go missing from their homes or care facilities due to diminished mental capacity, dementia, Alzheimer's disease, or other circumstances. As the population of the United States ages, that number is likely to increase. Over five million Americans currently suffer from Alzheimer's disease, and it is estimated that 60 percent of these men and women are likely to wander away from their homes. Disorientation and confusion may keep many from finding their way back home. The safe return of missing persons often depends upon them being found quickly. If not found within 24 hours, roughly half risk serious illness, injury, or death. Only four percent of those Alzheimer's sufferers who leave home are able to get back without some assistance.

Our bill would create a national program to coordinate existing state-based Silver Alert plans so that missing seniors can be returned safely to their homes and families. Not only will a federal network increase the success of efforts to find missing seniors, but it also eliminates duplicative search efforts, saving the public time and money. The Silver Alert Act creates this needed Federal network.

The Amber Alert system, which the Silver Alert Act is modeled after, has a track record of success. The Amber Alert Act created a similar Federal program that filters information and transmits relevant details to the appropriate authorities as quickly as possible. Just as with missing and abducted children, timely notification and dissemination of appropriate information about missing seniors greatly improves the chances that they will be found before they are seriously harmed. Silver Alert plans use the same infrastructure as Amber Alert plans, so this Act enables us to protect another vulnerable group in our population, at very little additional cost.

Over half of States have responded to the problem of missing seniors by establishing Silver Alert plans. These plans have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to locate him or her, and return the senior safely home.

I urge my colleagues to support this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. LEAHY, and Mr. DURBIN):

S. 1264. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce, together with Senator KERRY, the Veteran Voting Support Act of 2011. We are joined by Senators REID, LEAHY, and DURBIN.

This bill would take important steps to improve veterans' access to voter registration services. Our veterans have served our Nation at great risk and sacrifice. I believe we should do everything in our power to ensure that they play a central role in our democratic process, that their votes are cast and their voices heard.

Almost 4 years ago, during the previous administration, I learned that a Department of Veterans Affairs facility in California had been barring voter registration groups from accessing veterans in the facility. Similar reports emerged in Connecticut and other parts of the country.

Since that time, Senator KERRY and I have been working, together with our cosponsors, to make sure that our Government works to provide veterans with voter registration services, not to prevent them from receiving election-related materials.

We have written letters and our staffs have held meetings with the VA to establish a fair, nonpartisan policy to facilitate voter registration for veterans who receive services from VA facilities.

We have made significant progress.

After much negotiation, in 2008, the VA established a new and substantially improved policy that allows state and local election officials, as well as nonpartisan groups, to access VA facilities for voter registration under terms and conditions set by the facility. This is an improvement, and we have not heard serious complaints in recent years.

However, legislation remains necessary. First, this voluntary policy could be rescinded or rolled back in the future; Federal law cannot. Second, more should be done to ensure not only that outside groups can register voters in a nonpartisan manner in VA facilities but also that veterans who live in and use these facilities have easy access to voter registration and absentee ballot forms, even when no group or official comes by.

The Veteran Voting Support Act of 2011 would require the VA to provide voter registration forms to veterans when they enroll in the VA health care system, or change their status or address in that system.

The bill would also ensure that veterans who live in VA facilities have access to absentee ballots when they want to cast votes, and that VA employees assist veterans with election-related forms if necessary, in the same way that these employees assist veterans with other forms.

It would allow nonpartisan voter groups and election officials to provide voter information and registration services to veterans in a time, place, and manner that makes sense for the facilities.

It would give the Attorney General authority to enforce these provisions.

It is a cornerstone of our democracy that every eligible citizen is able to register and cast their vote. These rights should never be denied, by fiat or as a matter of practicality, to those who have given the very most for our country.

I believe it is time that the VA provides veterans with the support they need and deserve to register, cast their votes, and have those votes counted.

I hope my colleagues will join me in supporting the Veteran Voting Support Act of 2011.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veteran Voting Support Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans to register to vote and to vote.

SEC. 3. VOTER REGISTRATION AND ASSISTANCE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide a mail voter registration application form to each veteran—

(1) who seeks to enroll in the Department of Veterans Affairs health care system (including enrollment in a medical center, a community living center, a community-based outpatient center, or a domiciliary of the Department of Veterans Affairs health care system), at the time of such enrollment; and

(2) who is enrolled in such health care system—

(A) at any time when there is a change in the enrollment status of the veteran; and

(B) at any time when there is a change in the address of the veteran.

