

Memorandum of Agreement
on
Native Languages
among the
U.S. Department of the Interior,
U.S. Department of Health and Human Services,
and
the U.S. Department of Education,
U.S. Department of Agriculture,
with the U.S. Department of Transportation,
White House Council on Environmental
Quality, U.S. Institute of Museum and Library
Services, Library of Congress, National
Endowment for the Arts, and National
Endowment for the Humanities

I. OVERVIEW

This Memorandum of Agreement (MOA) is entered into and by and between the U.S. Department of Education (ED), the U.S. Department of Health and Human Services (HHS), and the U.S. Department of the Interior (DOI), the U.S. Department of Agriculture (USDA) (collectively, the "Lead Agencies"), and additional federal agencies, including the U.S. Institute of Museum and Library Services, Library of Congress, National Endowment for the Arts, and National Endowment for the Humanities (the "Participating Agencies"), and the U.S. Department of Transportation (the "Supporting Agency[ies]") (the Lead Agencies, the Participating Agencies, and the Supporting Agency[ies] together, the "Federal Agencies") and constitutes a nonbinding expression of intent between the ED, HHS, DOI, and the Participating Agencies to work together and encourage programs and projects to include instruction in and preservation of Native languages.

II. BACKGROUND

A. Overarching Legal Authority.

The Native American Languages Act, 25 U.S.C. §§2901-2906 (1990) declares that it is the policy of the United States to preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages.

Additionally, each party to this agreement has express legislative authority to provide funding or technical assistance and/or to conduct research in the area of Native language preservation, maintenance, or instruction, including through the arts, humanities, museums, and libraries. See, e.g., the Native American Languages Act, 42 U.S.C. §2991b- 3, Section 6005 of Public Law 114-95, the Every Student Succeeds Act of 2016, REPORT ON NATIVE AMERICAN LANGUAGE MEDIUM EDUCATION, the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, Title VI, Part A, subpart I, and section 6133, 20 U.S.C. § 7453, and section 3127 of Subpart 2 of Part A of Title III 20 U.S.C. 6848 and Title 25 Part 39 Subpart B §39.130-137 "Indian

School Equalization Program, Language Development Programs"; the National Foundation on the Arts and the Humanities Act (20 U.S.C. § 951 *et seq.*); and the Museum and Library Services Act (20 U.S.C. § 9101 *et seq.*).

B. Tribal Consultation.

The Federal Agencies have heard through Tribal consultations, listening and learning sessions, and grantee feedback that successful implementation of Native language programs, across the continuum of language learning settings from birth to college, faces the following barriers:

1. Lack of instructional materials and curricula in the Native language(s) of the communities being served;
2. Limited numbers of certified teachers fluent in Native languages;
3. Lack of support by school leadership, including inadequate time to work with students and professional development opportunities.

Additionally, Tribal consultation participants identified:

4. Challenges in coordinating programs within a community, such as when Native languages are not taught throughout the education continuum or are not of sufficient duration and intensity to produce fluent speakers.
5. Challenges in engaging in consultation with the federal government in a coordinated manner on cross-agency issues such as Native languages.

The Federal Agencies have also heard concerns regarding the need for:

6. Wide-scale, scientifically valid research that informs institutions serving American Indians, Alaska Natives, Native Hawaiians and Pacific Islanders on how best to structure and implement programs for maximum effectiveness and efficiency.
7. Knowledge of and greater access to archival materials and contemporary Native language resources, such as recorded songs or stories, held by the Federal government.
8. Cultural sensitivity to the needs of communities of origin to control their cultural narratives, sacred knowledge and sacred objects.

C. ED.

The ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access to a high-quality education. The ED administers several key formula and discretionary grant programs focused on building the capacity

of state and local educational agencies, Tribes, and schools to create high-quality language programs that promote the preservation of Native languages. The primary programs are housed within the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (OELA); and the Office of Elementary and Secondary Education's Office of Indian Education (OIE); and Institute of Education Sciences (IES).

Executive Order No. 13592 established the White House Initiative on American Indian and Alaska Native Education, and it is charged with helping to expand educational opportunities and improve educational outcomes for all American Indian and Alaska Native students, including opportunities to learn their Native languages, cultures, and histories, and receive a high-quality education that prepares them for college, careers, and productive and satisfying lives.

D. HHS.

The Administration for Children and Families (ACF) within HHS is responsible for Federal programs that promote the economic and social well-being of families, children, individuals, and communities. Several offices provide grants directly to Tribes or Tribal organizations, such as the Office of Child Care (OCC), the Office of Head Start (OHS), and the Administration for Native Americans (ANA).

