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In the 114th Congress, U.S. Senator Cory Gardner, along with Senator Michael Bennet, and U.S. Representative Scott Tipton introduced federal legislation that will help ensure that the Native American Tuition Waiver at Fort Lewis College will continue into the future. The waiver offers a tuition-free education at Fort Lewis College and is available to any student from a federally-recognized tribe.

The goal of both bills (S. 1390 and H.R. 1089) is to “help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.” Currently there are two colleges in the United States that offer tuition waivers to members of any federally-recognized Native American tribe: Fort Lewis College and the University of Minnesota-Morris. The bills will offer federal funding to help these two schools maintain their tuition waiver programs.

Currently Colorado is responsible for paying the full cost of the tuition waiver for both resident and non-resident Native American students. In 2014, 87 percent of Native American students enrolled at FLC were non-residents.

As the success of the program grew over the years, the cost of the tuition waiver to Colorado also grew. The threat that the waiver would be reduced or eliminated by the State Legislature increased. State House Bill 10-1067 was introduced in early 2010 and would have reduced the amount that the state reimbursed the College for the waiver by almost $2 million dollars. The bill was withdrawn from consideration.

The current federal legislation specifies that the amount of the federal government’s funding assistance will be capped at the cost of the tuition waiver for non-resident Native American students at FLC for the year the legislation is enacted. This does not mean that the number of Native American students who can take advantage of the waiver is capped. If the cost of the waiver rises above the amount set forth in the bill in future years, the state of Colorado will be responsible for that funding.

In a sense, the Native American Tuition Waiver program at Fort Lewis College has become a national program. When looking back over the last 20 years, the top four tribes with members receiving the tuition waiver are not from Colorado: Navajo, Cherokee, Choctaw, and Tlingit/Haida.

“Educating Native American students at Fort Lewis College has been a highly successful endeavor,” says FLC President Dene Kay Thomas. “Fort Lewis is a Native American-Serving, Non-Tribal institution (one of only 18 in the country) and it graduates more Native Americans with bachelor’s degrees than any other four-year school. Increasing the educational level of Native Americans has been successful, beneficial to Colorado, and the entire country. It is right that the country shares in this Colorado responsibility and continues the good work with Native American students that has been going on at Fort Lewis College for the last 100 years.”
Senate Bill 1390
&
House Bill 1089
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.

IN THE SENATE OF THE UNITED STATES
MAY 20, 2015
Mr. GARDNER (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the “Native American Indian Education Act”.

SEC. 2. FINDINGS AND PURPOSE.
(a) FINDINGS.—Congress finds the following:
(1) Nontribal colleges that serve Native Amer-
ican Indian students have a valuable supplemental
role to that provided by tribally controlled commun-
ity colleges in making available educational oppor-
tunities to Native American Indian students.

(2) Some 4-year colleges serve Native American
Indian students by providing tuition-free education,
with the support of the State in which the institu-
tions are located, as mandated by Federal statute, to
hundreds of Native American Indian students in ful-
fillment of a condition under which the United
States provided land and facilities for colleges to a
State or college.

(3) The value of the Native American Indian
student tuition waiver benefits contributed by these
colleges and the States that 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 edu-
cation to Native American Indian students is no
longer equitably shared among the States and col-
leges because it does not distinguish between Native
American Indian students who are residents of the
State or of another State.
(5) Native American Indian 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.

(b) PURPOSE.—It is the purpose of this Act to ensure that Federal funding is provided in order to relieve constrained State education budgets and to support and sustain the longstanding Federal mandate requiring colleges and States to waive, in certain circumstances, tuition charges for Native American Indian students admitted 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.

SEC. 3. STATE RELIEF FROM FEDERAL MANDATE.

Part A of title III of the Higher Education Act of 1965 (20 U.S.C. 1057 et seq.) is amended by inserting after section 319 the following:

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

“(a) AMOUNT OF PAYMENT.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), for fiscal year 2015 and each succeeding fiscal year, the Secretary shall pay to any eligible college an amount equal to the charges for tuition
for such year for all Native American Indian stu-
dents who—

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

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

“(2) ELIGIBLE COLLEGES.—For purposes of
this section, an eligible college is any institution of
higher education serving Native American Indian
students that provides tuition-free education as man-
dated by Federal statute, with the support of the
State in which it is located, to Native American In-
dian 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) LIMITATION.—The amount paid to any eli-
gible college for each fiscal year under paragraph (1)
may not exceed the amount equal to the charges for
tuition for all Native American Indian students of
that college who were not residents of the State in
which the college is located and who were enrolled
in the college for academic year 2014–2015.

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

“(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 a college for each 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 for such students for such academic year that exceeds the amount received under this section 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 for such students for such academic year.

“(d) Definition of Native American Indian Students.—In this section, 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 college or State to provide

tuition-free education to 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.”.

SEC. 4. OFFSET.

(a) In General.—Notwithstanding any other provi-

sion of law, $16,200,000 in appropriated discretionary

funds are hereby rescinded, on a pro rata basis, by ac-

count, from all available unbudgeted funds.

(b) Implementation.—The Director of the Office of

Management and Budget shall determine and identify

from which appropriation accounts the rescission under

subsection (a) shall apply and the amount of such rescis-

sion that shall apply to each such account. Not later than

60 days after the date of enactment of this Act, the Direc-

tor of the Office of Management and Budget shall submit

a report to the Secretary of the Treasury and Congress

of the accounts and amounts determined and identified for

rescission under the preceding sentence.

(c) Exception.—This section shall not apply to the

unobligated funds of the Department of Defense, the De-

partment of Veterans Affairs, or the Department of Edu-

cation, or any unobligated funds available to the Depart-
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1 ment of the Interior for the postsecondary education of

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

IN THE HOUSE OF REPRESENTATIVES

February 25, 2015

Mr. Tipton (for himself, Mr. Cárdenas, Mr. Coffman, Mr. Cole, Mr. Conyers, Ms. DeGette, Mr. Honda, Ms. Michelle Lujan Grisham of New Mexico, Mr. Mullen, Mr. Takai, Mr. Takano, and Mr. Young of Alaska) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Native American Indian Education Act”.

1 be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 Section 1. Short Title.

3 This Act may be cited as the “Native American Indian Education Act”.
SEC. 2. PURPOSE.

It is the purpose of this Act 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 Indian students who are not residents of the State in which the college is located.

