

law enforcement officials of the Indian tribe involved that states, with particularity, the reason or reasons why the prosecution was declined or terminated.

(c) Case file included within reports

In any case—

- (1) in which the alleged offender is an Indian, and
- (2) for which a report is submitted under subsection (a) or (b) of this section,

the report made to the Indian tribe may include the case file, including evidence collected and statements taken, which might support an investigation or prosecution of a violation of tribal law.

(d) Transfer or disclosure of confidential or privileged communication, information or sources to tribal officials

Nothing in this section shall require any Federal agency or official to transfer or disclose any confidential or privileged communication, information, or sources to the officials of any Indian tribe. Federal agencies authorized to make reports pursuant to this section shall, by regulations, adopt standards for the protection of such communications, information, or sources.

(Pub. L. 101-379, §10, Aug. 18, 1990, 104 Stat. 477.)

CHAPTER 31—NATIVE AMERICAN LANGUAGES

Sec.	
2901.	Findings.
2902.	Definitions.
2903.	Declaration of policy.
2904.	No restrictions.
2905.	Evaluations.
2906.	Use of English.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 20 section 7902.

§ 2901. Findings

The Congress finds that—

- (1) the status of the cultures and languages of Native Americans is unique and the United States has the responsibility to act together with Native Americans to ensure the survival of these unique cultures and languages;
- (2) special status is accorded Native Americans in the United States, a status that recognizes distinct cultural and political rights, including the right to continue separate identities;
- (3) the traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of Native American cultures, literatures, histories, religions, political institutions, and values;
- (4) there is a widespread practice of treating Native Americans¹ languages as if they were anachronisms;
- (5) there is a lack of clear, comprehensive, and consistent Federal policy on treatment of Native American languages which has often resulted in acts of suppression and extermination of Native American languages and cultures;

tion of Native American languages and cultures;

(6) there is convincing evidence that student achievement and performance, community and school pride, and educational opportunity is clearly and directly tied to respect for, and support of, the first language of the child or student;

(7) it is clearly in the interests of the United States, individual States, and territories to encourage the full academic and human potential achievements of all students and citizens and to take steps to realize these ends;

(8) acts of suppression and extermination directed against Native American languages and cultures are in conflict with the United States policy of self-determination for Native Americans;

(9) languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people; and

(10) language provides a direct and powerful means of promoting international communication by people who share languages.

(Pub. L. 101-477, title I, §102, Oct. 30, 1990, 104 Stat. 1153.)

SHORT TITLE

Section 101 of title I of Pub. L. 101-477 provided that: "This title [enacting this chapter] may be cited as the 'Native American Languages Act'."

§ 2902. Definitions

For purposes of this chapter—

(1) The term "Native American" means an Indian, Native Hawaiian, or Native American Pacific Islander.

(2) The term "Indian" has the meaning given to such term under section 7881(4) of title 20.

(3) The term "Native Hawaiian" has the meaning given to such term by section 7912(1) of title 20.

(4) The term "Native American Pacific Islander" means any descendent of the aboriginal people of any island in the Pacific Ocean that is a territory or possession of the United States.

(5) The terms "Indian tribe" and "tribal organization" have the respective meaning given to each of such terms under section 450b of this title.

(6) The term "Native American language" means the historical, traditional languages spoken by Native Americans.

(7) The term "traditional leaders" includes Native Americans who have special expertise in Native American culture and Native American languages.

(8) The term "Indian reservation" has the same meaning given to the term "reservation" under section 1452 of this title.

(Pub. L. 101-477, title I, §103, Oct. 30, 1990, 104 Stat. 1154; Pub. L. 104-109, §11, Feb. 12, 1996, 110 Stat. 765.)

AMENDMENTS

1996—Par. (2). Pub. L. 104-109, §11(1), substituted "section 7881(4) of title 20" for "section 2651(4) of this title".

Par. (3). Pub. L. 104-109, §11(2), substituted "section 7912(1) of title 20" for "section 4909 of title 20".

¹ So in original. Probably should be "American".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 20 sections 7402, 7601.

§ 2903. Declaration of policy

It is the policy of the United States to—

(1) preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages;

(2) allow exceptions to teacher certification requirements for Federal programs, and programs funded in whole or in part by the Federal Government, for instruction in Native American languages when such teacher certification requirements hinder the employment of qualified teachers who teach in Native American languages, and to encourage State and territorial governments to make similar exceptions;

(3) encourage and support the use of Native American languages as a medium of instruction in order to encourage and support—

(A) Native American language survival,

(B) educational opportunity,

(C) increased student success and performance,

(D) increased student awareness and knowledge of their culture and history, and

(E) increased student and community pride;

(4) encourage State and local education programs to work with Native American parents, educators, Indian tribes, and other Native American governing bodies in the implementation of programs to put this policy into effect;

(5) recognize the right of Indian tribes and other Native American governing bodies to use the Native American languages as a medium of instruction in all schools funded by the Secretary of the Interior;

(6) fully recognize the inherent right of Indian tribes and other Native American governing bodies, States, territories, and possessions of the United States to take action on, and give official status to, their Native American languages for the purpose of conducting their own business;

(7) support the granting of comparable proficiency achieved through course work in a Native American language the same academic credit as comparable proficiency achieved through course work in a foreign language, with recognition of such Native American language proficiency by institutions of higher education as fulfilling foreign language entrance or degree requirements; and

(8) encourage all institutions of elementary, secondary and higher education, where appropriate, to include Native American languages in the curriculum in the same manner as foreign languages and to grant proficiency in Native American languages the same full academic credit as proficiency in foreign languages.

(Pub. L. 101-477, title I, § 104, Oct. 30, 1990, 104 Stat. 1155.)

§ 2904. No restrictions

The right of Native Americans to express themselves through the use of Native American

languages shall not be restricted in any public proceeding, including publicly supported education programs.

(Pub. L. 101-477, title I, § 105, Oct. 30, 1990, 104 Stat. 1155.)

§ 2905. Evaluations

(a) The President shall direct the heads of the various Federal departments, agencies, and instrumentalities to—

(1) evaluate their policies and procedures in consultation with Indian tribes and other Native American governing bodies as well as traditional leaders and educators in order to determine and implement changes needed to bring the policies and procedures into compliance with the provisions of this chapter;

(2) give the greatest effect possible in making such evaluations, absent a clear specific Federal statutory requirement to the contrary, to the policies and procedures which will give the broadest effect to the provisions of this chapter; and

(3) evaluate the laws which they administer and make recommendations to the President on amendments needed to bring such laws into compliance with the provisions of this chapter.

(b) By no later than the date that is 1 year after October 30, 1990, the President shall submit to the Congress a report containing recommendations for amendments to Federal laws that are needed to bring such laws into compliance with the provisions of this chapter.

(Pub. L. 101-477, title I, § 106, Oct. 30, 1990, 104 Stat. 1156.)

§ 2906. Use of English

Nothing in this chapter shall be construed as precluding the use of Federal funds to teach English to Native Americans.

(Pub. L. 101-477, title I, § 107, Oct. 30, 1990, 104 Stat. 1156.)

CHAPTER 32—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION

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(a) In general.

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3005.

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