

§ 2813. Testimony by Federal employees**(a) Approval of employee testimony or documents****(1) In general**

The Director of the Office of Justice Services or the Director of the Indian Health Service, as appropriate (referred to in this section as the “Director concerned”), shall approve or disapprove, in writing, any request or subpoena from a tribal or State court for a law enforcement officer, sexual assault nurse examiner, or other employee under the supervision of the Director concerned to provide documents or testimony in a deposition, trial, or other similar criminal proceeding regarding information obtained in carrying out the official duties of the employee.

(2) Deadline

The court issuing a subpoena under paragraph (1) shall provide to the appropriate Federal employee (or agency in the case of a document request) notice regarding the request to provide testimony (or release a document) by not less than 30 days before the date on which the testimony will be provided.

(b) Approval**(1) In general**

The Director concerned shall approve a request or subpoena under subsection (a) if the request or subpoena does not violate the policy of the Department to maintain impartiality.

(2) Failure to approve

If the Director concerned fails to approve or disapprove a request or subpoena for testimony or release of a document by the date that is 30 days after the date of receipt of notice of the request or subpoena, the request or subpoena shall be considered to be approved for purposes of this section.

(Pub. L. 101-379, §16, as added Pub. L. 111-211, title II, §263, July 29, 2010, 124 Stat. 2300.)

§ 2814. Policies and protocol

The Director of the Indian Health Service, in coordination with the Director of the Office of Justice Services and the Director of the Office on Violence Against Women of the Department of Justice, in consultation with Indian Tribes and Tribal Organizations, and in conference with Urban Indian Organizations, shall develop standardized sexual assault policies and protocol for the facilities of the Service, based on similar protocol that has been established by the Department of Justice.

(Pub. L. 101-379, §17, as added Pub. L. 111-211, title II, §265, July 29, 2010, 124 Stat. 2300.)

§ 2815. State, tribal, and local law enforcement cooperation

The Attorney General may provide technical and other assistance to State, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot pursuit of suspects, and cross-deputization for the purposes of—

- (1) improving law enforcement effectiveness;
- (2) reducing crime in Indian country and nearby communities; and
- (3) developing successful cooperative relationships that effectively combat crime in Indian country and nearby communities.

(Pub. L. 111-211, title II, §222, July 29, 2010, 124 Stat. 2272.)

CODIFICATION

Section was enacted as part of the Tribal Law and Order Act of 2010, and not as part of the Indian Law Enforcement Reform Act which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 203(a) of Pub. L. 111-211, set out as a note under section 2801 of this title.

CHAPTER 31—NATIVE AMERICAN LANGUAGES

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§ 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;

(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

¹ So in original. Probably should be “American”.

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

Pub. L. 101-477, title I, §101, Oct. 30, 1990, 104 Stat. 1153, 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 7491(3) of title 20.

(3) The term "Native Hawaiian" has the meaning given to such term by section 7517 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 5304 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; Pub. L. 107-110, title VII, §702(f), Jan. 8, 2002, 115 Stat. 1947; Pub. L. 114-95, title IX, §9215(iii), Dec. 10, 2015, 129 Stat. 2187.)

AMENDMENTS

2015—Par. (2). Pub. L. 114-95, §9215(iii)(1), made technical amendment to reference in original act which appears in text as reference to section 7491(3) of title 20.

Par. (3). Pub. L. 114-95, §9215(iii)(2), made technical amendment to reference in original act which appears in text as reference to section 7517 of title 20.

2002—Par. (2). Pub. L. 107-110, §702(f)(1), substituted "section 7491(3) of title 20" for "section 7881(4) of title 20".

Par. (3). Pub. L. 107-110, §702(f)(2), substituted "section 7517 of title 20" for "section 7912(1) of title 20".

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".

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive pro-

grams and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

§ 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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§ 3001. Definitions

For purposes of this chapter, the term—

(1) “burial site” means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, into which as a part of the death rite or ceremony of a culture, individual human remains are deposited.

(2) “cultural affiliation” means that there is a relationship of shared group identity which can be reasonably traced historically or prehistorically between a present day Indian tribe or Native Hawaiian organization and an identifiable earlier group.

(3) “cultural items” means human remains and—

(A) “associated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a Federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.¹

(B) “unassociated funerary objects” which shall mean objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later, where the remains are not in the possession or control of the Federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe.

(C) “sacred objects” which shall mean specific ceremonial objects which are needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present day adherents, and

(D) “cultural patrimony” which shall mean an object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or Native Hawaiian organization and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

(4) “Federal agency” means any department, agency, or instrumentality of the United States. Such term does not include the Smithsonian Institution.

(5) “Federal lands” means any land other than tribal lands which are controlled or

¹ So in original. The period probably should be a comma.