SEC. 3. 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 four-year Native American-serving nontribal 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 Indian students is no longer equitably shared among the States and colleges because it does not distinguish between Indian students who are residents of the State or 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.

SEC. 4. STATE RELIEF FROM FEDERAL MANDATE.

(a) AMOUNT OF PAYMENT.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), for fiscal year 2016 and each succeeding fiscal year, the Secretary of Education shall pay to any eligible college an amount equal to the charges for tuition for all Indian students who are not residents of the State in which the college is located and who are enrolled in the college for the academic year ending before the beginning of such fiscal year.

(2) ELIGIBLE COLLEGES.—For purposes of this section, an eligible college is any four-year Native American-serving nontribal institution of higher edu-
cation which provides tuition-free education as mandated by Federal statute, with the support of the State in which it is located, to 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) LIMITATION.—The amount paid to any college for each fiscal year under paragraph (1) may not exceed the lower of the following amounts:

(A) The amount equal to the charges for tuition for all Indian students of that college who were not residents of the State in which the college is located and who were enrolled in the college for academic year 2014–2015.

(B) $15,000,000.

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

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to relieve any State from any mandate it may have under Federal law to reimburse a college for each academic year—
(1) with respect to 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 for such students that exceeds the amount received under this section for such academic year; and

(2) with respect to 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 for such students for such academic year.

(d) DEFINITIONS.—In this section, the term “Indian students” includes reference to the term “Indian pupils” as that term has been utilized in Federal statutes imposing a mandate upon any college or State to provide tuition-free education to Native American Indian students in fulfillment of a condition under which it received its original grant of land and facilities from the United States.

(e) FUNDING.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 5. OFFSET.

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds,
$15,000,000 in appropriated discretionary funds are hereby rescinded.

(b) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under subsection (a) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

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

(1) the Department of the Interior for the post-secondary education of Native American Indian students;

(2) the Department of Defense;

(3) the Department of Veterans Affairs; or

(4) the Department of Education.
Congressional Testimony Regarding Legislative Effort in the 112th Congress

- Mr. William Mendoza, Director, White House Initiative on American Indian and Alaska Native Education

- The Honorable Ben Nighthorse Campbell, U.S. Senator, Retired

- Mr. John E. Echohawk, Executive Director, Native American Rights Fund

- Mr. Byron Tsabetsaye, Former President, Associated Students of Fort Lewis College

- The Honorable Joseph A. Garcia, Lieutenant Governor, State of Colorado

- Dr. Dene Kay Thomas, President, Fort Lewis College

- Dr. Jacqueline R. Johnson, Chancellor, University of Minnesota, Morris

- Mr. Lewis Wittry, Former Vice President, Associated Students of Fort Lewis College
Good morning. My name is William Mendoza, and I am the Director of the White House Initiative on American Indian and Alaska Native (AI/AN) Education at the United States Department of Education. I appreciate the opportunity to testify today about the work the Administration is doing to expand educational opportunities and improve outcomes for AI/AN students.

I would also like to acknowledge Senator Bennet’s work on S.3504, The Native American Education Act of 2012, which is the subject of this hearing.

Increasing Partnerships with States, Tribes and the Private Sector to Improve Student Achievement
This Administration has taken great strides to support self-determination and to strengthen and honor the Federal Government’s government-to-government relationships with Tribal Nations. At the White House Tribal Nations Conference on December 2, 2011, President Obama, joined by Cabinet Secretaries and other senior Administration officials, met with tribal leaders from federally recognized Tribes for the third consecutive year to continue to enhance these relationships. In reaffirming the Federal Government’s commitment to ensure that Tribal Nations are full partners with the Federal family, the President announced the signing of Executive Order No. 13592 entitled, “Improving American Indian and Alaska Native Educational Opportunities and Strengthening Tribal Colleges and Universities.” As President Obama said, “We have to prepare the next generation for the future.”

The mission and function of the White House Initiative on American Indian and Alaska Native Education is to expand educational opportunities and improve educational outcomes for AI/AN students. This includes helping to ensure that AI/AN students have opportunities to learn their Native languages, cultures and histories, and receive a complete and competitive education that prepares them for college, a career, and productive and satisfying lives.

Specifically, the Initiative works with Federal agencies, States, Tribes, and the private sector to advance these goals. With respect to postsecondary education, the Initiative works to implement
strategies to promote the expanded implementation of education reforms that have shown
evidence of success in enabling AI/AN students to acquire a rigorous and well-rounded
education; increase access to the support services that prepare them for college, careers, and civic
involvement; reduce the student dropout rate and help more students who stay in high school
prepare for college and careers; increase college access and completion by strengthening the
capacity of postsecondary institutions, including Tribal Colleges and Universities (TCUs); and
help ensure that the unique cultural, educational, and language needs of AI/AN students are met.

American Indians/Alaska Natives and Higher Education
We need to do better when it comes to meeting the academic and cultural needs of our American
Indian and Alaska Native students across the nation. AI/AN young adults lag behind their white
peers in employment and educational attainment. According to the National Center for
Education Statistics (NCES), in 2010, white young adults ages 16-24 had the lowest rate of
unemployment, while AI/AN young adults had the highest.

According to 2010 US Census data, about 30 percent of all youth and adults in the general
population held baccalaureate degrees, compared with just 13 percent of the AI/AN youth and
adults. And, while across all degree granting institutions, AI/AN undergraduate enrollment
increased from 70,000 to 189,000 students from 1976 to 2009, these students still accounted for
only 1 percent of the total undergraduate enrollment during those years. AI/AN students
entering postsecondary education also lag behind all students in timely completion of both
baccalaureate degrees and certificates or associates degrees at 2-year degree granting
institutions. These statistics make clear that more must be done to expand opportunities and
improve outcomes for AI/AN students.

In order to meet President Obama’s goal for college attainment, there will need to be an
additional 112,000 AI/AN students completing college by the year 2020. Working together to
support TCUs is important in achieving this goal.

Our Nation’s 37 tribally-controlled TCUs, which serve approximately 33,000 students, and
whose student body is at least 50 percent AI/AN students, fulfill a unique role in AI/AN
communities by acting as safeguards and champions of tribal languages and cultures. TCUs are
also public institutions and they provide high-quality education and career-building opportunities
to students of all ages, while also serving as a catalyst for economic development on
reservations.

