

112TH CONGRESS  
1ST SESSION

# S. 484

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 3, 2011

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

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## 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 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 baccalaureate institution of  
9 higher education;

10 (2) in 2009, Fort Lewis College awarded 95 de-  
11 grees in science, technology, engineering, and mathe-  
12 matics to Indian students, representing 13.5 percent  
13 of degrees awarded by baccalaureate institutions of  
14 higher education to Indian students, more degrees  
15 than any other comparable baccalaureate institution  
16 in the Nation;

17 (3) as of the 2010–11 academic year, Fort  
18 Lewis College provides federally mandated tuition-  
19 free education to approximately 786 Indian students  
20 from 124 different Indian tribes and 34 different  
21 States, representing approximately 20 percent of the  
22 overall student population at this non-tribal institu-  
23 tion of higher education that serves Indian students;

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

the State of Colorado under section 5 of the Act of April 4, 1910 (36 Stat. 273, chapter 140), as a condition of the transfer of the land, buildings, and fixtures comprising Fort Lewis School, which had been federally operated;

(5) the amount of funds expended by the State of Colorado to meet the waiver of tuition obligations under section 5 of the Act of April 4, 1910 (36 Stat. 273, chapter 140), for all Indian students, both out-of-State and in-State, far exceeds the value of the land, buildings, and fixtures that the State of Colorado holds for the benefit of Fort Lewis College;

(6) the State of Colorado has expended more than \$110,000,000 in the past 25 years to meet the costs of the tuition waivers for Indian students at Fort Lewis College from 44 different States; and

(7) the federally mandated tuition waiver program for Indian students at Fort Lewis College is at risk of being reduced by the severe budget constraints of the State of Colorado, thereby jeopardizing the education of many talented Indian students from around the Nation, in present and future classes.

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

(a) AMOUNT OF PAYMENT.—

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

9           (2) LIMITATION.—The amount paid to Fort  
 10          Lewis College for each fiscal year under paragraph  
 11          (1) may not exceed the amount equal to the charges  
 12          for tuition for all Indian students who were not resi-  
 13          dents of the State of Colorado and who were en-  
 14          rolled in Fort Lewis College for academic year  
 15          2010–2011.

16          (b) TREATMENT OF PAYMENT.—Any amounts re-  
 17          ceived under this section shall be treated as a reimburse-  
 18          ment from the State of Colorado to Fort Lewis College  
 19          for complying with the requirement of section 5 of the Act  
 20          of April 4, 1910 (36 Stat. 273, chapter 140), to admit  
 21          Indian students free of charge of tuition.

22          (c) RULE OF CONSTRUCTION.—Nothing in this Act  
 23          shall be construed to relieve the State of Colorado from  
 24          reimbursing, for purposes of complying with the require-  
 25          ments of section 5 of the Act of April 4, 1910 (36 Stat.

1 273, chapter 140), Fort Lewis College for each academic  
 2 year—

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

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

14 (d) DEFINITION.—In this section, the term “Indian  
 15 students” refers to the term “Indian pupils” in section  
 16 5 of the Act of April 4, 1910 (36 Stat. 269, chapter 140).

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

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