(b) PROVIDING VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall provide to each veteran described in subsection (a) the same degree of information and assistance with voter registration as is provided by the Department with regard to the completion of its own forms, unless the applicant refuses such assistance.

(c) TRANSMITTAL OF VOTER REGISTRATION APPLICATION FORMS.—

(1) IN GENERAL.—The Secretary shall accept completed voter registration application forms for transmittal to the appropriate State election official.

(2) TRANSMITTAL DEADLINE.—

(A) IN GENERAL.—Subject to subparagraph (B), a completed voter registration application form accepted at a medical center, community living center, community-based outpatient center, or domiciliary of the Department shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(B) EXCEPTION.—If a completed voter registration application form is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REQUIREMENTS OF VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall ensure that the information and assistance with voter registration that is provided under subsection (b) will not—

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not register has any bearing on the availability of services or benefits.

(e) LIMITATION ON USE OF INFORMATION.—No information relating to registering to vote, or a declination to register to vote, under this section may be used for any purpose other than voter registration.

(f) ENFORCEMENT.—

(1) NOTICE.—

(A) NOTICE TO THE FACILITY DIRECTOR OR THE SECRETARY.—A person who is aggrieved by a violation of this section or section 4 may provide written notice of the violation to the Director of the facility of the Department health care system involved or to the Secretary. The Director or the Secretary shall respond to a written notice provided under the preceding sentence within 20 days of receipt of such written notice.

(B) NOTICE TO THE ATTORNEY GENERAL AND THE ELECTION ASSISTANCE COMMISSION.—If the violation is not corrected within 90 days after receipt of a notice under subparagraph (A), the aggrieved person may provide written notice of the violation to the Attorney General and the Election Assistance Commission.

(2) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section or section 4.

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

(a) IN GENERAL.—Consistent with State and local laws, each director of a community living center, a domiciliary, or a medical center of the Department of Veterans Affairs health care system shall provide assistance in voting by absentee ballot to veterans residing in the community living center or domiciliary or who are inpatients of the medical center, as the case may be.

(b) ASSISTANCE PROVIDED.—The assistance provided under subsection (a) shall include—

(1) providing information relating to the opportunity to request an absentee ballot;

(2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and

(3) working with local election administration officials to ensure proper transmission of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs health care system, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—Subject to reasonable time, place, and manner restrictions, the Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary shall provide reasonable access to facilities of the Department health care system to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act. Such report shall include the following information with respect to the preceding year:

(1) The number of veterans who were served by facilities of the Department of Veterans Affairs health care system.

(2) The number of such veterans who requested information on or assistance with voter registration.

(3) The number of such veterans who received information on or assistance with voter registration.

(4) Information with respect to written notices submitted under section 3(f), including information with respect to the resolution of the violations alleged in such written notices.

SEC. 8. RULES OF CONSTRUCTION.

(a) NO INDIVIDUAL BENEFIT.—Nothing in this Act may be construed to convey a benefit to an individual veteran.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleagues Senator COLLINS and Senator AKAKA, to introduce legislation to improve the efficiency and effectiveness of our Government by fostering greater integration among the personnel who work on critical national security and homeland security missions.

The national security and homeland security challenges that our nation faces in the 21st century are far more complex than those of the last century. Threats such as terrorism, proliferation of nuclear and biological weapons, insurgencies, and failed states are beyond the capability of any single agency of our Government, such as the Department of Defense, DOD, the Department of State, or the intelligence community, to counter on its own.

In addition, threats such as terrorism and organized crime know no borders and instead cross the so-called ''foreign/domestic divide,'' the bureaucratic, cultural, and legal division between agencies that focus on threats from beyond our borders and those that focus on threats from within.

Finally, a new group of government agencies is now involved in national and homeland security. These agencies bring to bear critical capabilities, such as interdicting terrorist finance, enforcing sanctions, protecting our critical infrastructure, and helping foreign countries threatened by terrorism to build their economies and legal systems, but many of them have relatively little experience of involvement with the traditional national security agencies. Some of these agencies have existed for decades or centuries, such as the Departments of Treasury, Justice, and Health and Human Services, HHS, while others are new since 9/11, such as the Department of Homeland Security, DHS, and the Office of the Director of National Intelligence, ODNI.

