

116TH CONGRESS  
1ST SESSION

# S. 759

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.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Mr. GARDNER (for himself, Mr. BENNET, Ms. KLOBUCHAR, Ms. SMITH, and Mr. HEINRICH) 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 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), from amounts made available under sub-  
24               section (e) for fiscal year 2020 and each succeeding  
25               fiscal year, the Secretary shall pay to any eligible

1 college an amount equal to the charges for tuition  
2 for such year for all Native American Indian stu-  
3 dents who—

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

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

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

18 “(3) LIMITATION.—The amount paid to any eli-  
19 gible college for each fiscal year under paragraph (1)  
20 may not exceed the amount equal to the charges for  
21 tuition for all Native American Indian students of  
22 that college who were not residents of the State in  
23 which the college is located and who were enrolled  
24 in the college for academic year 2019–2020.

1       “(b) TREATMENT OF PAYMENT.—Any amounts re-  
2 ceived by an eligible college under this section shall be  
3 treated as a reimbursement from the State in which the  
4 college is located, and shall be considered as provided in  
5 fulfillment of any Federal mandate upon the State to  
6 admit Native American Indian students free of charge of  
7 tuition.

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

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

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

24       “(d) DEFINITION OF NATIVE AMERICAN INDIAN  
25 STUDENTS.—In this section, the term ‘Native American

1 Indian students’ includes reference to the term ‘Indian pu-  
2 pils’ as that term has been utilized in Federal statutes  
3 imposing a mandate upon any college or State to provide  
4 tuition-free education to Native American Indian students  
5 in fulfillment of a condition under which the college or  
6 State received its original grant of land and facilities from  
7 the United States.

8 “(e) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be  
10 appropriated—

11 “(A) \$19,700,000 to carry out subsection  
12 (a) for fiscal year 2020; and

13 “(B) such sums as may be necessary to  
14 carry out such subsection for each subsequent  
15 fiscal year.

16 “(2) NO IMPACT ON RELATED FUNDING.—No  
17 funds providing postsecondary education for Native  
18 American Indian students under any other Federal  
19 law shall be reduced to offset any funds provided  
20 under paragraph (1).”.

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