AMENDMENT TO THE AMENDMENT IN THE NATURE OF SUBSTITUTE TO H.R. 4508
OFFERED BY MR. POLIS OF COLORADO AND MR. HUNTER OF CALIFORNIA

In section 301(8)(B)(iii)(III), strike “; and” and insert a semicolon.

In section 301(9)(B)(iii), strike the period at the end and insert “; and”.

At the end of section 301, add the following:

(10) by inserting after section 319 the following:

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SEC. 319A. STATE RELIEF FROM FEDERAL HIGHER EDUCATION MANDATE.

“(a) PURPOSE.—It is the purpose of this section to ensure that Federal funding is provided to support and sustain the longstanding Federal mandate requiring colleges and States to waive, in certain circumstances, tuition charges for Native American Indian students they admit to an undergraduate college program, including the waiver of tuition charges for Native American Indian students who are not residents of the State in which the college is located.
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“(b) FINDINGS.—Congress finds the following:

“(1) Native American-serving nontribal college institutions have a valuable supplemental role to that provided by tribally controlled community colleges in making available educational opportunities to Native American Indian students.

“(2) Some 4-year Native American-serving non-tribal college institutions provide tuition-free education, with the support of the State in which they are located, as mandated by Federal statute, to hundreds of Native American Indian students in fulfillment of a condition under which the United States provided land and facilities for such colleges to a State or college.

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

“(4) The ongoing financial burden of meeting this Federal mandate to provide tuition-free education to Native American Indian students is no longer equitably shared among the States and colleges because the mandate does not distinguish between such students who are residents of the State or who are residents of another State.
“(5) Native student tuition waiver benefits are now at risk of being terminated by severe budget constraints being experienced by these colleges and the States which support them.

“(c) Amount of Payment.—For fiscal year 2019 and each succeeding fiscal year through fiscal year 2024, the Secretary may pay to any eligible college an amount that equals the charges for tuition waived by the college (as described in subsection (g)(1)) for the academic year ending before the beginning of such fiscal year for Native American Indian students who were enrolled in the college for such academic year and who were not residents of the State in which the college is located during such academic year.

“(d) Treatment of Payment.—Any amounts received by an eligible college under subsection (c) shall be treated as a reimbursement from the State in which the college is located, which is provided in fulfillment of any Federal mandate upon the State to waive charges for tuition for Native American Indian students.

“(e) Rule of Construction.—Nothing in this section shall be construed to relieve any State from any mandate the State may have under Federal law to reimburse an eligible college for an academic year—
“(1) with respect to Native American Indian students enrolled in the college who are not residents of the State in which the college is located, any amount of charges for tuition waived by the college for such students that exceeds the amount received by the college under subsection (c) for such academic year; and

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

“(f) APPLICABILITY.—

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

“(2) NO EFFECT ON ELIGIBILITY.—Funds received by a Native American-serving, nontribal institution under this section shall not be taken into account for purposes of section 319(d)(2)(A).

“(g) DEFINITIONS.—In this section:

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

“(2) NATIVE AMERICAN INDIAN STUDENTS.—

The term ‘Native American Indian students’ includes reference to the term ‘Indian pupils’ as that term has been utilized in Federal statutes imposing a mandate upon any eligible college or State to waive charges for tuition for Native American Indian students in fulfillment of a condition under which the college or State received its original grant of land and facilities from the United States.

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

“(h) SUPPLEMENT, NOT SUPPLANT.—Funds under this section shall be used to supplement, not supplant, any Federal or non-Federal funds that would otherwise be 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:

“(E) There are authorized to be appropriated to carry out section 319A, $17,400,000 for each of fiscal years 2019 through 2024.”.