

Calendar No. 684

114TH CONGRESS
2D SESSION**S. 2580****[Report No. 114–380]**

To establish the Indian Education Agency to streamline the administration
of Indian education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2016

Mr. BARRASSO introduced the following bill; which was read twice and
referred to the Committee on Indian Affairs

NOVEMBER 17, 2016

Reported by Mr. BARRASSO, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish the Indian Education Agency to streamline the
administration of Indian education, 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 “Reforming American
5 Indian Standards of Education Act of 2016” or the
6 “RAISE Act of 2016”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) AGENCY.—The term “Agency” means the
4 Indian Education Agency established by section
5 3(a).

6 (2) ASSISTANT DIRECTOR.—The term “Assist-
7 ant Director” means, as applicable—

8 (A) the Assistant Director of Education
9 Curriculum described in section 3(e)(1); or

10 (B) the Assistant Director of Facilities
11 Management described in section 3(e)(2).

12 (3) DEPARTMENT.—The term “Department”
13 means the Department of the Interior.

14 (4) DIRECTOR.—The term “Director” means
15 the Director of Indian Education described in sec-
16 tion 3(b)(1).

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

21 (6) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 **SEC. 3. ESTABLISHMENT.**

24 (a) IN GENERAL.—There is established within the
25 Department an independent agency to be known as the
26 “Indian Education Agency”.

1 ~~(b) DIRECTOR.—~~

2 ~~(1) IN GENERAL.—~~The head of the Agency
3 shall be the Director of Indian Education.

4 ~~(2) APPOINTMENT.—~~The Director shall be ap-
5 pointed by the President by and with the advice and
6 consent of the Senate.

7 ~~(3) PERIOD OF APPOINTMENT.—~~The Director
8 shall be—

9 ~~(A)~~ appointed for a term of 6 years; and

10 ~~(B)~~ eligible for reappointment for an un-
11 limited number of terms.

12 ~~(4) REMOVAL.—~~The Director may be removed
13 by the President before the expiration of the term of
14 the Director only for cause.

15 ~~(5) VACANCIES.—~~Any vacancy in the position
16 of Director shall not affect the functions or authori-
17 ties of the Agency, but shall be filled in the same
18 manner as the original appointment.

19 ~~(c) ASSISTANT DIRECTORS.—~~

20 ~~(1) ASSISTANT DIRECTOR OF EDUCATION CUR-~~
21 ~~RICULUM.—~~

22 ~~(A) IN GENERAL.—~~There shall be in the
23 Agency an Assistant Director of Education
24 Curriculum, who shall be appointed by the Di-
25 rector.

1 ~~(B) DUTIES.~~—The Assistant Director shall
 2 be responsible for the functions of the Agency—

3 ~~(i) relating to education curriculum;~~

4 and

5 ~~(ii) that the Director may delegate to~~
 6 ~~the Assistant Director.~~

7 ~~(2) ASSISTANT DIRECTOR OF FACILITIES MAN-~~
 8 ~~AGEMENT.—~~

9 ~~(A) IN GENERAL.~~—There shall be in the
 10 Agency an Assistant Director of Facilities Man-
 11 agement, who shall be appointed by the Direc-
 12 tor.

13 ~~(B) DUTIES.~~—The Assistant Director shall
 14 be responsible for the functions of the Agency—

15 ~~(i) relating to facilities management;~~

16 and

17 ~~(ii) that the Director may delegate to~~
 18 ~~the Assistant Director.~~

19 **SEC. 4. TERMINATION OF BUREAU OF INDIAN EDUCATION;**
 20 **TRANSFER OF FUNCTIONS.**

21 ~~(a) TERMINATION OF BUREAU OF INDIAN EDU-~~
 22 ~~CATION.~~—Effective beginning on the date of enactment of
 23 this Act, the Bureau of Indian Education (including any
 24 predecessor office described in Federal law) is terminated.

25 ~~(b) TRANSFER OF FUNCTIONS.—~~

1 (1) IN GENERAL.—Any function or authority
 2 relating to Indian education that, as of the day be-
 3 fore the date of enactment of this Act, was per-
 4 formed or carried out by the Secretary or any bu-
 5 reau, office, or other unit of the Department is
 6 transferred to the Director.

