

115TH CONGRESS  
1ST SESSION

# S. 660

To amend the Higher Education Act of 1965 in order to fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.

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## IN THE SENATE OF THE UNITED STATES

MARCH 15, 2017

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

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## A BILL

To amend the Higher Education Act of 1965 in order to fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.

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. PURPOSE.**

7 It is the purpose of this Act to ensure that Federal  
8 funding is provided to support and sustain the long-  
9 standing Federal mandate requiring colleges and States

1 to waive, in certain circumstances, tuition charges for Na-  
2 tive American Indian students they admit to an under-  
3 graduate college program, including the waiver of tuition  
4 charges for Native American Indian students who are not  
5 residents of the State in which the college is located.

6 **SEC. 3. FINDINGS.**

7 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-  
11 leges in making available educational opportunities  
12 to Native American Indian students.

13 (2) Some 4-year Native American-serving non-  
14 tribal college institutions provide tuition-free edu-  
15 cation, with the support of the State in which they  
16 are located, as mandated by Federal statute, to hun-  
17 dreds of Native American Indian students in fulfill-  
18 ment of a condition under which the United States  
19 provided land and facilities for such colleges to a  
20 State or college.

21 (3) The value of the Native student tuition  
22 waiver benefits contributed by these colleges and the  
23 States which support them today far exceeds the  
24 value of the original grant of land and facilities.

1           (4) The ongoing financial burden of meeting  
2           this Federal mandate to provide tuition-free edu-  
3           cation to Native American Indian students is no  
4           longer equitably shared among the States and col-  
5           leges because the mandate does not distinguish be-  
6           tween such students who are residents of the State  
7           or who are residents of another State.

8           (5) Native student tuition waiver benefits are  
9           now at risk of being terminated by severe budget  
10          constraints being experienced by these colleges and  
11          the States which support them.

12 **SEC. 4. STATE RELIEF FROM FEDERAL HIGHER EDUCATION**  
13 **MANDATE.**

14          (a) IN GENERAL.—Part A of title III of the Higher  
15          Education Act of 1965 (20 U.S.C. 1057 et seq.) is amend-  
16          ed by inserting after section 319 the following:

17 **“SEC. 319A. STATE RELIEF FROM FEDERAL HIGHER EDU-**  
18 **CATION MANDATE.**

19          “(a) AMOUNT OF PAYMENT.—For fiscal year 2018  
20          and each succeeding fiscal year through fiscal year 2022,  
21          the Secretary may pay to any eligible college an amount  
22          that equals the charges for tuition waived by the college  
23          (as described in subsection (e)(1)) for the academic year  
24          ending before the beginning of such fiscal year for Native  
25          American Indian students who were enrolled in the college

1 for such academic year and who were not residents of the  
2 State in which the college is located during such academic  
3 year.

4 “(b) TREATMENT OF PAYMENT.—Any amounts re-  
5 ceived by an eligible college under subsection (a) shall be  
6 treated as a reimbursement from the State in which the  
7 college is located, which is provided in fulfillment of any  
8 Federal mandate upon the State to waive charges for tui-  
9 tion for Native American Indian students.

10 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
11 tion shall be construed to relieve any State from any man-  
12 date the State may have under Federal law to reimburse  
13 an eligible college for an academic year—

14 “(1) with respect to Native American Indian  
15 students enrolled in the college who are not residents  
16 of the State in which the college is located, any  
17 amount of charges for tuition waived by the college  
18 for such students that exceeds the amount received  
19 by the college under subsection (a) for such aca-  
20 demic year; and

21 “(2) with respect to Native American Indian  
22 students enrolled in the college who are residents of  
23 the State in which the college is located, an amount  
24 equal to the charges for tuition waived by the college  
25 for such students for such academic year.

1 “(d) APPLICABILITY.—

2 “(1) IN GENERAL.—The provisions of any other  
3 section of this part or part G shall not apply with  
4 respect to funds paid under this section.

5 “(2) NO EFFECT ON ELIGIBILITY.—Funds re-  
6 ceived by a Native American-serving, nontribal insti-  
7 tution under this section shall not be taken into ac-  
8 count for purposes of section 319(d)(3)(A).

9 “(e) DEFINITIONS.—In this section:

10 “(1) ELIGIBLE COLLEGE.—The term ‘eligible  
11 college’ means any 4-year Native American-serving,  
12 nontribal institution that waives the charges for tui-  
13 tion as mandated by Federal statute, with the sup-  
14 port of the State in which the institution is located,  
15 for Native American Indian students in fulfillment  
16 of a condition under which the institution or State  
17 received its original grant of land and facilities from  
18 the United States.

19 “(2) NATIVE AMERICAN INDIAN STUDENTS.—  
20 The term ‘Native American Indian students’ in-  
21 cludes reference to the term ‘Indian pupils’ as that  
22 term has been utilized in Federal statutes imposing  
23 a mandate upon any eligible college or State to  
24 waive charges for tuition for Native American Indian  
25 students in fulfillment of a condition under which

1 the college or State received its original grant of  
2 land and facilities from the United States.

3 “(3) NATIVE AMERICAN-SERVING, NONTRIBAL  
4 INSTITUTION.—The term ‘Native American-serving,  
5 nontribal institution’ has the meaning given the  
6 term in section 319(b).

7 “(f) SUPPLEMENT, NOT SUPPLANT.—Funds under  
8 this section shall be used to supplement, not supplant, any  
9 Federal or non-Federal funds that would otherwise be  
10 used for Indian education programs.”.

11 (b) AUTHORIZATION.—Section 399(a)(1) of the  
12 Higher Education Act of 1965 (20 U.S.C. 1068h(a)(1))  
13 is amended—

14 (1) by redesignating subparagraph (F) as sub-  
15 paragraph (G); and

16 (2) by inserting after subparagraph (E) the fol-  
17 lowing:

18 “(F) There are authorized to be appropriated to  
19 carry out section 319A, \$17,400,000 for each of fis-  
20 cal years 2018 through 2022.”.

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