The OCC supports low-income working families through childcare financial assistance and promotes children's learning by improving the quality of early care and education and after-school programs. OCC partners with Tribes to administer the Child Care and Development Fund, which provides funding to 265 Tribal grantees, serving over 530 Tribes and Tribal organizations. Tribes have the flexibility to incorporate culturally significant elements into their childcare programs.

Head Start is a national program that promotes school readiness by enhancing the social and cognitive development of children through the provision of educational, health, nutritional, social, and other services to enrolled children and families. Region XI awards direct grants to 154 American Indian and Alaska Native agencies to provide Head Start and Early Head Start services to over 24,000 children across 26 states, an almost equal number of children identified as American Indian, and Alaska Native are served in non-Tribal programs. OHS provides technical assistance support to grantees in the form of direct funding to American Indian and Alaska Native programs to secure training and technical assistance in their local communities in addition to OHS funding of a contract for the Region XI Training and Technical Assistance Center and cooperative agreements to six National Centers for the purpose of providing research-based information, practices, and strategies in support of identified grantee needs.

The goal of ANA is to promote the social and economic self-sufficiency of American Indians, Alaska Natives, Native Hawaiians, and other Native American Pacific Islanders by providing community-based project funding to improve the lives of Native American children and families. Part of ANA's mission is to promote, and provide funding for, language preservation and maintenance and language immersion activities.

E. DOI and the Bureau of Indian Education (BIE).

The DOI, through its BIE, directly operates, or provides grants to Tribes to operate, an extensive primary, secondary, and college-level school system for American Indian and Alaska Native children and young adults. The BIE's mission is to provide high quality education opportunities from early childhood through adulthood in accordance with a Tribe's needs for cultural and economic well-being, and in keeping with the wide diversity of Indian Tribes as distinct cultural and governmental entities. Currently, BIE provides funding to seventeen (17) BIE-funded, K-12 schools to support their Native Language Immersion and Preservation efforts. These efforts range from providing direct classroom language classes to preserving Native languages through the use of digital platforms.

Further, the BIE is to manifest consideration of the whole person by taking into account the spiritual, mental, physical, and cultural aspects of an individual within his or her family and Tribal context. The BIE also has particular expertise in Indian education and specific experience with federally funded education programs. In addition, the BIE plays a key part in fulfilling the government's trust responsibility to Indian Tribes regarding education.

The BIE also operates the Family and Child Education (FACE) program, an integrated model for American Indian early childhood education and parental involvement. Operating in 49 BIE-funded schools, the FACE program primarily serves families with children prenatal to 5 years of age by providing early childhood education, adult education, and parenting services. Overall, the BIE provides services for about eight percent of American Indian and Alaska Native children nationwide.

F. USDA

The USDA, through the National Institute of Food and Agriculture (NIFA), provides federal formula funding to Tribal Colleges and Universities (TCU) designated as land grant institutions in addition to competitive grant funding to TCUs, Tribal governments, and organizations. The formula funding provides resources that assist TCUs in supporting community education and learning. Programs are designed at the community level and often reinforce Native American languages and language and cultural preservation.

G. Participating Agencies

The Participating Agencies, listed below, have authority to support Native American language preservation, maintenance, or instruction, and agree to participate in this MOA. These agencies have existing programs and activities serving Native American communities, including grantmaking, education, and preservation programs.

The Institute of Museum and Library Services

The Institute of Museum and Library Services (IMLS) is an independent federal agency charged by law with advancing museum, library, and information services to meet the essential information, education, research, economic, cultural, and civic needs of the people of the United States. IMLS's programs of

support for Tribal libraries, archives, museums and cultural centers, help Native American Tribes preserve and maintain their cultural traditions, revitalize their native languages, and provide critical services to their communities.

The Library of Congress

The Library of Congress, as the world's largest library, has multiple collections that include Native American materials, including historic wax cylinders and other recordings of native languages, ceremonies, and music. It presents Native American cultural programming and creates publications such as U.S. Poet Laureate Joy Harjo's multilingual anthology of contemporary Native poetry, Living Nations, Living Words. The Library also has an outreach grant program that includes Tribal communities and a grants program on teaching with primary sources. The Library closely collaborates with Native communities of origin on its collections and programming.

