

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **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”.

7 **SEC. 2. DEFINITIONS.**

8        In this Act:

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

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

6                 (A) the Assistant Director of Education  
7 Curriculum described in section 3(c)(1); or

8                 (B) the Assistant Director of Facilities  
9 Management described in section 3(c)(2).

10          (3) DEPARTMENT.—The term “Department”  
11 means the Department of the Interior.

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

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

19          (6) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 **SEC. 3. ESTABLISHMENT.**

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

25          (b) DIRECTOR.—

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

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

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

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

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

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

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

18           (c) ASSISTANT DIRECTORS.—

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

21                 (A) IN GENERAL.—There shall be in the  
22 Agency an Assistant Director of Education  
23 Curriculum, who shall be appointed by the Di-  
24 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 Workforce  
6       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        vidual to be employed by the Director pursuant to  
18        section 3(c) 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.