

114TH CONGRESS
1ST SESSION

S. 1390

To help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20, 2015

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

A BILL

To help provide relief to State education budgets during a recovering economy, to help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians, 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 “Native American In-
5 dian Education Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

1 (1) Nontribal colleges that serve Native Amer-
2 ican Indian students have a valuable supplemental
3 role to that provided by tribally controlled commu-
4 nity colleges in making available educational oppor-
5 tunities to Native American Indian students.

6 (2) Some 4-year colleges serve Native American
7 Indian students by providing tuition-free education,
8 with the support of the State in which the institu-
9 tions are located, as mandated by Federal statute, to
10 hundreds of Native American Indian students in ful-
11 fillment of a condition under which the United
12 States provided land and facilities for colleges to a
13 State or college.

14 (3) The value of the Native American Indian
15 student tuition waiver benefits contributed by these
16 colleges and the States that support them today far
17 exceeds the value of the original grant of land and
18 facilities.

19 (4) The ongoing financial burden of meeting
20 this Federal mandate to provide tuition-free edu-
21 cation to Native American Indian students is no
22 longer equitably shared among the States and col-
23 leges because it does not distinguish between Native
24 American Indian students who are residents of the
25 State or of another State.

1 (5) Native American Indian student tuition
 2 waiver benefits are now at risk of being terminated
 3 by severe budget constraints being experienced by
 4 these colleges and the States which support them.

5 (b) PURPOSE.—It is the purpose of this Act to ensure
 6 that Federal funding is provided in order to relieve con-
 7 strained State education budgets and to support and sus-
 8 tain the longstanding Federal mandate requiring colleges
 9 and States to waive, in certain circumstances, tuition
 10 charges for Native American Indian students admitted to
 11 an undergraduate college program, including the waiver
 12 of tuition charges for Native American Indian students
 13 who are not residents of the State in which the college
 14 is located.

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

16 Part A of title III of the Higher Education Act of
 17 1965 (20 U.S.C. 1057 et seq.) is amended by inserting
 18 after section 319 the following:

19 **“SEC. 319A. STATE RELIEF FROM FEDERAL HIGHER EDU-**
 20 **CATION MANDATE.**

21 “(a) AMOUNT OF PAYMENT.—

22 “(1) IN GENERAL.—Subject to paragraphs (2)
 23 and (3), for fiscal year 2015 and each succeeding
 24 fiscal year, the Secretary shall pay to any eligible
 25 college an amount equal to the charges for tuition

1 for such year for all Native American Indian stu-
 2 dents who—

3 “(A) are not residents of the State in
 4 which the college is located; and

5 “(B) are enrolled in the college for the aca-
 6 demic year ending before the beginning of such
 7 fiscal year.

8 “(2) ELIGIBLE COLLEGES.—For purposes of
 9 this section, an eligible college is any institution of
 10 higher education serving Native American Indian
 11 students that provides tuition-free education as man-
 12 dated by Federal statute, with the support of the
 13 State in which it is located, to Native American In-
 14 dian students in fulfillment of a condition under
 15 which the college or State received its original grant
 16 of land and facilities from the United States.

17 “(3) LIMITATION.—The amount paid to any eli-
 18 gible college for each fiscal year under paragraph (1)
 19 may not exceed the amount equal to the charges for
 20 tuition for all Native American Indian students of
 21 that college who were not residents of the State in
 22 which the college is located and who were enrolled
 23 in the college for academic year 2014–2015.

24 “(b) TREATMENT OF PAYMENT.—Any amounts re-
 25 ceived by an eligible college under this section shall be

1 treated as a reimbursement from the State in which the
 2 college is located, and shall be considered as provided in
 3 fulfillment of any Federal mandate upon the State to
 4 admit Native American Indian students free of charge of
 5 tuition.

6 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
 7 tion shall be construed to relieve any State from any man-
 8 date the State may have under Federal law to reimburse
 9 a college for each academic year—

10 “(1) with respect to Native American Indian
 11 students enrolled in the college who are not residents
 12 of the State in which the college is located, any
 13 amount of charges for tuition for such students for
 14 such academic year that exceeds the amount re-
 15 ceived under this section for such academic year;
 16 and

17 “(2) with respect to Native American Indian
 18 students enrolled in the college who are residents of
 19 the State in which the college is located, an amount
 20 equal to the charges for tuition for such students for
 21 such academic year.

22 “(d) DEFINITION OF NATIVE AMERICAN INDIAN
 23 STUDENTS.—In this section, the term ‘Native American
 24 Indian students’ includes reference to the term ‘Indian pu-
 25 pils’ as that term has been utilized in Federal statutes

1 imposing a mandate upon any college or State to provide
2 tuition-free education to Native American Indian students
3 in fulfillment of a condition under which the college or
4 State received its original grant of land and facilities from
5 the United States.”.

6 **SEC. 4. OFFSET.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, \$16,200,000 in appropriated discretionary
9 funds are hereby rescinded, on a pro rata basis, by ac-
10 count, from all available unobligated funds.

11 (b) IMPLEMENTATION.—The Director of the Office of
12 Management and Budget shall determine and identify
13 from which appropriation accounts the rescission under
14 subsection (a) shall apply and the amount of such rescis-
15 sion that shall apply to each such account. Not later than
16 60 days after the date of enactment of this Act, the Direc-
17 tor of the Office of Management and Budget shall submit
18 a report to the Secretary of the Treasury and Congress
19 of the accounts and amounts determined and identified for
20 rescission under the preceding sentence.

21 (c) EXCEPTION.—This section shall not apply to the
22 unobligated funds of the Department of Defense, the De-
23 partment of Veterans Affairs, or the Department of Edu-
24 cation, or any unobligated funds available to the Depart-

- 1 ment of the Interior for the postsecondary education of
- 2 Native American Indian students.