The National Endowment for the Arts

The National Endowment for the Arts (NEA) is an independent federal agency dedicated to supporting and promoting the arts in America. The NEA is charged by statute with supporting endeavors that honor and preserve this nation's multicultural and artistic heritage. For over forty years, the NEA has supported projects at the intersection of the arts and Native language-learning. NEA also administers the National Heritage Fellowships, the nation's highest honor in the Folk and Traditional Arts which has honored several Native language advocates.

The National Endowment for the Humanities

The National Endowment for the Humanities (NEH) supports research and learning in history, literature, philosophy, and other areas of the humanities by funding selected, peer-reviewed proposals from around the nation. The agency's mission includes supporting programs and research in language studies, linguistics, literature, and the application of the humanities to the human environment, among other fields, including programs that reach, or reflect the diversity and richness of the culture of, Tribal communities.

The agency administers a number of grant programs specifically intended to serve Tribal Nations and Native communities, including the Awards for Faculty at Tribal Colleges and Universities program and the Humanities Initiatives at Tribal Colleges and Universities program. Likewise, the agency's Documenting Endangered Languages programs, which NEH administers in cooperation with the National Science Foundation, support projects that document and preserve endangered languages.

H. Supporting Agencies.

Agencies signing as Supporting Agencies are those agencies that may not have express legislative authority, programs, or activities related to Native language preservation, maintenance, or instruction, but agree to support this MOA by recognizing and promoting the use of Native American languages, to the extent practicable. The Supporting Agencies are listed below:

U.S. Department of Transportation

The U.S. Department of Transportation (DOT) plays a crucial role in maintaining and upgrading the infrastructure that powers our economy and keeps us moving. From roads and bridges, to transit and trains, to ports and airports, everyone in America relies on our transportation system every day. DOT affirms treaty and trust responsibilities and works to strengthen the Nation-to-Nation relationship with Tribal Nations. As an executive agency, DOT has a responsibility and is committed to working with Tribal governments in this unique relationship, respecting Tribal sovereignty and self-determination.

The U.S. Department of Transportation provides grants to fund programs and projects to help build up and maintain a fast, safe, efficient, accessible, and convenient transportation system for the American people today and into the future. DOT strives to foster meaningful government-to-government relations, improve existing Tribal programs, ensure meaningful Tribal input into future Tribal transportation programs, and ensure uniform and effective delivery of Tribal programs throughout the country. The agency also aims to assist in implementing Tribal infrastructure projects, assist Tribal members in developing transportation capacities, and assist efforts to coordinate national Tribal infrastructure policy and programs within the Federal government.

III. PURPOSE AND GOALS

A. Purpose.

In response to input obtained through Tribal consultations, and in furtherance of their statutory missions, the Federal Agencies enter into this MOA for the purposes of:

1. Acknowledging that the Federal Agencies share a mutual interest in preserving, protecting, and promoting the rights and freedom of Native Americans to use, practice, and develop Native languages;
2. Establishing that the Federal Agencies intend to promote this mutual interest by coordinating efforts of existing interagency working groups and Tribal advisory committees to implement this MOA and further the goals of the Native American Languages Act;
3. Identifying levers and best practices that will help the Federal Agencies further the goals described in paragraph (B); and working to identify ways that these findings can be used by the Federal Agencies to replicate successful programs, implement quality improvement efforts, and disseminate information and provide technical assistance to Federal, State, and Tribal governments; schools; or other entities carrying out Native language activities;
4. Planning, in collaboration with Native American communities, to co-sponsor a summit on the preservation and acquisition of Native languages; and
5. Sharing expertise and advice and collaborating on such other projects as may be mutually agreed upon by the Federal Agencies, recognizing that their combined

efforts, knowledge, and resources can better help the Federal Agencies achieve their common goals.

B. Goals.

This MOA sets forth the following mutual goals:

1. Identify statutory or regulatory barriers that impede collaboration and result in duplication of efforts and/or minimize the impact of efforts on the part of Federal, State, or Tribal governments, schools, or other entities to effectively implement Native language activities;
2. Identify research that explores educational attainment and Native language retention and/or revitalization;
3. Explore ways to gather data about effective and/or exemplary Native language instruction, both in terms of the administration of funds and programs and in terms of program impact on educational achievement; disseminate information on best practices across the Federal Agencies regarding program design, instructional strategies, and institutional support for Native language instruction for Native populations;
4. Review Federal funding mechanisms, explore means for coordinating funding opportunities to remove barriers, and simplify the process for potential grantees seeking to integrate Native language instruction and language and other cultural activities into educational settings, including libraries, museums, cultural and historic preservation programs, and in the arts;
5. Review current training and technical assistance provided by Federal agencies related to Native language preservation and maintenance efforts; assess needs and identify means for enhancing the quality of this training and technical assistance, both to assist existing grantees and potential grantees; and identify opportunities to provide joint technical assistance;
6. Ensure, to the extent practicable, that programs funded by the Federal Agencies to provide Native language instruction are coordinated and evidence-based, demonstrate accountability through assessments of student achievement, and further the goals of the Native American Languages Act;
7. Identify additional departments and agencies interested in or important to the implementation of the goals of this MOA, including the goals of the Native American Languages Act;
8. Cohost an annual language summit, as funds allow, and encourage all Federally funded Native language-related programs and activities to participate;