As a result, our government needs to be able to apply all instruments of national power, including military, diplomatic, intelligence, law enforcement, foreign aid, homeland security, and public health, in a whole-of-government approach to counter these threats. We only need to look at our government's failure to use the full range of civilian and military capabilities to stymie the Iraqi insurgency immediately after the fall of Saddam Hussein's regime in 2003, the government's failure to prepare and respond to Hurricane Katrina in 2005, and the government's failure to share information and coordinate action prior to the attack at Fort Hood, Texas, in 2009, for examples of failure of interagency coordination and their costs in terms of lives, money, and the national interest.

The challenge of integrating the agencies of the Executive Branch into a whole-of-government approach has been recognized by Congressionally chartered commissions for more than a decade. Prior to 9/11, the Commission led by former Senators Gary Hart and Warren Rudman, entitled the U.S. Commission on National Security in the 21st Century, issued reports recommending fundamental reorganization to integrate government capabilities, including for homeland security.

In 2004, the 9/11 Commission, led by former Governor Tom Kean and former Representative Lee Hamilton, found that the U.S. Government needed reform in order to foster a stronger, faster, and more efficient government-wide effort against terrorism.

In 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, led by former Senators Bob Graham and Jim Talent, called for improving interagency coordination in our Nation's defenses against bioterrorism and other weapons of mass destruction.

Congress has long recognized that a key way to better integrate our Government's capabilities is to provide strong incentives for personnel to do rotational assignments across bureaucratic stovepipes. The personnel who serve in our Government are our Nation's best-and-brightest, and they have and will respond to incentives that we institute in order to improve coordination across our government.

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. That legislation sought to break down stovepipes and foster jointness across the military services by requiring that military officers have served in a position outside of their service as a requirement for promotion to general or admiral.

Twenty-five years later, this requirement has produced a sea change in military officers' mindsets and created a dominant military culture of jointness.

In 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act at the 9/11 Commission's recommendation and required a similar rotational requirement for intelligence personnel. The Director of National Intelligence has since instituted rotations across the Intelligence Community as an eligibility requirement for promotion to senior intelligence positions, and this requirement is helping to integrate the 16 agencies and elements of the Intelligence Community.

Finally, in 2005, Congress enacted the Post-Katrina Emergency Management Reform Act to improve our Nation's preparedness for and responses to domestic catastrophes and instituted a

rotational program within the Department of Homeland Security in order to integrate that department.

This proven mechanism of rotations must be applied to integrate the government as a whole on national security and homeland security issues. Indeed, the Hart/Rudman Commission called for rotations to other agencies and interagency professional education to be required in order for personnel to hold certain positions or be promoted to certain levels. The Graham/Talent Commission called for the Government to recruit the next generation of national security experts by establishing a program of joint duty, education, and training in order to create a culture of interagency collaboration, flexibility, and innovation.

The Executive Branch has also recognized the need to foster greater interagency rotations and experience in order to improve integration across its agencies. In 2007, President George W. Bush issued Executive Order 13434 concerning national security professional development and to include interagency assignments. However, that executive order was not implemented aggressively toward the end of the Bush administration and has languished as the Obama administration pursued other priorities.

Clearly, it is time for Congress to act and to institute the personnel incentives and reforms necessary to further integrate our government and enable it to counter the national security and homeland security threats of the 21st Century.

Today I join with Senator SUSAN M. COLLINS and Senator DANIEL K. AKAKA to introduce the bipartisan Interagency Personnel Rotation Act of 2011. Companion legislation is being introduced in the House of Representatives on a bipartisan basis by Representative GEOFF DAVIS and Representative JOHN F. TIERNEY.

The purpose of this legislation is to enable Executive Branch personnel to view national security and homeland security issues from a whole-of-government perspective and be able to capitalize upon communities of interest composed of personnel from multiple agencies who work on the same national security or homeland security issue.

This legislation requires that the Executive Branch identify ''Interagency Communities of Interest,'' which are subject areas spanning multiple agencies and within which the Executive Branch needs to operate on a more integrated basis. Interagency Communities of Interest could include counterinsurgency, counterterrorism, counter proliferation, or regional areas such as the Middle East.

This legislation then requires that agencies identify positions that are within each Interagency Community of Interest. Government personnel would then rotate to positions within other agencies but within the particular Interagency Community of Interest related to their expertise.

Government personnel could also rotate to positions at offices that have specific interagency missions such as the National Security Staff. Completing an interagency rotation would be a prerequisite for selection to certain Senior Executive Service positions within that Interagency Community of Interest. As a result, personnel would have the incentives to serve in a rotational position and to develop the whole-of-government perspective and the network of contacts necessary for integrating across agencies and accomplishing national security and homeland security missions more efficiently and effectively.

