

114TH CONGRESS  
2D SESSION

# S. 2468

To require the Secretary of the Interior to carry out a 5-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2016

Mr. TESTER (for himself and Ms. CANTWELL) introduced the following bill;  
which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To require the Secretary of the Interior to carry out a 5-year demonstration program to provide grants to eligible Indian tribes for the construction of tribal schools, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Safe Academic Facili-  
5       ties and Environments for Tribal Youth Act” or the  
6       “SAFETY Act”.

7       **SEC. 2. DEFINITIONS.**

8       In this Act:

1           (1) DEPARTMENT.—The term “Department”  
2 means the Department of the Interior.

3           (2) INDIAN.—The term “Indian” means a  
4 member of an Indian tribe.

5           (3) INDIAN TRIBE.—The term “Indian tribe”  
6 has the meaning given the term in section 4 of the  
7 Indian Self-Determination and Education Assistance  
8 Act (25 U.S.C. 450b).

9           (4) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior.

11 **SEC. 3. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION**  
12 **PROGRAM.**

13 (a) DEFINITIONS.—In this section:

14           (1) CONSTRUCTION OF REPLACEMENT TRIBAL  
15 SCHOOL.—The term “construction of a replacement  
16 tribal school” includes the construction or renovation  
17 of—

18                   (A) 1 or more facilities of that school; or

19                   (B) the entire campus of that school.

20           (2) DEMONSTRATION PROGRAM.—The term  
21 “demonstration program” means the Tribal School  
22 Construction Demonstration Program carried out  
23 under subsection (b).

24           (3) ELIGIBLE INDIAN TRIBE.—The term “eligi-  
25 ble Indian tribe” means an Indian tribe that submits

1 an application that is approved by the Secretary  
2 under subsection (b)(4).

3 (4) TRIBAL SCHOOL.—The term “tribal school”  
4 means—

5 (A) a school operated by the Bureau of In-  
6 dian Affairs;

7 (B) a school operated pursuant to the In-  
8 dian Self-Determination and Education Assist-  
9 ance Act (25 U.S.C. 450 et seq.); and

10 (C) a tribally controlled school (as defined  
11 in section 5212 of the Tribally Controlled  
12 Schools Act of 1988 (25 U.S.C. 2511)).

13 (b) DEMONSTRATION PROGRAM.—

14 (1) IN GENERAL.—The Secretary shall carry  
15 out a demonstration program to be known as the  
16 “Tribal School Construction Demonstration Pro-  
17 gram” for fiscal years 2017 through 2021, to pro-  
18 vide grants to eligible Indian tribes for the construc-  
19 tion of replacement tribal schools.

20 (2) PURPOSES.—The purposes of the dem-  
21 onstration program shall be—

22 (A) to provide additional Indian tribes fair  
23 opportunities to construct replacement tribal  
24 schools;

1 (B) to accelerate construction of needed  
2 educational facilities in Indian country; and

3 (C) to permit additional funds to be pro-  
4 vided for the priority list of the Department for  
5 construction of replacement tribal schools.

6 (3) GRANT RECIPIENTS.—

7 (A) IN GENERAL.—In carrying out the  
8 demonstration program, subject to the avail-  
9 ability of appropriations, the Secretary shall  
10 award a grant to each eligible Indian tribe.

11 (B) PRIORITY.—The Secretary shall en-  
12 sure that an eligible Indian tribe currently on  
13 the priority list of the Department for construc-  
14 tion of replacement tribal schools receives the  
15 highest priority for a grant under this section.

16 (4) GRANT APPLICATIONS.—An application for  
17 a grant under the section shall—

18 (A) include a proposal for the construction  
19 of a replacement tribal school of the Indian  
20 tribe that submits the application; and

21 (B) be in such form as the Secretary deter-  
22 mines appropriate.

23 (5) GRANT AGREEMENT.—As a condition of re-  
24 ceiving a grant under this section, the eligible Indian

1       tribe shall enter into an agreement with the Sec-  
2       retary that specifies—

3               (A) the costs of construction under the  
4       grant;

5               (B) that the Indian tribe shall be required  
6       to contribute towards the cost of the construc-  
7       tion a tribal share equal to at least 25 percent  
8       of the cost; and

9               (C) any other term or condition that the  
10       Secretary determines to be appropriate.

11       (c) EFFECT OF GRANT.—A grant received under this  
12       section—

13               (1) shall be in addition to any other funds re-  
14       ceived by an Indian tribe under any other provision  
15       of law; and

16               (2) shall not affect the eligibility of an Indian  
17       tribe receiving funding, or the amount of funding re-  
18       ceived by the Indian tribe, under—

19               (A) the Tribally Controlled Schools Act of  
20       1988 (25 U.S.C. 2501 et seq.); or

21               (B) the Indian Self-Determination and  
22       Education Assistance Act (25 U.S.C. 450 et  
23       seq.).