It’s also important to note that more than 90 percent of AI/AN postsecondary students attend
institutions of higher education that are not tribally-controlled. These include Native American
Serving Non-Tribally Controlled Institutions (NASNTCIs), where the student body is at least 10
percent AI/AN students, but where there are few opportunities for collaboration between Tribes
and States.

In addition to providing a high-quality education and career-building opportunities for AI/AN
students, NASNTCIs are working to improve and expand their capacity to serve AI/AN and low-

2 http://nces.ed.gov/programs/coe/indicator_pgr.asp#info
income individuals by engaging in such activities as: expanding dual enrollment opportunities for AI/AN students; assisting institutions in the development of adult education that increases the number of AI/AN students who obtain high school diplomas; improving academic and student services to support student success and retention of AI/AN students; improving the effective use of technology in academic environments; and increasing the number of AI/AN students who pursue advanced degrees.

Together, TCUs and NASNTCs have a far-reaching impact in the communities they serve. For example, these institutions provide effective paths to academic achievement and degree completion for AI/AN students that can mitigate the risks of high poverty and unemployment that follow low educational attainment. Also, these institutions often serve as powerful engines of economic development in their communities, contributing employment, raising incomes, and directly and indirectly supporting other forms of economic development within Tribal communities. Because many of these communities tend to be located in rural and underserved communities compared to colleges and universities in the U.S. overall, this contribution is especially vital.

The Role of the Federal Government
The Federal Government plays an important role in improving the postsecondary education attainment of AI/AN students, not only because these students face barriers to achievement and persistence in postsecondary education, but also because the Federal Government has a trust responsibility to help these students succeed.

Through the Race to the Top: College Affordability and Completion (RTTCAC) and First in the World (FITW) proposals, the Administration has offered a comprehensive approach to tackle the rising costs of college for all students, including AI/AN students. The Federal Government, States, and Institutions of Higher Education have a shared responsibility in this endeavor and must work together to address the college affordability and completion challenge.

In addition, the Administration has worked with Congress to take a number of steps over the last three years to address the challenge of helping to keep college affordable and accessible for all students, including AI/AN students:

- We have invested more than $40 billion in Pell Grants, extending aid to 3 million more college students for a total of over 9 million recipients and raised the maximum award to an estimated $5,635 for the 2013 – 2014 academic year. This represents a $905 increase in the maximum award since 2008.
- We are working to make college loans more affordable through the “Pay as You Earn” proposal, which will enable an additional 1.6 million students to take advantage of a new option to cap student loan payments at 10 percent of a borrower’s monthly income starting as early as this year.
- We have created the American Opportunity Tax Credit, which provides up to $10,000 for up to four years of education and includes benefits for low-income
individuals with no tax liability. Eleven million middle class and low-income families claimed the credit in tax year 2010.

This historic investment in student aid has kept the price that families actually pay for college—the net price—essentially flat over the last few years. Thanks to our Federal investments, the College Board reports that the net price of tuition and fees at four-year public institutions has increased by just $170 since the 2006-07 academic year, while the net price of tuition and fees at community colleges has actually decreased over the same period.

Yet this Federal Government commitment to postsecondary education of AI/AN students cannot be limited only to the work of the Administration. We need a strong partnership with Congress if we are going to improve college participation and outcomes. So thank you Senator Bennet and the other members of the HELP Committee for holding this hearing.

Of course, the Federal Government cannot singlehandedly ensure college affordability. The Administration, Congress, postsecondary institutions, and, States must all work together to keep building on our momentum in recent years to make an affordable college education accessible and available to all students who want one, and where appropriate, to continue support of historical obligations to fund that education for certain populations like AI/AN students.

Thousands of AI/AN individuals and students around the country benefit from this continued demonstration of commitment and are appreciative of States that continue to uphold their obligations. These individuals are contributing not only to their Tribes, but also directly to the strength and well-being of the States in which they reside and to the Nation as a whole. At a time when higher education is more important than ever for our shared future, States should not turn to higher education budgets as a source for cuts. Such cuts often lead to tuition spikes and higher drop-out rates, particularly for vulnerable populations like AI/AN students. This Administration has made a strong commitment to upholding the United States’ trust responsibility towards Tribes and is committed to doing our part.

**Conclusion**

I look forward to working with you and this Committee on this and other vitally important issues facing the AI/AN community. Thank you for your time and I would be happy to respond to any questions you may have.
Mr. Chairman:

Thank you for your legislative efforts under S. 484 and S. 3504 and what they mean to American Indian education. I am happy to have the opportunity to provide some insight today regarding two very successful education programs for American Indians, and the unintended financial consequences on the states that entered into agreement with the federal government to offer these programs.

My wife, Linda, and I live just east of Durango, CO, home of Fort Lewis College. My family has a long history at Fort Lewis College. Long before I was involved in politics, I
taught at Fort Lewis College, Linda later served as a member of the board of trustees at the college, and both of our children are graduates of Fort Lewis. Fort Lewis College is recognized by the U.S. Department of Education as a Native American Serving, Non-Tribal College.

Fort Lewis College is central to this discussion, because it is one of two institutions in the nation, the other being the University of Minnesota-Morris, that offer a waiver of tuition for all American Indian students, under legislative agreements between the federal government and their respective states. I am sure that you will hear the genesis of these programs from others testifying today, but I feel the history cannot be emphasized enough.

In the early 1900’s, Fort Lewis was a former military fort, a remnant of the old Indian wars. It was no longer used for military purposes, but was instead used to educate American Indian youngsters. Reports from this period indicate that the number of students being educated at the time numbered in the single digits. Given the lack of long-range transportation at the time, these youngsters were likely Navajo or Ute children from the area. In 1911, the U.S. government, in an effort to divest themselves of far flung, decommissioned outposts, made an offer to the state of Colorado to give ownership of Fort Lewis, and over 6,000 acres of surrounding land, to the state in exchange for an agreement to continue to educate American Indian students, tuition-free, on par with white students. The state agreed and federal legislation was enacted codifying that agreement. During the same time period, a very similar
legislative agreement was also struck with the state of Minnesota to educate Indian kids in exchange for land.

The old Fort and adjacent land in Colorado, near the town of Hesperus, eventually became Fort Lewis College. In the 1950’s, Fort Lewis College moved to its current location in Durango, CO and the State Land Board assumed oversight and control of the Hesperus land. After the move, Fort Lewis continued its mission to educate American Indian students.