Let me offer some examples of how this might work.

An employee of the U.S. Agency for International Development, USAID, who specializes in development strategy could rotate to the Office of the Secretary of Defense to advise DOD in planning on how development issues should be taken into account in military operations, while DOD counterinsurgency specialists could rotate to USAID to advise on how development priorities should be assessed in a counterinsurgency.

A Treasury employee who does terrorist finance work could benefit from a rotation to Department of Justice to understand operations to take down terrorist cells and how terrorist finance work can help identify and prosecute their members, while Justice personnel would have the chance to learn from the Treasury's financial expertise in understanding how sources of funding can affect cells' formation and plotting.

Someone from HHS who specializes in public health could rotate to a DOD counterinsurgency office to advise on improving public health in order to win over the hearts and minds of the population prone to counterinsurgency, while someone from DHS could rotate to HHS in order to learn about HHS's work to prepare the U.S. public health system for a biological terrorist attack.

The cosponsors of this legislation and I recognize the complexity involved in the creation of Interagency Communities of Interest, the institution of rotations across a wide variety of government agencies, and having a rotation as a prerequisite for selection to certain Senior Executive Service positions. As a result, our legislation gives the Executive Branch substantial flexibility, including to identify Interagency Communities of Interest, to identify which positions in each agency are within a particular Interagency Community of Interest; to identify which positions in an Interagency Community of Interest should be open for rotation and how long the rotations will be; and finally, which Senior Executive Service positions have interagency rotational service as a prerequisite.

To be clear, this legislation does not mandate that any agency be included in an Interagency Community of Interest or the interagency personnel rotations; instead, this legislation permits the Executive Branch to include any agency or part of an agency as the Executive Branch determines that our nation's national and homeland security missions require.

In addition, our legislation gives the Executive Branch 15 years in which to implement this legislation and contains a substantial number of exemptions and waivers, especially during but not limited to the phase-in period.

The legislation contains a number of provisions designed to protect the rights of our government personnel under existing law.

Finally, this legislation is designed to be implemented without requiring any additional personnel for the Executive Branch. The legislation envisions that rotations will be conducted so that there is a reasonable equivalence between the number of personnel rotating out of an agency and the number rotating in. That way, no agency will be short-staffed as a result of having sent its best-and-brightest to do rotations; each agency will be receiving the best-and-brightest from other agencies.

Let me close by answering a common objection to government reorganization. To quote the 9/11 Commission, ''An argument against change is that the nation is at war, and cannot afford to reorganize in midstream. But some of the main innovations of the 1940s and 1950s, including the creation of the Joint Chiefs of Staff and even the construction of the Pentagon itself, were undertaken in the midst of war. Surely the country cannot wait until the struggle against Islamic terrorism is over.''

I urge my colleagues to take bold action to improve the efficiency and effectiveness of our Government in countering 21st century national security and homeland security threats by promptly passing the Interagency Personnel Rotation Act of 2011.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1269. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr President, I rise to introduce the High School Data Transparency Act in celebration of the 39th Anniversary of Title IX. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 39 year-old landmark civil rights law is all about, equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the field of play.

For girls who compete in sports, 50 percent are less likely to suffer depression and breast cancer . . . 80 percent are less likely to have a drug problem . . . and 92 percent are less likely to have an unwanted pregnancy. Athletic participation helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it is not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up.

To cite one example, Irene Rosenfeld, Chairman and CEO, Kraft Foods was quoted as saying, ''growing up, I was extremely athletic, and very competitive. I played four varsity sports in high school and went to Cornell because they had a fabulous women's athletic program, and the academics weren't bad either.''

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls, fewer than 300,000, played sports. Today, the number is more than 2.9 million . . . that is an increase of over 900 percent. Moreover, our country is celebrating the achievements and being inspired by our female athletes now more than ever.

Last fall, the University of California, Berkley celebrated the life of the late Jill Costello who served as an inspiration not only to her fellow teammates but to the thousands of girls who defy the odds every day. Jill participated on Cal's Women's Crew Team as their varsity coxswain despite being diagnosed with stage IV cancer with only nine months to live. Throughout her treatment she not only supported her friends, family and teammates but was supported by them. Despite battling for her life Jill led Cal to achieve second place at the NCAA national crew championship. Jill's story proves that the incredible mystical nature of team and friendship does exist.

