

111TH CONGRESS
2D SESSION

S. 3724

To direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. BENNET (for himself, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Education to pay to Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado.

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. PURPOSE.**

4 It is the purpose of this Act to ensure that Federal
5 funding is provided to support and sustain the long-
6 standing Federal mandate requiring Fort Lewis College
7 in the State of Colorado to waive tuition charges for each
8 Indian student it admits to an undergraduate program,

1 including the waiver of tuition charges for Indian students
2 who are not residents of the State of Colorado.

3 **SEC. 2. FINDINGS.**

4 The Congress finds that—

5 (1) Fort Lewis College in the State of Colorado
6 is a signature school for Indian students from
7 throughout the Nation and graduates more Indian
8 students than any other institution of higher edu-
9 cation;

10 (2) in 2009, Fort Lewis College awarded
11 science, technology, engineering, and mathematics
12 degrees to 95 Indian students, which is equal to
13 13.5 percent of the total number of degrees awarded
14 to Indian students in the Nation in 2009 and more
15 than the number of degrees awarded to Indian stu-
16 dents by any other institution of higher education in
17 2009;

18 (3) Fort Lewis College currently provides feder-
19 ally mandated tuition-free education to approxi-
20 mately 750 Indian students from 122 different In-
21 dian tribes and 30 States, representing about 21
22 percent of the overall student population at this Na-
23 tive American-Serving Non-Tribal College;

24 (4) this Federal mandate to provide tuition-free
25 education to Indian students was first placed upon

1 the State of Colorado in the Act of April 4, 1910
2 (36 Stat. 273, chapter 140), as a condition of the
3 transfer of the land, buildings, and fixtures com-
4 prising the then federally operated Fort Lewis
5 School;

6 (5) the amount of funds expended by the State
7 of Colorado to meet the waiver of tuition obligations
8 under the Act of April 4, 1910 (36 Stat. 273, chap-
9 ter 140), for all Indian students, both out-of-State
10 and in-State, far exceeds the value of the land,
11 buildings, and fixtures it holds for the benefit of
12 Fort Lewis College;

13 (6) while the present value of the land, build-
14 ings, and fixtures conveyed in 1910 is approximately
15 \$19,000,000, the State of Colorado has expended,
16 just counting the past 25 years, over \$110,000,000
17 to meet the costs of the tuition waivers for Native
18 American Indian students from 44 different States;
19 and

20 (7) the federally mandated tuition waiver pro-
21 gram for Indian students at Fort Lewis College is
22 now at risk of being reduced by severe budget con-
23 straints being experienced by the State of Colorado,
24 thereby jeopardizing the education of many talented

1 Indian students in present and future classes from
2 around the Nation.

3 **SEC. 3. STATE RELIEF FROM FEDERAL MANDATE.**

4 (a) AMOUNT OF PAYMENT.—

5 (1) IN GENERAL.—Subject to paragraph (2),
6 for fiscal year 2011 and each succeeding fiscal year,
7 the Secretary of Education shall pay to Fort Lewis
8 College in the State of Colorado an amount equal to
9 the charges for tuition for all Indian students who
10 are not residents of the State of Colorado and who
11 are enrolled in Fort Lewis College for the academic
12 year ending before the beginning of such fiscal year.

13 (2) LIMITATION.—The amount paid to Fort
14 Lewis College for each fiscal year under paragraph
15 (1) may not exceed the amount equal to the charges
16 for tuition for all Indian students who were not resi-
17 dents of the State of Colorado and who were en-
18 rolled in Fort Lewis College for academic year
19 2009–2010.

20 (b) TREATMENT OF PAYMENT.—Any amounts re-
21 ceived under this section shall be treated as a reimburse-
22 ment from the State of Colorado to Fort Lewis College
23 for complying with the requirement of the Act of April
24 4, 1910 (36 Stat. 273, chapter 140), to admit Indian stu-
25 dents free of charge of tuition.

1 (c) RULE OF CONSTRUCTION.—Nothing in this Act
2 shall be construed to relieve the State of Colorado from
3 reimbursing, for purposes of complying with the require-
4 ments of the Act of April 4, 1910 (36 Stat. 273, chapter
5 140), Fort Lewis College for each academic year—

6 (1) with respect to Indian students who are not
7 residents of the State of Colorado and who are en-
8 rolled in Fort Lewis College, any amount of charges
9 for tuition for such students that exceeds the
10 amount received under this section for such aca-
11 demic year; and

12 (2) with respect to Indian students who are
13 residents of the State of Colorado and who are en-
14 rolled in Fort Lewis College, an amount equal to the
15 charges for tuition for such students for such aca-
16 demic year.

17 (d) DEFINITION.—In this section, the term “Indian
18 students” refers to the term “Indian pupils” in the Act
19 of April 4, 1910 (36 Stat. 269, chapter 140).

20 (e) FUNDING.—There are authorized to be appro-
21 priated, and there are appropriated (in addition to any
22 other amounts appropriated to carry out this section and
23 out of any money in the Treasury not otherwise appro-

- 1 priated), such sums as may be necessary to carry out this
- 2 section.

