

112TH CONGRESS
1ST SESSION

H. R. 3040

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. TIPTON (for himself, Mr. COLE, Mr. YOUNG of Alaska, Mr. GARDNER, Ms. DEGETTE, Mr. PERLMUTTER, Mr. COFFMAN of Colorado, Mr. LUJÁN, and Mr. POLIS) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To help 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 of 2011”.

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-

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

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

9 (1) Native American-serving nontribal college
10 institutions have a valuable supplemental role to
11 that provided by tribally controlled community col-
12 leges in making available educational opportunities
13 to Native American Indian students.

14 (2) Some four-year Native American-serving
15 nontribal college institutions provide tuition-free
16 education, with the support of the State in which
17 they are located, as mandated by Federal statute, to
18 hundreds of Native American Indian students in ful-
19 fillment of a condition under which the United
20 States provided land and facilities for such colleges
21 to a State or college.

22 (3) The value of the Native student tuition
23 waiver benefits contributed by these colleges and the
24 States which support them today far exceeds the
25 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 Indian students is no longer equitably
4 shared among the States and colleges because it
5 does not distinguish between Indian students who
6 are residents of the State or of another State.

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

11 **SEC. 4. STATE RELIEF FROM FEDERAL MANDATE.**

12 (a) AMOUNT OF PAYMENT.—

13 (1) IN GENERAL.—Subject to paragraphs (2)
14 and (3), for fiscal year 2011 and each succeeding
15 fiscal year, the Secretary of Education shall pay to
16 any eligible college an amount equal to the charges
17 for tuition for all Indian students who are not resi-
18 dents of the State in which the college is located and
19 who are enrolled in the college for the academic year
20 ending before the beginning of such fiscal year.

21 (2) ELIGIBLE COLLEGES.—For purposes of this
22 section, an eligible college is any four-year Native
23 American-serving nontribal institution of higher edu-
24 cation which provides tuition-free education as man-
25 dated by Federal statute, with the support of the

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

5 (3) LIMITATION.—The amount paid to any col-
6 lege for each fiscal year under paragraph (1) may
7 not exceed the amount equal to the charges for tui-
8 tion for all Indian students of that college who were
9 not residents of the State in which the college is lo-
10 cated and who were enrolled in the college for aca-
11 demic year 2010–2011.

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

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

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

1 amount received under this section for such aca-
2 demic year; and

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

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

15 (e) FUNDING.—There are authorized to be appro-
16 priated such sums as may be necessary to carry out this
17 section.

18 **SEC. 5. OFFSET.**

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

23 (b) IMPLEMENTATION.—The Director of the Office of
24 Management and Budget shall determine and identify
25 from which appropriation accounts the rescission under

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

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

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