7 (2) REFERENCES.—Any reference in any other
 8 Federal law to the Secretary, the Department, or
 9 any bureau, office, or other unit of the Department
 10 with respect to the functions or authorities trans-
 11 ferred under paragraph (1) is deemed to refer to the
 12 Director or the Agency, as appropriate.

13 **SEC. 5. REPORTS.**

14 (a) IN GENERAL.—Not later than 18 months after
 15 the date of enactment of this Act, and annually thereafter,
 16 the Director, in consultation with affected Indian tribes,
 17 shall prepare a report describing the implementation of
 18 this Act, including—

19 (1) the activities of the Agency;

20 (2) an assessment of the effectiveness of this
 21 Act; and

22 (3) recommendations for legislation to improve
 23 the functioning of the Agency.

24 (b) SUBMISSION.—The Director shall submit each re-
 25 port described in subsection (a) to—

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

3 (2) the Committee on Natural Resources of the
4 House of Representatives; and

5 (3) the Committee on Education and the Work-
6 force of the House of Representatives.

7 **SEC. 6. REGULATIONS.**

8 (a) IN GENERAL.—The Director shall promulgate
9 such regulations as the Director determines are appro-
10 priate to perform the functions of the Director.

11 (b) AUTONOMY.—No regulation promulgated pursu-
12 ant to subsection (a) shall be subject to approval or review
13 by the Secretary.

14 **SEC. 7. PERSONNEL.**

15 (a) COMPENSATION OF DIRECTOR AND ASSISTANT
16 DIRECTORS.—

17 (1) DIRECTOR.—The Director shall be com-
18 pensated at a rate equal to that of level IV of the
19 Executive Schedule under section 5315 of title 5,
20 United States Code.

21 (2) ASSISTANT DIRECTORS.—Each Assistant
22 Director shall be compensated at a rate equal to
23 that of level V of the Executive Schedule under sec-
24 tion 5316 of title 5, United States Code.

1 ~~(3)~~ TRAVEL EXPENSES.—The Director and
2 each Assistant Director shall be allowed travel ex-
3 penses, including per diem in lieu of subsistence, at
4 rates authorized for employees of agencies under
5 subchapter I of chapter 57 of title 5, United States
6 Code, while away from their homes or regular places
7 of business in the performance of their duties.

8 ~~(b)~~ STAFF.—

9 ~~(1)~~ TRANSFER OF PERSONNEL.—Effective be-
10 ginning on the date of enactment of this Act, the
11 personnel employed in connection with the functions
12 or authorities transferred under section 4(b)(1) are
13 transferred to the Director.

14 ~~(2)~~ ADDITIONAL PERSONNEL.—The Director
15 may, without regard to the civil service laws, appoint
16 and terminate such additional personnel as may be
17 necessary to enable the Director to perform the
18 functions of the Director.

19 ~~(3)~~ COMPENSATION.—The Director may fix the
20 compensation of the personnel of the Agency other
21 than the Director or the Assistant Directors without
22 regard to chapter 51 and subchapter III of chapter
23 53 of title 5, United States Code, relating to classi-
24 fication of positions and General Schedule pay rates,
25 except that the rate of pay for the other personnel

1 may not exceed the rate payable for level V of the
 2 Executive Schedule under section 5316 of that title.

3 ~~(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any~~
 4 Federal Government employee may be detailed to the
 5 Agency without reimbursement, and such detail shall be
 6 without interruption or loss of civil service status or privi-
 7 lege.

8 ~~(d) PROCUREMENT OF TEMPORARY AND INTERMIT-~~
 9 ~~TENT SERVICES.—The Director may procure temporary~~
 10 and intermittent services under section 3109(b) of title 5,
 11 United States Code, at rates for individuals that do not
 12 exceed the daily equivalent of the annual rate of basic pay
 13 prescribed for level V of the Executive Schedule under sec-
 14 tion 5316 of that title.

15 ~~(e) PREFERENCE.—~~

16 ~~(1) IN GENERAL.—In the selection of each indi-~~
 17 individual to be employed by the Director pursuant to
 18 section 3(e) and subsections (b)(2), (c), and (d) of
 19 this section, the Director shall give preference to
 20 members of Indian tribes.

21 ~~(2) APPLICABILITY.—The preference described~~
 22 in paragraph (1) shall apply only to initial hiring,
 23 and shall not apply to promotion, lateral transfer,
 24 reassignment, reductions in force, or any other em-
 25 ployment practice.