9. Develop an action plan based on the above goals for review and approval by the chairs of the Native Language Workgroup; and
10. Collaborate, combine, or otherwise coordinate Tribal consultation efforts on the topic of Native languages, including by inviting MOA signatories to co-host or otherwise participate in a combined consultation and to share Tribal consultation summaries that relate to Native languages.

C. Native Language Workgroup (NLW).

To further the goals of this MOA, a Native Language Workgroup (NLW) will be established and will be comprised of senior officials from the ED, HHS, and the BIE. Representatives of other Federal Agencies may participate in the NLW. The Executive Director of the White House Initiative on American Indian and Alaska Native Education, the Commissioner of the Administration for Native Americans, and the Director of the Bureau of Indian Education shall serve as chairs of the NLW. The NLW will meet on a semi-annual basis to further the goals of this MOA.

IV. REPORT

The Lead Agencies to the MOA, with support from the Participating Agencies and Supporting Agencies, will develop an annual report on progress and accomplishments to strengthen and support Native Languages and cultures and will present the Report to the White House Council on Native American Affairs, at the Tribal Nations Summit, the National Native American Languages Summit, and through other means as appropriate.

V. BRANDING

All parties to this agreement agree and permit, consistent with existing law and policy, the mutual use of agency names, trademarks, logos, slogans, branding and other identifiers (collectively, "Branding") in connection with activities conducted pursuant to this agreement. Individual agencies will identify and disseminate any restrictions or guidelines related to that agency's Branding in advance of any such use. No agency Branding will be used to create the appearance of the endorsement of any private entity.

V. ANNUAL REVIEW OF AGREEMENT

The ED, HHS, and DOI BIE will review this MOA and any subsequent MOAs annually, in consultation with the Participating Agencies, to determine whether their terms and provisions are appropriate and current.

VI. FINANCIAL RESPONSIBILITY

No exchange of funds will occur under this MOA. Support for specific activities contemplated under this MOA will be subject to the availability of resources.

VII. TERMINATION

Any party can terminate its participation upon issuance of written notice not less than 30 days before the proposed termination date. The 30 days' notice may be waived by mutual written consent of all parties to this MOA.

The individuals whose signatures appear below attest to having the right, power, and authority to enter into this MOA on behalf of their respective Federal agencies and agree that this MOA shall become effective upon signature. This MOA supersedes the MOA signed on September 13, 2018.

VIII. SIGNATORIES OF LEAD AGENCIES ON THE MOA ON NATIVE LANGUAGES



Secretary
U.S. Department of Interior

Date: NOV 09 2021



Secretary
U.S. Department of the Agriculture

Date: November 2021



Secretary
U.S. Health and Human Services

Date: 11/10/21



Secretary
U.S. Department of the Education

Date: 11/8/21

IX. SIGNATORIES OF PARTICIPATING AGENCIES ON THE MOA ON NATIVE LANGUAGES.

DocuSigned by:

Crosby Kemper

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Date: November 3, 2021

Director
Director of the Institute of Museum and Library Services
Crosby Kemper

Robin L. Dale

Deputy Librarian of Congress
for Library Collections and Services Group
Robin L. Dale

Date: November 5, 2021

Acting Chairman

National Endowment for the Arts
Ann Eilers

Date:

ANN EILERS
Digitally signed by ANN EILERS
Date: 2021.09.29 16:08:53
-04'00'

<Adam Wolfson>

Acting Chairman
National Endowment for the Humanities
Adam Wolfson

Date: 11/3/2021

Brenda Mallory

Brenda Mallory
Chair
White House Council on Environmental Quality

November 9, 2021

X. SIGNATORIES OF SUPPORTING AGENCIES ON THE MOA ON NATIVE LANGUAGES



Secretary
U.S. Department of the Transportation

Date: November 10, 2021