Earlier this year, the University of Connecticut's Women's Basketball Team furthered displayed women's progress in athletics. These women surpassed the University of California at Los Angeles men's basketball record of 88 consecutive wins achieving the longest winning streak of 90 games. The impact of this accomplishment has yet to be fully realized but has surely raised the profile of not only women's basketball but also woman's athletics.

Indeed, in my state of Maine, Bowdoin's women's varsity field hockey team has remarkably won Division III national championships in 3 of the last 4 years, putting Bowdoin and Maine on the women's field hockey map.

So while we celebrate this remarkable progress, we cannot allow rest on our laurels. That is why I am so pleased to join with Senator PATTY MURRAY, who has been a tireless advocate for women's sports, to reintroduce the High School Sports Data Collection Act of 2011.

Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms.

These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's Web site and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies.

With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field. Soccer star, Mia Hamm, characterized it best when ''somewhere behind the athlete you've become and the hours of practice and the coaches who have pushed you is a little girl who fell in love with the game and never looked back . . . play for her,'' and I am introducing this bill today for her as well.

By Mr. WHITEHOUSE:

S. 1271. A bill to amend the Internal Revenue Code of 1968 to provide a temporary credit for hiring previously unemployed workers; to the Committee on finance.

Mr. WHITEHOUSE. Mr. President, with the unemployment rate hovering above 9 percent nationwide, and at almost 11 percent in my home State of Rhode Island, job creation must continue to be our No. 1 priority as lawmakers.

It disappoints me that Republicans chose politics over job creation yesterday when they filibustered legislation that would have reauthorized the Economic Development Administration, an agency dedicated to restoring economically distressed regions to prosperity. In the past, this bill has been reauthorized and supported broadly, indeed, by unanimous consent. It is the fourth jobs bill the minority has chosen to obstruct, and I hope my colleagues on the other side of the aisle will reconsider their tactics. If not, we may have to reconsider ours and force some votes on job creation measures without this litany of irrelevant amendments that have bogged down and obstructed the previous jobs bill we have tried to get action on. Out-of-work Americans are hurting right now, and they want us to act to help create jobs.

I rise today to introduce a measure that will do just that. I have heard from dozens of Rhode Island business owners that business is picking up a bit, but they are still concerned the recovery may be temporary and that discourages them from hiring additional workers. I spoke with one such small business owner on Monday. I visited Dona Vincent during a tour of her Cranston, RI company, Tedco. Tedco makes and stamps metal components for the automotive, aerospace, and communications industry. It employed 13 people before the recession struck in 2008. Now it is down to eight employees. Dona and Ted's co-general manager Barbara Galonio wishes to start hiring more workers, but they worry that business could slow down again. They told me they have been waiting to hire, wanting to hire, and for months saying to themselves: Well, what if this? What if that? They have been on the border of hiring.

The legislation I have introduced today, the Job Creation Tax Credit Act of 2011, would give Dona and thousands of other business owners nationwide greater security as they look forward to building their workforces. The bill would provide refundable tax credits for employers to hire new workers now. The way it would work is that for each qualified hire made in 2011, the business would receive a tax credit equal to 15 percent of the wages paid to the new employee. If the new employee remains employed or if the business were to hire additional employees in 2012, the business would be eligible for a 10-percent tax credit on those employees' wages next year. Because these tax credits would be refundable, businesses would benefit from them even if they are not currently profitable.

One of the problems with struggling businesses that are not sure how much profit they are going to make if they are right on the edge is giving them a tax credit doesn't help because they have no tax against which to take the credit. A refundable tax credit comes to the business in spite of that. The higher credit in 2011 I expect would encourage employers to hire new workers as soon as possible, and the additional credit in 2012 would encourage retaining those employees and additional workforce expansion. To help those Americans who are struggling to find work, qualified hires would be defined as new employees who have been unemployed for at least 60 days prior to getting hired.

The Job Creation Tax Credit Act would continue the job creations sparked by the HIRE Act of 2010 which included somewhat different tax incentives for new hiring. Economist Mark Zandi has estimated that the HIRE Act created 250,000 new jobs, a quarter of a million families with a paycheck coming in. The larger financial incentives in this new bill would continue to dent the unemployment numbers in Rhode Island and nationwide.

The previous HIRE Act, sponsored by Senator SCHUMER and Senator HATCH, received wide bipartisan support, and I hope my colleagues on both sides of the aisle will support the Job Creation Tax Credit Act as well because right now we cannot forget that too many unemployed Americans are hurting. Too many are out of work. Too many are out of work through no fault of their own. Indeed, too many of them are still out of work because of the cascade of misery that washed across this country from the Wall Street meltdown. There may be a lot of blame to go around on that, but none of it attaches to the workers who got caught in that cascade of misery. Of course, too many families are struggling to make ends meet week to week. We must continue fighting for them by using every tool at our disposal, including these new tax incentives, to get our economy moving and to help businesses start hiring.