1 (f) CIVIL SERVICE LAWS.—All personnel of the Agen-
 2 cy other than the Director shall be covered by the civil
 3 service laws.

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Direc-
 6 tor such sums as are necessary to carry out this Act.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Reforming American*
 9 *Indian Standards of Education Act of 2016” or the*
 10 *“RAISE Act of 2016”.*

11 **SEC. 2. DEFINITIONS.**

12 *In this Act:*

13 (1) AGENCY.—*The term “Agency” means the In-*
 14 *dian Education Agency established by section 3(a).*

15 (2) ASSISTANT DIRECTOR.—*The term “Assistant*
 16 *Director” means, as applicable—*

17 (A) *the Assistant Director for Schools and*
 18 *Academic Programs described in section 3(d)(1);*

19 *or*

20 (B) *the Assistant Director of School Oper-*
 21 *ations described in section 3(d)(2).*

22 (3) DEPARTMENT.—*The term “Department”*
 23 *means the Department of the Interior.*

1 (4) *DIRECTOR*.—The term “Director” means the
 2 Director of Indian Education described in section
 3 3(c)(1).

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

8 (6) *SECRETARY*.—The term “Secretary” means
 9 the Secretary of the Interior.

10 **SEC. 3. ESTABLISHMENT.**

11 (a) *IN GENERAL*.—There is established within the De-
 12 partment an independent agency to be known as the “In-
 13 dian Education Agency”.

14 (b) *PURPOSES AND ACTIVITIES*.—In carrying out the
 15 Agency, the Secretary shall—

16 (1) provide to eligible Indian students an edu-
 17 cation of high quality; and

18 (2) carry out education programs designed to
 19 meet the needs of eligible Indian students, including
 20 the needs of Indian students—

21 (A) with disabilities;

22 (B) in need of compensatory education;

23 (C) with an interest in vocational edu-
 24 cation;

1 (D) in need of gifted and talented edu-
2 cation;

3 (E) with limited English-speaking ability;
4 and

5 (F) with an interest in Native language and
6 culture education.

7 (c) *DIRECTOR*.—

8 (1) *IN GENERAL*.—The head of the Agency shall
9 be the Director of Indian Education.

10 (2) *APPOINTMENT*.—The Director shall be ap-
11 pointed by the President by and with the advice and
12 consent of the Senate.

13 (3) *PERIOD OF APPOINTMENT*.—The Director
14 shall be—

15 (A) appointed for a term of 6 years; and

16 (B) eligible for reappointment for an un-
17 limited number of terms.

18 (4) *REMOVAL*.—The Director may be removed by
19 the President before the expiration of the term of the
20 Director only for cause.

21 (5) *VACANCIES*.—Any vacancy in the position of
22 Director shall not affect the functions or authorities
23 of the Agency, but shall be filled in the same manner
24 as the original appointment.

25 (6) *FUNCTIONS*.—The Director shall—

1 (A) *consult with Indian tribes for the provi-*
 2 *sion of an education of high quality, consistent*
 3 *with—*

4 (i) *the unique and continuing trust re-*
 5 *lationship between the Federal Government*
 6 *and the Indian tribes; and*

7 (ii) *the responsibility of the Federal*
 8 *Government for the education of Indian*
 9 *children;*

10 (B) *consult with the Secretary of Education*
 11 *on the educational programs and practices of the*
 12 *Agency; and*

13 (C) *prepare each fiscal year a unified budg-*
 14 *et for inclusion in the budget of the Department*
 15 *for that fiscal year, which shall include necessary*
 16 *funds for Agency-funded schools for construction*
 17 *and operation and maintenance of facilities that*
 18 *are safe, healthy, in good condition, meet capac-*
 19 *ity requirements, and are conducive for an edu-*
 20 *cation of high quality.*

21 (d) *ASSISTANT DIRECTORS.—*

22 (1) *ASSISTANT DIRECTOR FOR SCHOOLS AND*
 23 *ACADEMIC PROGRAMS.—*

24 (A) *IN GENERAL.—There shall be in the*
 25 *Agency an Assistant for Schools and Academic*

1 *Programs, who shall be appointed by the Direc-*
 2 *tor.*

3 *(B) DUTIES.—The Assistant Director shall*
 4 *be responsible for the functions of the Agency—*

