

1 “(b) FINDINGS.—Congress finds the following:

2 “(1) Native American-serving nontribal college
3 institutions have a valuable supplemental role to
4 that provided by tribally controlled community col-
5 leges in making available educational opportunities
6 to Native American Indian students.

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

15 “(3) The value of the Native student tuition
16 waiver benefits contributed by these colleges and the
17 States which support them today far exceeds the
18 value of the original grant of land and 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 the mandate does not distinguish be-
24 tween such students who are residents of the State
25 or who are residents of another State.

1 “(5) Native student tuition waiver benefits are
2 now at risk of being terminated by severe budget
3 constraints being experienced by these colleges and
4 the States which support them.

5 “(c) AMOUNT OF PAYMENT.—For fiscal year 2019
6 and each succeeding fiscal year through fiscal year 2024,
7 the Secretary may pay to any eligible college an amount
8 that equals the charges for tuition waived by the college
9 (as described in subsection (g)(1)) for the academic year
10 ending before the beginning of such fiscal year for Native
11 American Indian students who were enrolled in the college
12 for such academic year and who were not residents of the
13 State in which the college is located during such academic
14 year.

15 “(d) TREATMENT OF PAYMENT.—Any amounts re-
16 ceived by an eligible college under subsection (c) shall be
17 treated as a reimbursement from the State in which the
18 college is located, which is provided in fulfillment of any
19 Federal mandate upon the State to waive charges for tui-
20 tion for Native American Indian students.

21 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to relieve any State from any man-
23 date the State may have under Federal law to reimburse
24 an eligible college for an academic year—

1 “(1) with respect to Native American Indian
2 students enrolled in the college who are not residents
3 of the State in which the college is located, any
4 amount of charges for tuition waived by the college
5 for such students that exceeds the amount received
6 by the college under subsection (c) for such aca-
7 demic year; and

8 “(2) with respect to Native American Indian
9 students enrolled in the college who are residents of
10 the State in which the college is located, an amount
11 equal to the charges for tuition waived by the college
12 for such students for such academic year.

13 “(f) APPLICABILITY.—

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

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

21 “(g) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE COLLEGE.—The term ‘eligible
23 college’ means any 4-year Native American-serving,
24 nontribal institution that waives the charges for tui-
25 tion as mandated by Federal statute, with the sup-

1 port of the State in which the institution is located,
2 for Native American Indian students in fulfillment
3 of a condition under which the institution or State
4 received its original grant of land and facilities from
5 the United States.

6 “(2) NATIVE AMERICAN INDIAN STUDENTS.—
7 The term ‘Native American Indian students’ in-
8 cludes reference to the term ‘Indian pupils’ as that
9 term has been utilized in Federal statutes imposing
10 a mandate upon any eligible college or State to
11 waive charges for tuition for Native American Indian
12 students in fulfillment of a condition under which
13 the college or State received its original grant of
14 land and facilities from the United States.

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

19 “(h) SUPPLEMENT, NOT SUPPLANT.—Funds under
20 this section shall be used to supplement, not supplant, any
21 Federal or non-Federal funds that would otherwise be
22 used for Indian education programs.”.

In section 399(a) of the Higher Education Act of
1965, as proposed to be amended by section 306(3), re-

designate subparagraph (E) as subparagraph (F) and insert after subparagraph (D) the following:

1 “(E) There are authorized to be appro-
2 priated to carry out section 319A, \$17,400,000
3 for each of fiscal years 2019 through 2024.”.