Fort Lewis College does an outstanding job on behalf of all in their student body. But, they do an especially noteworthy job in the area of American Indian Higher Education, awarding more baccalaureate degrees to American Indian students than any 4-year college or university in the United States. They also award more Science, Technology, Engineering and Math degrees to American Indian students than any other 4 year institution.

They are 564 federally recognized American Indian tribal governments in the country. Another 300 or so are desperately seeking recognition that was stripped of them decades ago. For the most part, American Indians have been an overlooked, often ignored people, who long ago were driven from their homelands and hunting grounds onto postage stamp sized reservations to make room for American progress, cloaked in terms such as Westward Expansion or Manifest Destiny. Indian people did not reap the benefits of the “progress”, instead they became forcibly dependent on a government that promised to feed them and care for them as long as they stayed out of the way. The lands they were given were often not fit for habitation, let
alone economic development. Their dependency increased and their work ethic diminished.

When I sat as Chairman of the Senate Committee on Indian Affairs, I often asked Tribal Leaders about their plans for economic development? Many times I was told that their plan consisted of getting a government grant to pay for a program to provide a few jobs. For too many tribes, government assistance is all they know. But, even that is not enough. My tribe, the Northern Cheyenne in Lame Deer, MT., has an unemployment rate of 78% that IMPROVES to 60% during the summer months when some tribal members get work on fire crews for the BLM and Forest Service. The Rosebud Sioux Tribe in South Dakota has the highest teen suicide rate in the WORLD. Indian Country has scores of reservations whose people still live in Third World conditions. They have the highest drug and alcohol abuse rates, the highest welfare rates, the highest suicide rates and the lowest mortality of any group in America.

Decades of dependency, and a litany of social ills cannot be cured by government programs. It cannot be cured by well-meaning charitable donations. While these well meaning programs help, the only answer to healing what is wrong with so much of Indian Country is EDUCATION! Education allows young Indian people to see the possibilities in the world. It allows them to bring skills back to the reservation to help develop their economies, assist tribal governments, and mentor the next generation of young people, thus lessening the overall burden on stretched federal resources. Today, most Indian youngsters still look at the leaders of centuries ago, Sitting Bull, Geronimo, Crazy Horse and
others for inspiration. Education creates modern heroes they can identify with and be inspired by. That is why the work of Fort Lewis College is so important. Fort Lewis graduates are already making a name for themselves in business, engineering, and even in government, as evidenced by Bill Mendoza, who is testifying today, and is a valued member of President Obama’s administration.

One hundred years ago, the state of Colorado entered into an agreement that, at the time, sounded like a pretty good deal: Educate a handful of Indian kids each year, in exchange for a piece of land. Neither the state, nor the federal government could have possibly foreseen what the future would hold:

Today, the Fort Lewis College Native American Tuition Waiver is assisting nearly 900 American Indian students in obtaining a college degree. Nearly 700 of those students come from out-of-state. In fact, in the last 10 years alone, students attending Fort Lewis under the Native American Tuition Waiver represent 46 states, 191 congressional districts, and over 269 tribal governments.

This has truly become a program of national scope. The college has embraced its mission and exceeded all expectations. They have done an exceptional job of educating thousands of American Indian students and word of their accomplishments has spread throughout Indian Country. However, success does have a price. The state of Colorado could never have foreseen that their agreement to provide education to Indian students in their region would
become a national program with a cost to the state of over $13 million per year. In fact, the Native American Tuition Waiver has cost the state of Colorado over $120 million in the last 25 years alone, yet the value to the land from the Old Fort property is estimated at less than $20 million. This deficit puts this very successful education program at risk. Nobody ever foresaw the rapid expansion of this program and thus the state and the college were unable to fully prepare for the rapidly rising costs.

Thus, your bills, S. 484 and S. 3504, allow the state of Colorado to hold true to the original intent of the 1911 legislation by providing tuition-free education to the area, in-state, Native students, while providing funding for the out-of-state students, frozen at the levels at the time of passage, with the state being responsible for the continued future growth of the program. This gives the state a degree of relief from the federal government for this national-scale program, without relieving the state of its long-term obligation, while allowing the state government a planning window to address the future costs and growth of the program. Though the out-of-state student participation at University of Minnesota Morris is much smaller, it would also provide the state of Minnesota similar relief.

As the affected states and institutions are limited and the annual cost is capped, passage of this legislation will not allow these limited costs to grow beyond enactment. Also, it should be noted that this legislation is inclusive of more than one state and institution.
Mr. Chairman, your legislation will not only provide relief to two states who have operated in good faith for more than 100 years under terms of an agreement that has grown in scope beyond anyone's reasonable expectations, but it will also protect programs that are providing valuable educational opportunities where it is needed most. Every dollar spent on Indian education is multiplied in dollars saved in welfare and dependency. It raises a generation of people up to break the cycle of dependency.

Thank you, Mr. Chairman, for your efforts to protect and enhance Indian education.
Mr. Chairman, thank you for the invitation to testify today on S. 3504, the Native American Education Act of 2012. I am John Echohawk, a citizen of the Pawnee Nation of Oklahoma, and Executive Director of the Native American Rights Fund headquartered in Boulder, Colorado. We have served as the national Indian legal defense fund since we were founded in 1970 and have been providing legal advice and representation to Native American tribes, organizations and individuals on nationally significant Indian issues for the past 42 years. Among the priority issues that we have always addressed is educational rights for Native Americans.

As a young lawyer with the Native American Rights Fund in the early 1970s, I became involved with the controversy over Indian tuition waivers at Fort Lewis College in Durango, Colorado. At that time, the State of Colorado and Fort Lewis College were trying to limit the waiver of tuition for Indian students to Indian students who were Colorado residents. Prior to that time, tuition had always been waived for all Indian students pursuant to the 1910 federal law that transferred federal property near Durango containing Fort Lewis School which served Indian students over to the State of Colorado. The land grant was accepted by the State of Colorado and contained a condition that the land be used for a school and Indians be admitted to the school free of charge for tuition.