5 *(i) relating to school and student per-*
 6 *formance, curriculum, instruction, and as-*
 7 *essment; and*

8 *(ii) that the Director may delegate to*
 9 *the Assistant Director.*

10 (2) *ASSISTANT DIRECTOR OF SCHOOL OPER-*
 11 *ATIONS.—*

12 *(A) IN GENERAL.—There shall be in the*
 13 *Agency an Assistant Director of School Oper-*
 14 *ations, who shall be appointed by the Director.*

15 *(B) DUTIES.—The Assistant Director*
 16 *shall—*

17 *(i) be responsible for the school oper-*
 18 *ations functions of the Agency—*

19 *(I) relating to facilities manage-*
 20 *ment;*

21 *(II) relating to other school oper-*
 22 *ations functions that support an edu-*
 23 *cation of high quality, including—*

24 *(aa) communications;*

25 *(bb) human resources;*

1 (cc) acquisitions and grants
 2 administration;
 3 (dd) budget and finance;
 4 (ee) educational technology;
 5 and
 6 (ff) school facilities, school
 7 safety, and school property; and
 8 (III) that the Director may dele-
 9 gate to the Assistant Director; and
 10 (ii) appoint a specific employee to
 11 oversee the facilities management functions
 12 described in clause (i)(I).

13 (e) *MEMORANDUM OF UNDERSTANDING.*—The Assist-
 14 ant Secretary for Indian Affairs and the Director shall
 15 enter into a memorandum of understanding under which
 16 the Assistant Secretary for Indian Affairs shall provide to
 17 the Director necessary technical assistance for the imple-
 18 mentation of this Act.

19 **SEC. 4. TERMINATION OF BUREAU OF INDIAN EDUCATION;**
 20 **TRANSFER OF FUNCTIONS.**

21 (a) *TERMINATION OF BUREAU OF INDIAN EDU-*
 22 cation.—Effective beginning on the date of enactment of
 23 this Act, the Bureau of Indian Education (including any
 24 predecessor office described in Federal law) is terminated.

25 (b) *TRANSFER OF FUNCTIONS.*—

1 (1) *IN GENERAL.*—Any function or authority re-
 2 lating to Indian education that, as of the day before
 3 the date of enactment of this Act, was performed or
 4 carried out by the Secretary or any bureau, office, or
 5 other unit of the Department is transferred to the Di-
 6 rector.

7 (2) *REFERENCES.*—Any reference in any other
 8 Federal law to the Secretary, the Department, or any
 9 bureau, office, or other unit of the Department with
 10 respect to the functions or authorities transferred
 11 under paragraph (1) is deemed to refer to the Direc-
 12 tor or the Agency, as appropriate.

13 **SEC. 5. BUDGET REQUESTS FOR SCHOOL CONSTRUCTION**
 14 **FUNDS.**

15 *The President shall include in the budget of the Presi-*
 16 *dent submitted each fiscal year a separate request for funds*
 17 *for the construction of schools by the Agency.*

18 **SEC. 6. USE OF SCHOOL CONSTRUCTION FUNDS.**

19 *In making funds available for the construction of*
 20 *schools, the Director shall give priority consideration to*
 21 *those schools having the most serious capacity or facility-*
 22 *condition deficiencies to ensure that Indian children do not*
 23 *attend school in buildings that are—*

24 (1) *dilapidated or deteriorating; or*

1 (2) *unable to provide an education of high qual-*
 2 *ity.*

3 **SEC. 7. PERSONNEL.**

4 (a) *COMPENSATION OF DIRECTOR AND ASSISTANT DI-*
 5 *RECTORS.—*

6 (1) *DIRECTOR.—The Director shall be com-*
 7 *pensated at a rate equal to that of level IV of the Ex-*
 8 *ecutive Schedule under section 5315 of title 5, United*
 9 *States Code.*

10 (2) *ASSISTANT DIRECTORS.—Each Assistant Di-*
 11 *rector shall be compensated at a rate equal to that of*
 12 *level V of the Executive Schedule under section 5316*
 13 *of title 5, United States Code.*

14 (3) *TRAVEL EXPENSES.—The Director and each*
 15 *Assistant Director shall be allowed travel expenses, in-*
 16 *cluding per diem in lieu of subsistence, at rates au-*
 17 *thorized for employees of agencies under subchapter I*
 18 *of chapter 57 of title 5, United States Code, while*
 19 *away from their homes or regular places of business*
 20 *in the performance of their duties.*