Again, this is a bill with a proven successful strategy, that has been approved by this body in the past, that has had bipartisan support in the past, and that addresses the most important issue facing our country right now, and that is putting people back to work, rekindling our economy, and getting folks into jobs.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 1272. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing of a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in the southern New Mexico and El Paso, Texas, region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of New Mexico. Mr. President, last fall I led a discussion with NM Veterans Secretary John Garcia on post-traumatic stress disorder or PTSD and other issues facing our veterans. We held our discussion near Silver City, New Mexico, at the historic Fort Bayard medical facility. This was an outstanding chance to hear firsthand from veterans about the medical problems they were facing.

During this meeting, I found out that one of the biggest challenges that many veterans in southern New Mexico face is finding nearby treatment for PTSD and traumatic brain injury which are called the signature wounds of the wars in Afghanistan and Iraq.

A bit of background for those who may not be familiar with my home State. Southern New Mexico is home to White Sands Missile Range, Holloman Air Force Base, and most of Fort. Bliss. It is a region filled with active duty personnel, as well as many veterans who choose to stay in New Mexico and the El Paso region after finishing their active duty service. And as more and more veterans return from Afghanistan and Iraq suffering from PTSD and traumatic brain injury, many need the services of polytrauma centers—which specialize in treating injuries like PTSD and TBI.

Unfortunately, the closest polytrauma centers to southern New Mexico are hundreds of miles away.

That is why, after hearing the stories of veterans who attended our Fort Bayard meeting, I began working on legislation to help improve the ability for them to access care in the region.

With this legislation we hope to address that issue by requiring the Veterans Administration to submit to Congress a study on the feasibility of building a polytrauma center in the region. And we want them to consider Fort Bayard specifically as a location for that new polytrauma center.

The facilities at Fort Bayard should not be wasted and could be put to good use by the Veterans Administration for a polytrauma center for the southern New Mexico/El Paso region. This plan would be a win-win for the region—it would provide veterans with much-needed, convenient access to a quality polytrauma center through the innovative use of a facility that is currently being underutilized.

Veterans who have risked their lives for our country deserve convenient access to the best of care when they return home. Because as long as America faces threats and values freedom, we will need men and women willing to protect us. And as long as Americans serve in uniform, we have a sacred responsibility to support them.

By Mr. DURBIN (for himself, Mr. KOHL, and Mr. BINGAMAN):

S. 1275. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing legislation with Senator BINGAMAN and Senator KOHL to remove Social Security numbers, SSNs, from Medicare identification cards.

Today, many of the 45 million Medicare beneficiaries in the United States carry their Medicare cards in their wallets. The card displays an individual's Medicare identification number, which is their Social Security number with a 1- or 2-digit code at the end.

The use of Social Security numbers on Medicare cards places millions of seniors at risk of identity theft because if the card is lost or stolen, their Social Security number is easily obtained. A person's Social Security number is one of the most valuable pieces of information that a thief can steal. It can unlock a treasure trove of personal and financial information.

Last year, nearly 8.1 million Americans were victims of identity theft, many after their Social Security numbers were stolen. These crimes accounted for more than $37 billion in fraudulent charges.

Recognizing this risk of identity theft, many government agencies and private businesses have stopped displaying Social Security numbers on identification cards. Thirty-three states have enacted laws that limit how public and private entities use and display Social Security numbers. Social Security numbers are being removed from driver's licenses, and most private health insurance cards no longer display them.

Federal agencies have also taken steps to reduce the threat of identity theft. The Department of Veterans Affairs and Department of Defense are no longer displaying Social Security numbers on new identification cards. In addition, the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services, CMS, is lagging behind other agencies.

In 2005, I offered an amendment to the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to remove SSNs from Medicare cards. My amendment passed 98–0. The final bill directed CMS to provide Congress a report on steps necessary to remove the numbers.

CMS issued the report in 2006, but it has not yet begun to remove Social Security numbers from Medicare cards.

In 2008, the Inspector General of the Social Security Administration took CMS to task for its inaction. The Inspector General's report confirmed that displaying Social Security numbers on Medicare cards places millions of people at risk for identity theft and concluded that ''immediate action is needed to address this significant vulnerability.''