Litigation ensued brought by the federal government and Indian students at Fort Lewis to stop the State of Colorado and Fort Lewis College from limiting Indian tuition waivers. The Native American Rights Fund participated in the case in an Of Counsel® role. In 1973, the Tenth Circuit Court of Appeals affirmed a federal district court decision in favor of the federal government and the Indian students (Tahdooahnippah v. Thimmig, 481 F.2d 438). A copy of that decision is attached to my testimony for inclusion in the record.
The Tenth Circuit Court of Appeals held that a contract existed which required the State of Colorado and Fort Lewis College to admit all Indian students tuition free who were otherwise qualified. Over the years, the number of Indian students attending Fort Lewis has increased so the cost of the tuition waivers for the State of Colorado and Fort Lewis College has increased as well. If passed, S. 3504, the Native American Education Act of 2012, would provide federal financial assistance to the State of Colorado and Fort Lewis College in meeting the costs of tuition waivers for Indian students.

The Native American Rights Fund supports the passage of S. 3504 to authorize federal funding to assist the State of Colorado and Fort Lewis College to meet its obligations to Indian students. The federal government has a trust responsibility to assist Indian students obtain higher education. Indians are among the poorest and least educated people in the United States so the need is great. Fort Lewis College has become a great educational resource for Indian students and the United States should assist the State of Colorado to maintain that valuable educational resource for Indians.
Cornell TAHD ООAHNI PPAH et al., Plaintiffs-Appellees,
v.
John W. THIMMIG et al., Defendants-Appellants,
UNITED STATES of America, Plaintiff-Appellee,
v.
STATE OF COLORADO, Defendant-Appellant.

No. 72-1811.

Action was brought by the United States against the State of Colorado, with relation to grant of land. The United States District Court for the District of Colorado, Alfred A. Arraj, Chief Judge, entered a judgment adverse to the State and the State appealed. The Court of Appeals, Seth, Circuit Judge, held that where United States granted land and buildings to State by Act which required that the land and buildings should be held and maintained by State as an institution of learning at which Indian pupils shall be admitted free of charge and Act required express acceptance of provision by State which was done by act of legislature, there was not a grant by United States in praesenti and title did not pass until express acceptance was made by State Act April 4, 1910, 36 Stat. 269.

Affirmed.

Where United States granted land and buildings to State by Act which required that the land and buildings should be held and maintained by State as an institution of learning at which Indian pupils shall be admitted free of charge and Act required express acceptance of provision by State which was done by act of legislature, there was not a grant by United States in praesenti and title did not pass until express acceptance was made by State Act April 4, 1910, 36 Stat. 269.


Harris D. Sherman, Denver, Colo., for plaintiffs-appellees Cornell Tahdooahnippah, and others.


Harris D. Sherman, Denver, Colo., for plaintiffs-appellees Cornell Tahdooahnippah, and others.
HOLLOWAY, Circuit Judge.

FN* Sitting by designation.

SETH, Circuit Judge.

This action arises from a grant of land by the United States to Colorado in 1910 (36 Stat. 269). The Congressional Act included two tracts, one known as the Hesperus site consisting of several thousand acres near Durango, Colorado, on which was then located the Fort Lewis School; the second tract was near Grand Junction, Colorado. A condition in the grant as so made was that:

“. . . [S]aid lands and buildings shall be held and maintained by the State of Colorado as an institution of learning, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils . . .”

The Act required express acceptance of the provisions by Colorado, and this was done by an Act of the Legislature in 1911 and by consent of the Governor.

Thereafter the state operated a school on the Hesperus site, Fort Lewis School, which was tuition free for Indian students. In 1956 the school was moved to a new campus at Durango, Colorado, about twelve miles distant. The school has there been a four-year college, and tuition free to Indian students until the Colorado Legislature by statute limited free tuition at the school to Indian students who were Colorado residents and who needed such financial assistance. This Act gave rise to this litigation. The Hesperus site from which the school was moved has since been used only by the state as an agricultural experiment station.

One suit was commenced by the United States and the other by Indian students. The trial court found in favor of the United States and enforced the grant as a contract. The trial court did not rule on the action brought by the students. The state of Colorado has taken this appeal.

Congress passed further legislation in 1916 referring to the Act granting the two tracts, and confusion arose as to whether this referred to both tracts or just to the one at Grand Junction. This legislation changed the permitted or directed uses to which the land could be put. The trial court found this referred only to Grand Junction.

The plaintiff, the United States, in its suit (No. C-3846), asserted that a contractual relationship between it and the state of Colorado arose from the acceptance by the state of the grant of land made in 1910 and known as the Hesperus site, and further that the contract could be enforced in this action. The state takes the position that instead the grant vested title in the tract subject to conditions subsequent, and in the event of breach could only be enforced by an action for reentry.

Several individuals who are Indians accepted for admission to the Fort Lewis College brought a separate suit (No. C-3265), also asserting that a contract arose from the grant. They alleged that as nonresidents of Colorado they were also entitled to free tuition. The individuals thus sought by an injunctive remedy to enforce the contract. The trial court held that its disposition of the action brought by the Government would dispose of both cases, and thus did not reach the additional questions arising from the suit by the individuals. These additional questions are, of course, not before us, and we will consider only the action by the Government.

The case brought by the United States (No. C-3846) was decided by the trial court on motions for summary judgment. The court decided that a contract did exist which could be enforced under the proof submitted; further, that under this contract the state had under-taken the obligation to admit to the Fort Lewis School, now Fort Lewis College at Durango, Colorado, all Indian students tuition free who were otherwise qualified.

The only issue therein tried by the United States or the state was whether a contract arose from the acceptance of the grant or land or instead whether a fee with conditions subsequent was created. There were no pleadings nor direct proof to raise any other issue or defense. The proof did establish a contract as the trial court concluded, and the action of the state in attempting to modify the contract unilaterally was not effective.

[1] We agree with the legal conclusions reached by the trial court as to the nature of the grant. These basic conclusions are that there was not a grant by the
United States *in praesenti*, but instead title did not pass until an express acceptance was made by the state; that there was reserved no right of reverter or right to reenter upon breach of the conditions; and that the obligation pertained also to the school at its new location not on the original grant.

The grant is somewhat unusual in that it did not purport to pass title upon its execution or delivery, although the words, “… there is hereby granted … on the . . . conditions . . .” are used. Instead it provided the grant be effective if the state filed an acceptance of the property by the Governor and the Legislature “… upon the terms and conditions herein prescribed, . . .” before July 1st, 1911. It provided further that if it was not so accepted it would be sold at public auction.