21 (b) *STAFF.—*

22 (1) *TRANSFER OF PERSONNEL.—Effective begin-*
 23 *ning on the date of enactment of this Act, the per-*
 24 *sonnel employed in connection with the functions or*

1 *authorities transferred under section 4(b)(1) are*
2 *transferred to the Director.*

3 (2) *ADDITIONAL PERSONNEL.—The Director*
4 *may, without regard to the civil service laws, appoint*
5 *and terminate such additional personnel as may be*
6 *necessary to enable the Director to perform the func-*
7 *tions of the Director.*

8 (3) *COMPENSATION.—The Director may fix the*
9 *compensation of the personnel of the Agency other*
10 *than the Director or the Assistant Directors without*
11 *regard to chapter 51 and subchapter III of chapter 53*
12 *of title 5, United States Code, relating to classifica-*
13 *tion of positions and General Schedule pay rates, ex-*
14 *cept that the rate of pay for the other personnel may*
15 *not exceed the rate payable for level V of the Executive*
16 *Schedule under section 5316 of that title.*

17 (c) *DETAIL OF GOVERNMENT EMPLOYEES.—Any Fed-*
18 *eral Government employee may be detailed to the Agency*
19 *without reimbursement, and such detail shall be without*
20 *interruption or loss of civil service status or privilege.*

21 (d) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
22 *TENT SERVICES.—The Director may procure temporary*
23 *and intermittent services under section 3109(b) of title 5,*
24 *United States Code, at rates for individuals that do not*
25 *exceed the daily equivalent of the annual rate of basic pay*

1 *prescribed for level V of the Executive Schedule under sec-*
 2 *tion 5316 of that title.*

3 *(e) PREFERENCE.—*

4 *(1) IN GENERAL.—In the selection of each indi-*
 5 *vidual to be employed by the Director pursuant to*
 6 *section 3(d) and subsections (b)(2), (c), and (d) of this*
 7 *section, the Director shall give preference to members*
 8 *of Indian tribes.*

9 *(2) APPLICABILITY.—The preference described in*
 10 *paragraph (1) shall apply only to initial hiring, and*
 11 *shall not apply to promotion, lateral transfer, reas-*
 12 *signment, reductions in force, or any other employ-*
 13 *ment practice.*

14 *(f) CIVIL SERVICE LAWS.—All personnel of the Agency*
 15 *other than the Director shall be covered by the civil service*
 16 *laws.*

17 **SEC. 8. REPORTS.**

18 *(a) IN GENERAL.—Not later than 18 months after the*
 19 *date of enactment of this Act, and annually thereafter, the*
 20 *Director, in consultation with affected Indian tribes, shall*
 21 *prepare a report describing the implementation of this Act,*
 22 *including—*

23 *(1) the activities of the Agency;*

24 *(2) an assessment of the effectiveness of this Act;*

25 *and*

1 (3) *recommendations for legislation to improve*
 2 *the functioning of the Agency.*

3 (b) *SUBMISSION.—The Director shall submit each re-*
 4 *port described in subsection (a) to—*

5 (1) *the Committee on Indian Affairs of the Sen-*
 6 *ate;*

7 (2) *the Committee on Natural Resources of the*
 8 *House of Representatives; and*

9 (3) *the Committee on Education and Workforce*
 10 *of the House of Representatives.*

11 **SEC. 9. REGULATIONS.**

12 (a) *IN GENERAL.—The Director shall promulgate such*
 13 *regulations as the Director determines are appropriate to*
 14 *perform the functions of the Director.*

15 (b) *AUTONOMY.—No regulation promulgated pursuant*
 16 *to subsection (a) shall be subject to approval or review by*
 17 *the Secretary.*

18 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

19 *There is authorized to be appropriated to the Director*
 20 *to carry out this Act \$983,000,000 for fiscal year 2017 and*
 21 *each fiscal year thereafter, of which \$130,000,000 shall be*
 22 *used for school construction.*

Calendar No. 684

114TH CONGRESS
2D Session

S. 2580

[Report No. 114-380]

A BILL

To establish the Indian Education Agency to streamline the administration of Indian education, and for other purposes.

NOVEMBER 17, 2016

Reported with an amendment