24       (d) REPORT.—At the conclusion of the demonstration  
25       program, the Secretary shall submit to Congress a report

1 on whether the demonstration program has achieved the  
2 purposes of the demonstration program, as described in  
3 subsection (b)(2).

4 **SEC. 4. FUNDING FOR TRIBAL COLLEGES CONSTRUCTION.**

5 Section 113 of the Tribally Controlled Colleges and  
6 Universities Assistance Act of 1978 (25 U.S.C. 1813) is  
7 amended to read as follows:

8 **“SEC. 113. CONSTRUCTION OF NEW FACILITIES.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) CONSTRUCTION.—The term ‘construction’  
11 includes any effort to address the facility construc-  
12 tion, maintenance, renovation, reconstruction, and  
13 replacement needs of a Tribal College or University.

14 “(2) TRIBAL COLLEGE OR UNIVERSITY.—The  
15 term ‘Tribal College or University’ has the meaning  
16 given the term in section 316(b) of the Higher Edu-  
17 cation Act of 1965 (20 U.S.C. 1059c(b)).

18 “(b) GRANTS.—With respect to any eligible Tribal  
19 College or University that identifies a need for construc-  
20 tion, the Secretary shall, subject to the availability of ap-  
21 propriations, provide grants for the construction in ac-  
22 cordance with this section.

23 “(c) APPLICATION.—Each eligible applicant desiring  
24 a grant under this section shall submit an application to

1 the Secretary at such time, in such manner, and con-  
2 taining such information as the Secretary may require.

3 “(d) ELIGIBLE ACTIVITIES.—Activities eligible for a  
4 grant under this section shall be activities that address  
5 a wide variety of facilities and infrastructure needs, in-  
6 cluding—

7 “(1) building of new facilities, including—

8 “(A) classrooms;

9 “(B) administrative offices;

10 “(C) libraries;

11 “(D) health and cultural centers;

12 “(E) day care centers;

13 “(F) technology centers; and

14 “(G) other education-related facilities;

15 “(2) renovating or expanding existing or ac-  
16 quired facilities;

17 “(3) providing existing facilities with equip-  
18 ment, including—

19 “(A) laboratory equipment;

20 “(B) computer infrastructure and equip-  
21 ment;

22 “(C) library books; and

23 “(D) furniture; and

24 “(4) property acquisition.

1       “(e) NO MATCHING REQUIREMENT.—A recipient of  
2 a grant under this section shall not be required to make  
3 a matching contribution for Federal amounts received.

4       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
5 is authorized to be appropriated to carry out this section  
6 \$5,000,000 for each of fiscal years 2017 through 2021.”.

7 **SEC. 5. HOUSING ASSISTANCE FOR EDUCATORS IN**  
8 **SCHOOLS WITH INDIAN STUDENTS.**

9       Title V of the Housing Act of 1949 (42 U.S.C. 1471  
10 et seq.) is amended by adding at the end the following:

11 **“SEC. 545. HOUSING ASSISTANCE FOR EDUCATORS IN**  
12 **SCHOOLS WITH INDIAN STUDENTS.**

13       “(a) DEFINITIONS.—In this section—

14               “(1) the term ‘covered educator’ means an indi-  
15 vidual who is employed full-time as a teacher, prin-  
16 cipal, administrator, or other licensed professional  
17 educator by a covered school;

18               “(2) the term ‘covered school’ means—

19                       “(A) a school operated by the Bureau of  
20 Indian Affairs;

21                       “(B) a school operated pursuant to the In-  
22 dian Self-Determination and Education Assist-  
23 ance Act (25 U.S.C. 450 et seq.);



1           “(C) a tribally controlled school (as defined  
2           in section 5212 of the Tribally Controlled  
3           Schools Act of 1988 (25 U.S.C. 2511)); and

4           “(D) a public elementary school or sec-  
5           ondary school in which not less than 25 percent  
6           of the students are Indian students;

7           “(3) the terms ‘elementary school’ and ‘sec-  
8           ondary school’ have the meanings given those terms  
9           in section 8101 of the Elementary and Secondary  
10          Education Act of 1965; and

11          “(4) the term ‘eligible applicant’ means—

12               “(A) an Indian tribe (as defined in section  
13               4 of the Indian Self-Determination and Edu-  
14               cation Assistance Act (25 U.S.C. 450b));

15               “(B) an Indian organization (as defined in  
16               section 1141 of the Education Amendments of  
17               1978 (25 U.S.C. 2021)); or

18               “(C) a tribally designated housing entity  
19               (as defined in section 4 of the Native American  
20               Housing Assistance and Self-Determination Act  
21               of 1996 (25 U.S.C. 4103)).

