

113TH CONGRESS
1ST SESSION

H. R. 1658

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2013

Mr. TIPTON (for himself, Mr. COLE, Mr. YOUNG of Alaska, Mr. GARDNER, Ms. DEGETTE, Mr. PERLMUTTER, Mr. COFFMAN, Mr. BEN RAY LUJÁN of New Mexico, Mr. POLIS, Ms. MCCOLLUM, Mr. MORAN, Mrs. KIRKPATRICK, Mr. HONDA, Mr. JONES, Ms. MOORE, Mr. GRIJALVA, Mr. HINOJOSA, Mrs. NEGRETE MCLEOD, Mr. FALEOMAVAEGA, Mr. CÁRDENAS, Mr. RANGEL, Ms. SINEMA, Mr. POCAN, Mr. RUIZ, Mr. TAKANO, Mr. LAMBORN, Mr. GOSAR, and Mrs. NAPOLITANO) 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”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to ensure that Federal
3 funding is provided to support and sustain the long-
4 standing Federal mandate requiring colleges and States
5 to waive, in certain circumstances, tuition charges for Na-
6 tive American Indian students they admit to an under-
7 graduate college program, including the waiver of tuition
8 charges for Indian students who are not residents of the
9 State in which the college is located.

10 **SEC. 3. FINDINGS.**

11 Congress finds the following:

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

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

25 (3) The value of the Native student tuition
26 waiver benefits contributed by these colleges and the

1 States which support them today far exceeds the
2 value of the original grant of land and facilities.

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

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

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

14 (a) AMOUNT OF PAYMENT.—

15 (1) IN GENERAL.—Subject to paragraphs (2)
16 and (3), for fiscal year 2014 and each succeeding
17 fiscal year, the Secretary of Education shall pay to
18 any eligible college an amount equal to the charges
19 for tuition for all Indian students who are not resi-
20 dents of the State in which the college is located and
21 who are enrolled in the college for the academic year
22 ending before the beginning of such fiscal year.

23 (2) ELIGIBLE COLLEGES.—For purposes of this
24 section, an eligible college is any four-year Native
25 American-serving nontribal institution of higher edu-

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

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

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

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

24 (1) with respect to Indian students enrolled in
25 the college who are not residents of the State in

1 which the college is located, any amount of charges
2 for tuition for such students that exceeds the
3 amount received under this section for such aca-
4 demic year; and

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

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

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

20 **SEC. 5. OFFSET.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, of all available unobligated funds,
23 \$15,000,000 in appropriated discretionary funds are here-
24 by rescinded.

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

11 (c) EXCEPTION.—This section shall not apply to the
12 unobligated funds of—

13 (1) the Department of the Interior for the post-
14 secondary education of Native American Indian stu-
15 dents;

16 (2) the Department of Defense;

17 (3) the Department of Veterans Affairs; or

18 (4) the Department of Education.

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