Colorado did accept the grant as it provided. This provision for an express acceptance of conditions by the state serves to distinguish this grant from the one considered in *Schulenberg v. Harriman, 21 Wall. 44, 88 U.S. 44, 22 L.Ed. 551* and in *Spokane & British Columbia Ry. v. Washington & Great Northern Ry., 219 U.S. 166, 31 S.Ct. 182, 55 L.Ed. 159*. The state argues that grants of land usually require acceptance, and we agree, but the acceptance here expressly required was acceptance upon the “terms and conditions” therein prescribed. This to us indicates that an express agreement by the state to be bound by the conditions was required. This is sufficiently different from a bare acceptance of the conveyance to give rise to different consequences. This factor, when combined with the absence of an express reverter or right to reenter, is sufficient reason to hold that this was not a grant *in praesenti* with conditions subsequent. See ALI Restatement of Property § 45.

[2] The Supreme Court has on occasion directed a forfeiture when a right of way acquired from the Government has not been used, and it is impossible to use it for the purpose for which it was granted. *Kern River Co. v. United States, 257 U.S. 147, 42 S.Ct. 60, 66 L. Ed. 175*. Application was there made for the right of way for irrigation purposes under a particular statute for such use, and under such conditions the implication was clearly warranted. However, no such basis for an implied reversion exists in the case before us. See 4 Thompson, Real Property (1961) § 1878. Thus we hold that the trial court was correct in holding that there was a contractual relationship established by the grant so accepted by the state, and further, that the obligations arising therefrom could be enforced in this action by the United States.

As indicated above, the Fort Lewis School was initially operated on the Hesperus site, but was moved from the tract granted to the state to a new location about twelve miles distant about 1963. The trial court found that “moved” was the correct term, as the school near Durango, now Fort Lewis College, was essentially the same school as had been on the Hesperus site. The old site was thereafter, and is, used as an agricultural experiment station. The trial court found, and we agree, that this use of the tract granted was not shown by the state to be within the purposes of the grant.

The further argument is made by the state that legislation in 1916 changed *441* the purposes for which it could use the Hesperus site and so modified the conditions in the 1910 Act. There is some confusion caused by references to the 1910 Act or grant which covered the tract here in issue and another at Grand Junction, Colorado. The reference does require some interpretation, but the exhibits, and especially the letters, attached to the various motions support the conclusion reached by the trial court. This conclusion was that the 1916 Act related only to the Grand Junction tract to accommodate a needed change in the permitted use. We agree.

There was no period of time for performance expressed in the grant-contract. This would, of course, not be expected, and is a factor which we have considered above on the contract vs. fee issue. However, we do not consider that this factor alone, nor with the others, leads to a different conclusion as to the nature of the relationship. It does, however, give rise to other considerations in view of the “contract” conclusion.

The apparent duration of the contract in perpetuity does not render it invalid. Such a contract may be enforced for a reasonable time viewed in the light of conditions existing when it was entered into, what could be foreseen, and as this relates to conditions prevailing at the time performance is sought to be terminated. The ordinary rules of law relating to contracts prevail as to this one, but this aspect of the case, or issue, has not been tried and apparently could not have been under the pleadings. In any event this issue was not raised, tried, nor decided since the contentions were directed only to the contract vs. fee issue.
We affirm the judgment of the trial court on the basis of the record made, but we do not thereby hold, nor did the trial court hold, that the contract can never be terminated in accordance with the prevailing doctrines of the law of contracts, or proceedings commenced by these parties to raise such issues.

As stated above, the trial court did not consider the issues raised in the suit brought by the individuals (No. C-3265), and, of course, we do not.

The judgment in United States v. State of Colorado (No. C-3846 in the District Court) is affirmed.

C.A.10, 1973
Tahdooahnippah v. Thimmig
481 F.2d 438

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Written Testimony of
Associated Students of Fort Lewis College
President
Byron Tsabetsaye
(Navajo/Zuni)

August 22, 2012

Before the U.S. Senate Committee
On Health, Education, Labor, and Pensions’
Field Hearing to
Help Fulfill the Federal Mandate to Provide Higher
Education Opportunities for Native Americans
Good Morning Mr. Chairman and members of the Senate Committee on Health, Education, Labor, and Pensions, my name is Bryon Tsabetsaye and I am the President of the Associated Students at Fort Lewis College.

When I was a very young boy just beginning to truly grasp the concept of education, I sat at the kitchen table with my father before a piece of paper. The piece of paper contained the lesson of counting money, particularly with coins. I was posed with the task of combining coins so they matched given odd amounts. Though counting change was the lesson, my imagination grasped a far different lesson. I presented to my father, the solution to one of the exercises only to witness the disappointed on his face. Rather than using the traditional coins: pennies, nickels, dimes and quarters, I decided to make my own coins by creating one with the value of two cents. Though I didn’t see it then, it was my first exposure to my dreams and reality.

Last November, I had the opportunity to speak at an event called “Toast to Leadership” at Fort Lewis College. The event was created by students to give students a chance to improve on their public speaking skills via experience and evaluation. I was asked to speak at the event on my topic of choice. The topic I chose to speak about was education, specifically my understanding of education.

I grew up in the capital of the Navajo Reservation, a nation inside a nation where people strive to live in widespread poverty and little opportunities. It’s not easy to believe that in the year 2012 there are people that live in our country with no electricity and running water. It’s not comfortable to know that children have the capacity to dream big but dream with limits due to lack of opportunity and exposure. It’s unsettling to witness such
great potential dwindle in high school graduates that don’t have the resources to obtain a college education, even after surpassing the level of their parent’s education.

I find comfort in knowing that at Fort Lewis College, there is a huge opportunity for Native Americans to achieve a college education. I have no doubt that all Native American students at Fort Lewis College hold their education with a very high value if not priceless. I have great respect for those individuals who fought their limiting beliefs and saw the feasibility of achieving a college education.

My friend, Jessica Stewart, a Navajo student who served as the president of Beta Alpha Psi, an international honors organization for accounting and business majors. Jessica created opportunities for all students on campus organizing trips to businesses and accounting firms. Jessica connected students with achieving their career goals. Jessica also served as a student senator and made a substantial progress holistically at Fort Lewis College. I shared joy with Jessica as she achieved her dream of obtaining a job from one of the top accounting firms in the world. Jessica is just one of many Native American students at Fort Lewis College that is truly making positive difference for students on campus.