The bill that I am introducing today, the Social Security Number Protection Act of 2011, establishes a reasonable timetable for CMS to begin removing Social Security numbers from Medicare cards.

Not later than 3 years after enactment, CMS would be prohibited from displaying Social Security numbers on newly issued Medicare cards. CMS would be prohibited from displaying the number on existing cards no later than 5 years after enactment.

In addition to Medicare cards, the bill would prohibit CMS from displaying Social Security numbers on all written and electronic communications to Medicare beneficiaries, beginning no

later than 3 years after enactment, except in cases where their display is essential for the operation of the Medicare program.

I urge my colleagues to cosponsor this important legislation and work with me to enact it. Removing Social Security numbers from Medicare cards and communications to beneficiaries is long overdue.

Medicare beneficiaries should not be placed at greater risk of identity theft than people with private health insurance. Other Federal agencies have successfully removed Social Security numbers from identification cards, and we should require CMS to do the same.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Social Security Number Protection Act of 2011''.

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROHIBIT THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of social security account numbers of Medicare beneficiaries.

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term ''Medicare beneficiary'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(xii) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2011.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Ms. SNOWE (for herself, Mr. ROBERTS, Mr. CORNYN, Mr. BOOZMAN, Mr. BLUNT, and Mr. BARRASSO):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Finance.

Ms. SNOWE. Mr. President, as former Chair and now Ranking Member of the Senate Small Business Committee, it is my privilege and my responsibility today to stand up for small businesses across America that are being unfairly hurt by a punitive and unnecessary tax. The so-called ''tanning tax'' was included at the eleventh hour as part of last year's health care legislative maneuvering, and I am pleased to offer this legislation to repeal the tanning tax.

The tanning tax was added to the health care bill without any analysis of how it would affect this industry comprised primarily of small businesses, 75 percent of whose employees and customers are women. I cannot reiterate enough that small businesses are the primary job creators in this country, responsible for more than two-thirds of all new jobs created. At a time when a staggering and seemingly intractable unemployment rate of over 9 percent has become the norm, when some 22 million Americans are unemployed or underemployed, when we are experiencing the longest period of long-term unemployment in American history since data collection started in 1948, surpassing even the 1982 double-dip recession for the length of unemployment, when the percentage of population that is employed has declined to 58.4 percent, the lowest level in nearly 30 years, how could anyone think that shuttering or slowing the growth of small businesses is a good idea?

Reports show that small businesses lost an estimated $2 trillion in profits and asset valuation since the recession started in December 2007, while larger companies have been less affected and are recovering more quickly. Combined with the current, on-going economic malaise, the tanning tax is certain to accelerate job losses in this industry beyond the 20,000 jobs already lost nationwide. These small businesses need our help, not a further hindrance such as this tax.

I have heard first-hand of just what a job-killing, growth-preventing measure this tax is. Sun Tan City, a chain of small business tanning salons based in Augusta, ME, with 125 employees in Maine and another 50 in New Hampshire have slowed dramatically the expansion of their business. They opened 7 new salons in 2009 but only 4 in 2010 and another 2 in 2011. Sun Tan City remitted $85,000 to the IRS just this past quarter, money that would have gone to grow jobs and their business.

The tanning tax is not just about the money, it is also about the burden of compliance. Each store must collect and remit its tanning tax liability individually, increasing the paperwork and compliance burden. At an estimated cost of $74 per hour spent complying with paperwork burdens, merely remitting the tax imposes yet another enormous burden on small businesses.

Moreover, the tanning tax is imposed in addition to any state tax levies. For instance, New Jersey imposes a 7 percent tax on tanning services, meaning tanning salons in New Jersey are now responsible for 17 percent in taxes just for this service. We are already hearing that those seeking tanning services are going to other States when possible in order to avoid the higher New Jersey and Federal combined taxes. I guess that is one way to improve interstate commerce.

The worst part of the provision, though, may be the way the IRS has interpreted its implementation, in a way that favors larger businesses over smaller ones. The IRS released its tanning tax-implementing guidance on June 15, 2010, just two weeks before the tax became effective. This guidance contained a gross inequity that will subject some businesses to the tanning tax while exempting others. The guidance exempts ''qualified physical fitness facilities,'' which include gyms. That is, a person could pay for a membership at such a facility and be able to use that facility's tanning beds without having to pay the tax. Thus, the tax is having a disproportionate effect on small businesses while allowing larger, syndicated gyms and similar facilities to go untaxed.