22          “(b) GRANT PROGRAM.—The Secretary may award  
23          grants to eligible applicants to construct, including by re-  
24          constructing, renovating, and repairing, and provide hous-  
25          ing to covered educators in rural areas.

1       “(c) APPLICATION.—Each eligible applicant desiring  
2 a grant under this section shall submit an application to  
3 the Secretary at such time, in such manner, and con-  
4 taining such information as the Secretary may require.

5       “(d) NON-FEDERAL SHARE.—A recipient of a grant  
6 under this section shall not be required to obtain or pro-  
7 vide a non-Federal share in order to receive assistance  
8 under this section.

9       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
10 is authorized to be appropriated to the Secretary to carry  
11 out this section \$5,000,000 for fiscal year 2017 and each  
12 fiscal year thereafter.”.

13 **SEC. 6. BIE AND OMB PLAN.**

14       (a) IN GENERAL.—The Bureau of Indian Education  
15 and the Office of Management and Budget shall jointly  
16 develop a 10-year plan to bring up to good condition, as  
17 determined by the facilities evaluation process of the De-  
18 partment of the Interior, in compliance with all applicable  
19 tribal requirements all of the following Bureau of Indian  
20 Education school facilities:

- 21           (1) An elementary or secondary day or boarding  
22           school operated by the Bureau of Indian Education.
- 23           (2) A school operated pursuant to the Indian  
24           Self-Determination and Education Assistance Act  
25           (25 U.S.C. 450 et seq.).

1           (3) A tribally controlled school (as defined in  
2 section 5212 of the Tribally Controlled Schools Act  
3 of 1988 (25 U.S.C. 2511)).

4           (4) A dormitory operated by the Bureau of In-  
5 dian Education for students attending a school other  
6 than a school specified in paragraphs (1) through  
7 (3).

8           (b) INCLUSIONS.—The plan developed under sub-  
9 section (a) shall include—

10           (1) proposed budget requests and timelines; and

11           (2) additional factors such as increasing enroll-  
12 ment capacities.

13           (c) EFFECT.—For the purpose of developing the plan  
14 under subsection (a) only, section 1125(a)(5) of the Edu-  
15 cation Amendments of 1978 (25 U.S.C. 2005(a)(5)) shall  
16 not apply.

17           (d) REPORT.—As soon as practicable after comple-  
18 tion of the plan developed under subsection (a), the Sec-  
19 retary shall submit a report describing the plan to—

20           (1) the Subcommittee on Interior, Environment,  
21 and Related Agencies of the Committee on Appro-  
22 priations of the Senate;

23           (2) the Committee on Indian Affairs of the Sen-  
24 ate;

1           (3) the Subcommittee on Interior, Environment,  
2           and Related Agencies of the Committee on Appro-  
3           priations of the House of Representatives; and

4           (4) the Committee on Natural Resources of the  
5           House of Representatives.

6 **SEC. 7. GAO REPORT.**

7           Not later than 1 year after the date of enactment  
8           of this Act, the Comptroller General of the United States  
9           shall submit to Congress a comprehensive report describ-  
10          ing the implementation of section 8007 of the Elementary  
11          and Secondary Education Act of 1965 (as in effect on De-  
12          cember 9, 2015), for fiscal years preceding fiscal year  
13          2017, and section 7007 of the Elementary and Secondary  
14          Education Act of 1965 (as in effect for fiscal year 2017),  
15          for fiscal year 2017 and subsequent fiscal years, that—

16               (1) evaluates the adequacy of the distribution of  
17               payments between subparagraphs (A) and (B) of  
18               subsection (a)(3) of those sections;

19               (2) evaluates unmet need; and

20               (3) determines the age, condition, and remain-  
21               ing utility of school facilities (as the term is defined  
22               in section 7013 of that Act (as in effect for fiscal  
23               year 2017)) for those local educational agencies en-  
24               rolling students described in section 7003(a)(1)(C)

1 of that Act (as so in effect) that are eligible to re-  
2 ceive a basic support payment under—

3 (A) section 8003(b) of that Act (as in ef-  
4 fect on December 9, 2015) for fiscal years pre-  
5 ceding fiscal year 2017; and

6 (B) section 7003(b) of that Act (as in ef-  
7 fect for fiscal year 2017) for fiscal year 2017  
8 and subsequent fiscal years.

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