When choosing Fort Lewis College, I saw a window of opportunity. It was a window that opened more windows for me in the realm of higher education. My involvement and participation on campus has been dense. I am incredibly grateful for my college education at Fort Lewis College that I am inspired to give back to the college and community. I served as the Vice President of our college’s chapter of the National Society of Leadership and Success. I created and facilitated success networking teams on campus that allowed students to convene and share their goals. It was an opportunity for students to help one another reach their goals. I give back to our admissions department as a student ambassador. I welcome and help new students lay a foundation for their college years at Fort Lewis College as new student orientation leader.
In a recent jog in the park, I saw a very young boy climbing up a pillar made of uneven rocks and he was nearly at the top. The adult of the boy sat on a bench close to him unwary as she didn’t provide any resistance to his ambition. The boy, also unwary, used the pillar as a climbing wall because he saw a challenge without limits.

I will soon begin my senior year at Fort Lewis College. I’ve never been more eager to begin an academic year. I have been envisioning all my possibilities since I was elected student body president. I stand in confidence not only representing the 138 tribes of Native Americans at my college, but all students of Fort Lewis College. Though I now know there is a difference in dreams and reality, I’m not afraid to dream unrealistically. Without the Native American Tuition Waiver, many possibilities and dreams will be ceased.

Thank you for your time Mr. Chairman and Committee members for the opportunity to appear before you today in support of S.3504 and S.484: I stand ready to answer any questions that you may have for me.
August 17, 2012

United States Senate Committee on Health, Education, Labor & Pensions
Congressional Field Hearing
Colorado State Capitol
Denver, Colorado

Dear Senator Bennet and Committee Members:

Good morning and thank you for the invitation to attend today’s hearing and speak in support of the proposed The Native American Education Act of 2012, S. 3504. I would especially like to thank Senator Bennet and staff for recognizing the important responsibility that both our federal and state leaders have in continuing to secure access for American Indians /Alaska Natives to high quality educational opportunities at institutions of higher education.

Attached to my testimony this morning, you will find support letters from Gov. John Hickenlooper and the Colorado Commission of Higher Education Chairman Hereford Percy, representing the Colorado Department of Higher Education. As Lieutenant Governor, I also serve as the Chairman of the Colorado Commission of Indian Affairs and last year the Commission submitted a letter of support for then S. 484 which is also included in your packet today.

The State of Colorado and Fort Lewis College have continued to meet and exceed the provisions of a unique historical agreement that enables a growing population of American Indian/Alaska Native students to attain a postsecondary credential. We celebrate both the success of the Fort Lewis Native American Scholarship Fund and this college, which provides an exemplary education program as one of only a handful of Native American-Serving Non-Tribal Colleges in the United States. Gov. Hickenlooper and I are deeply committed to fulfilling the intent and spirit of this agreement, and along with you, want to move forward in the best interests of the citizens, the state, and the American Indians/Alaska Native students the program is meant to serve.

It is important to understand the historical context under which this agreement was reached. The original Fort Lewis was established as a United States Army post in 1878 in Pagosa Springs, Colorado. In 1882, the Fort Lewis Military Reservation was set aside
by the federal government for an Indian Reservation School and moved to Hesperus, Colorado just west of Durango, Colorado.

Over a decade following its original creation as a military outpost, in 1891 Fort Lewis became a federal Indian primary and secondary school where American Indian students from the surrounding regions attended. By 1911, the federal government offered the Fort Lewis land to the State of Colorado. The transfer stipulated that:

(1) “…said lands and building shall be held and maintained by the State of Colorado as an institution of learning”; and

(2) “…that Indian pupils shall at all times be admitted to such school free of charge of tuition and on equal terms”.

At the time of the transfer in 1911, the School of Agricultural and Mechanical Arts and Household Arts was created as a high school ending in the 12th grade. By 1927, the school evolved into a junior college and by the early to mid-1960s the school offered four-year degrees and officially retained its current moniker of Fort Lewis College.

Today, Fort Lewis College serves as a public liberal arts college with selective admission standards with a historic and continuing commitment to American Indian education. Truly national in scope, the Fort Lewis Native American Scholarship Fund provided tuition waivers for 16,408 students from 46 states and 269 tribes over the past 11 years. More than 84 percent of these American Indian/Alaska Native students who received tuition waivers were not from Colorado.

Colorado statute requires:

“that all qualified Indian pupils shall at all times be admitted to such college free of charge for tuition and on terms of equity with other pupils. The general assembly shall appropriate from the state general fund one hundred percent of the moneys required for tuition for such qualified Indian pupils.”


Based on the requirements in state law pursuant to the agreement associated with the original transfer of the Fort Lewis lands, Colorado has been funding these obligations which are growing at an ever increasing rate during a period when state resources for public higher education have been diminishing. Since the state fiscal year 2008-09, public higher education operating funding in Colorado has decreased by over 27 percent. Over this same time frame the state has experienced resident enrollment growth of over 14 percent system wide. The net result is over a 36 percent decrease in state funding per resident student.

The Fort Lewis College Native American Tuition Waiver has grown steadily over time and the annual increases are becoming greater and greater on a year-to-year basis. Figure 1 illustrates the cost to the state since fiscal year 2008-09.
The tremendous growth in the program is in part due to Fort Lewis College’s success in serving American Indian students from all regions of the country. The most recent projections suggest an increase of over $2 million going into fiscal year 2013-14, which is primarily a result of double-digit enrollment increases in the Native American student population. Of the American Indian student population attending Fort Lewis College, approximately 95 percent of the $12.8 million scholarship fund total allotment is paid on behalf of non-Colorado residents.

The state of Colorado asks for your partnership in continuing to deliver higher education opportunities to American Indian youth. Given the state’s budgetary challenges, this cost has been covered by reducing funding to the state’s other financial aid programs (Need Based Grants and/or Work Study). Using state financial aid funds to cover changes in costs for the Fort Lewis Native American Tuition Waiver program has a demonstrable impact on American Indian students throughout Colorado. Approximately three thousand American Indian/Alaska Native students attend public institution in Colorado. Consequently, reductions in the state’s need based financial aid program reduce access to state financial assistance for low income students at every institution in the state, including American Indian/Alaska Native students enrolled at institutions other than Fort Lewis College. In spite of this, Colorado stands by its commitment to the Fort Lewis Native American Tuition Waiver program and plans to continue funding tuition for all qualifying students beyond the federal contribution.

