

112TH CONGRESS
2D SESSION

S. 3504

To help fulfill the Federal mandate to provide higher educational opportunities for Native Americans.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2012

Mr. BENNET (for himself, Mr. UDALL of Colorado, Mr. FRANKEN, Mr. AKAKA, Mr. BEGICH, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To help fulfill the Federal mandate to provide higher educational opportunities for Native Americans.

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 of 2012”.

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

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

8 (1) Native American-serving nontribal college
9 institutions have a valuable supplemental role to
10 that provided by tribally controlled community col-

1 leges in making available educational opportunities
2 to Native American students.

3 (2) Some 4-year Native American-serving non-
4 tribal college institutions provide tuition-free edu-
5 cation, with the support of the State in which the in-
6 stitutions are located, as mandated by Federal stat-
7 ute, to hundreds of Native American students in ful-
8 fillment of a condition under which the United
9 States provided land and facilities for colleges to a
10 State or college.

11 (3) The value of the Native American student
12 tuition waiver benefits contributed by these colleges
13 and the States that support them today far exceeds
14 the value of the original grant of land and facilities.

15 (4) The ongoing financial burden of meeting
16 this Federal mandate to provide tuition-free edu-
17 cation to Indian students is no longer equitably
18 shared among the States and colleges because it
19 does not distinguish between Indian students who
20 are residents of the State or of another State.

21 (5) Native student tuition waiver benefits are
22 now at risk of being terminated by severe budget
23 constraints being experienced by these colleges and
24 the States which support them.

1 (b) PURPOSE.—It is the purpose of this Act to ensure
2 that Federal funding is provided to support and sustain
3 the longstanding Federal mandate requiring colleges and
4 States to waive, in certain circumstances, tuition charges
5 for Native American Indian students admitted to an un-
6 dergraduate college program, including the waiver of tui-
7 tion charges for Indian students who are not residents of
8 the State in which the college is located.

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

10 (a) AMOUNT OF PAYMENT.—

11 (1) IN GENERAL.—Subject to paragraphs (2)
12 and (3), for fiscal year 2013 and each succeeding
13 fiscal year, the Secretary of Education shall pay to
14 any eligible college an amount equal to the charges
15 for tuition for such year for all Indian students
16 who—

17 (A) are not residents of the State in which
18 the college is located; and

19 (B) are enrolled in the college for the aca-
20 demic year ending before the beginning of such
21 fiscal year.

22 (2) ELIGIBLE COLLEGES.—For purposes of this
23 section, an eligible college is any 4-year Native
24 American-serving nontribal institution of higher edu-
25 cation that provides tuition-free education as man-

1 dated by Federal statute, with the support of the
2 State in which it is located, to Native American In-
3 dian students in fulfillment of a condition under
4 which the college or State received its original grant
5 of land and facilities from the United States.

6 (3) LIMITATION.—The amount paid to any col-
7 lege for each fiscal year under paragraph (1) may
8 not exceed the amount equal to the charges for tui-
9 tion for all Indian students of that college who were
10 not residents of the State in which the college is lo-
11 cated and who were enrolled in the college for aca-
12 demic year 2012–2013.

13 (b) TREATMENT OF PAYMENT.—Any amounts re-
14 ceived by an eligible college under this section shall be
15 treated as a reimbursement from the State in which the
16 college is located, and shall be considered as provided in
17 fulfillment of any Federal mandate upon the State to
18 admit Indian students free of charge of tuition.

19 (c) RULE OF CONSTRUCTION.—Nothing in this Act
20 shall be construed to relieve any State from any mandate
21 the State may have under Federal law to reimburse a col-
22 lege for each academic year—

23 (1) with respect to Indian students enrolled in
24 the college who are not residents of the State in
25 which the college is located, any amount of charges

1 for tuition for such students for such academic year
2 that exceeds the amount received under this section
3 for such academic year; and

4 (2) with respect to Indian students enrolled in
5 the college who are residents of the State in which
6 the college is located, an amount equal to the
7 charges for tuition for such students for such aca-
8 demic year.

9 (d) DEFINITIONS.—In this section, the term “Indian
10 students” includes reference to the term “Indian pupils”
11 as that term has been utilized in Federal statutes impos-
12 ing a mandate upon any college or State to provide tui-
13 tion-free education to Native American Indian students in
14 fulfillment of a condition under which the college or State
15 received its original grant of land and facilities from the
16 United States.

17 **SEC. 4. OFFSET.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, of all available unobligated funds,
20 \$15,000,000 in appropriated discretionary funds are here-
21 by rescinded.

22 (b) IMPLEMENTATION.—The Director of the Office of
23 Management and Budget shall determine and identify
24 from which appropriation accounts the rescission under
25 subsection (a) shall apply and the amount of such rescis-

1 sion that shall apply to each such account. Not later than
2 60 days after the date of the enactment of this Act, the
3 Director of the Office of Management and Budget shall
4 submit a report to the Secretary of the Treasury and Con-
5 gress of the accounts and amounts determined and identi-
6 fied for rescission under the preceding sentence.

7 (c) EXCEPTION.—This section shall not apply to the
8 unobligated funds of the Department of Defense, the De-
9 partment of Veterans Affairs, or the Department of Edu-
10 cation.

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