There are legitimate concerns about the health of those who engage in tanning, whether using natural sunlight or tanning beds. I do not come before you today to argue the science. But the Food and Drug Administration has been under pressure for years to ban outright the use of tanning beds and repeatedly has declined to do so. The 10 percent tanning tax was never designed as a deterrent; it was designed solely to replace the 5 percent tax on Botox injections and elective cosmetic surgery as a revenue raiser to pay for the health care bill. No other factor was discussed, nor were there ever hearings on the merits. I am as concerned as any Senator or citizen about the health of our fellow Americans, but a dead-of-night job-killing tax increase on small businesses is not the way to address any health concerns!

There are other ways, such as an education campaign, that would be far

more effective and less cumbersome than this 10 percent tax to inform people about any tanning risks, especially when the IRS has carved out big businesses from being affected by the tax. Why is it safe to tan in gyms but not in salons? That is not a question the IRS should be answering. If the health issue is important enough to merit scrutiny of the industry, then let us have that debate, but the fact that there was no debate before this onerous tax was imposed makes it doubly outrageous.

This bill is supported by the National Federation of Independent Businesses and by the Indoor Tanning Association, which is comprised of business owners and operators, as well as manufacturers and distributors of tanning equipment. The tanning tax was a painful hit to this sector of our economy and this bill will seek in some way to rectify what was done to them by eliminating the onerous tax going forward.

Finally, I want to thank Glen and Dennis Guerrette, whose father, Will, served in the Maine state legislature, and Lewis Henry, all from Maine, for bringing this issue and their stories to my attention. I would also like to thank Congressmen MICHAEL GRIMM and PAT TIBERI and many others for their leadership in the House on this crucial issue.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF EXCISE TAX ON INDOOR TANNING SERVICES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by striking chapter 49 and by striking the item relating to such chapter in the table of chapters of such subtitle.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—DESIGNATING THE WEEK OF JUNE 24 THROUGH 28, 2011, AS ''NATIONAL MUSIC EDUCATION WEEK''

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 214

Whereas the National Association for Music Education has designated the week of June 24 through 28, 2011, as ''National Music Education Week'';

Whereas school-based music education is important and beneficial for students of all ages;

Whereas music education programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas 3 out of every 4 Americans have participated in music education programs, including chorus groups and formal instrument lessons, during their time in school;

Whereas of those who have participated in school-based music education programs, 40 percent stated that such programs were extremely influential in contributing to their current level of personal fulfillment;

Whereas music education provides students with the opportunity to express their creativity and to develop skills that will benefit them throughout the rest of their lives;

Whereas the skills gained through music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas many students have limited access to music education, which places them at a disadvantage compared to their peers;

Whereas local budget cuts are predicted to lead to a significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved, That the Senate designates the week of June 24 through 28, 2011, as ''National Music Education Week'' in order to recognize the benefits and importance of music education.

Mrs. MURRAY. Mr. President, I rise today to discuss the importance of music education in a child's educational journey. As a former music student myself, I believe every student should have access to this valuable area of study.

Three quarters of Americans have been involved in a music program during their time in school. Over half of those participants continue their involvement with music after the 12th grade. This is a testament to the positive impact of music education and why we must continue to provide our students with opportunities to pursue these programs.

Music education also provides students with the opportunity to express creativity and to develop skills that will benefit them throughout the rest of their lives. In addition to its inherent cultural value, music education provides a variety of unique avenues for intellectual growth. We also know that musical training has a profound impact on other skills including speech and language, memory and attention, and even the ability to convey emotions vocally.

I believe music and other arts are among society's most compelling and effective pathways for offering our children rich and fulfilling educational experiences. It is also important that we acknowledge the music educators who have instilled many generations of students with the gift of music. For these reasons, I am proud to introduce a resolution today recognizing June 24, 2011 through June 28, 2011 as National Music Education Week.

SENATE RESOLUTION 215—DESIGNATING THE MONTH OF JUNE 2011 AS ''NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH''

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 215

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2011 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect this virus can have on their children.

SENATE RESOLUTION 216—ENCOURAGING WOMEN'S POLITICAL PARTICIPATION IN SAUDI ARABIA

Mrs. BOXER (for herself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 216

Whereas, on September 22, 2011, the Kingdom of Saudi Arabia is scheduled to hold its first nationwide municipal elections since 2005, with voter registration open as of April 23, 2011;

Whereas the Government of Saudi Arabia has announced—as it did in 2005—that women will be unable to run for elective office or vote;