The special and distinct circumstance that confronts us today has been created by the evolution of a 100 year old mission. That mission charged Colorado to provide students admitted to the Indian Reservation School – a high school - with an education free of charge of tuition and on equal terms. While we are challenged to fund that mission while serving thousands of other students (including Native American students) at other state higher education institutions, we are no less steadfast in our commitment to securing educational opportunities for Native American students in our great state.
I am here to offer our full support for The Native American Education Act of 2012 and to commend the great work of Fort Lewis College’s administration, staff, and students by making this historical agreement an educational priority. With the passage of this legislation, Colorado can continue our commitment to this successful national education program while also providing higher education opportunities for all students across Colorado.

Again, thank you for allowing me this honor of speaking before you today. I would be glad to answer any questions you may have.

Sincerely,

Joseph A. Garcia
Lieutenant Governor
Written Testimony of

Fort Lewis College

President

Dr. Dene Thomas

August 22, 2012

Before the U.S. Senate Committee

On Health, Education, Labor, and Pensions’

Field Hearing to

Help Fulfill the Federal Mandate to Provide Higher

Education Opportunities for Native Americans
Good Morning, Mr. Chairman and members of the Committee, my name is Dr. Dene Thomas, President of Fort Lewis College. On Jan 25, 1911, Governor John Shafroth signed a contract with the federal government which transferred 6,279 acres in southwest Colorado to the State of Colorado “to be maintained as an institution of learning to which Indian students will be admitted free of tuition and on an equality with white students” in perpetuity (Act of 61st Congress, 1911). That free tuition has benefitted numerous Native American students from 46 states and 269 federally recognized Indian tribes, and has in turn, benefitted the State of Colorado and the nation through an investment in human capital.

No one could have foreseen the national impact such an agreement would have on all concerned. New Mexico and Arizona were territories that had not entered statehood. Modern transportation made this once isolated military fort easily accessible and centrally located in the heart of Indian Country. We now have a situation where what is of benefit to many is of a cost to only one. Colorado benefits, but even more, the country benefits, as societal benefits accrue from becoming more educated productive taxpaying citizens. Given the national benefits and the hundred years of support from only Colorado, it is time for the nation to support what has become an unintended unfunded federal mandate. We now have an issue of fairness. It is only fair for the federal government to support Senate Bill 3504 and S.484.
FLC owns its dual mission of Colorado’s only public liberal arts college and historic Native American education mission with pride. We are now a college of 23% Native American students from 138 tribes and 45 states. Our 860 Native American students benefit and the rich cultural diversity also benefit everyone at FLC and the Durango community. FLC ranks 4th in the nation in the percent of full-time Native American undergraduates enrolled in a baccalaureate institution (American Indian Science & Engineering Society, 2012). Almost half of FLC Native students are from the Navajo Nation (second largest tribe in the U.S.), located 84 miles from campus, and 11% are from Native Alaskan tribes. FLC awards more degrees to Native American/Alaskan Native students than any other baccalaureate institution in the nation. From 2006-2010, Fort Lewis College awarded over 10% (556) of the total number of baccalaureate degrees earned by Native American students in the United States. In 2010, FLC was 1st in the nation in STEM (science, technology, engineering and math) degrees earned by Native Americans.

The College’s tuition waiver provides access and opportunity to the most underserved minority population, as less than 1% (0.7%) of American Indians attain a Baccalaureate Degree annually, as compared to all other minorities (African American (8.9%), Hispanic (7.5%), and Asian American (6.6%) in the past ten years.1 The educational attainment rate for Native American students is widening as bachelor’s degrees conferred by ethnicities has increased for every minority group, with Hispanics accelerating the highest from 5.6% in 1998 to 7.5% in 2008. Other ethnicities have also had positive percent changes, such as African Americans.

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(2.8%) and Asian Americans (3.1%), while Native Americans remained flat over the ten year period at 0.7%.  

The federal government has provided much more assistance and for far greater a time period to Hispanic Serving Institutions and Historically Black Institutions. Aside from Tribal College funds, there is only a $5.0 million federal allocation annually that was created in fiscal year 2008-9 to support Native American students outside of Tribal Colleges, through the Native American Serving, Non-Tribal College discretionary funds at the U.S. Department of Education. We are one of a small number (18) of Native American Serving, Non-Tribal Colleges who focus on bachelors’ degree attainment for Native American students. We are only one of two with historic mandates that date back to the days after the Indian Wars; Fort Lewis College’s origins as a military fort and an Indian Boarding School. Together, by supporting S.3504 we have an opportunity to extend beyond the two-year Tribal Colleges and provide a quality educational experience for Native American students, so that they too can compete in the global market place and carry the hopes and dreams of their nation, and ours, into prosperity.

We believe in our mission to educate Native American students and we do it well. One great example is our partnership with the Navajo Nation to bring the FLC Teacher Education program to the reservation. The positive impact of that partnership has been remarkable. In1990, only 8% of certified teachers on the Navajo reservation were actually Navajo. As a result, instruction struggled as non-Navajo teachers lacked the cultural understanding to be effective with Navajo students. These struggles led to teacher retention problems for reservation schools and a further decrease in educational quality due to the high turnover rate for teachers. Today,

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due in large part to the Teacher Education partnership between FLC and the Navajo Nation, over 60% of teachers on the Navajo reservation are Navajo. Test scores are up at reservation schools and the schools are showing improved Adequate Yearly Progress (AYP). In addition, many other of our Native American alumni are doing great things, alumni like Quanah Spencer, a Seattle-area attorney; Marsha Greyeyes-Appel, owner of her own business in Maryland; Melissa Henry, filmmaker and business owner in New Mexico; and, of course, Bill Mendoza, a leader of Native American education in Washington, D.C. It would be a travesty to be unable to provide a broader base of support for a successful national program. The scope of the program has far exceeded the expectations set forth in the 1911 agreement between the State of Colorado and the federal government.

Thank you, Mr. Chairman and committee members, for the opportunity to appear before you today in support of S.3504 and S.484: I stand ready to answer any questions you might have for me.
In the beginning...

The campus of the University of Minnesota, Morris (UMM) sits on land that was once home to people of the Anishinaabe (Ojibwe) and the Dakota and Lakota (Sioux) nations. Before the era of westward expansion, this land provided support and sustenance to the members of these Indian tribes.

In 1887, in what they saw as a well-intended effort to bring their religious beliefs and their teachings to others, members of the Catholic order of Sisters of Mercy established an American Indian Boarding School on these former Anishinaabe and Dakota/Lakota lands, which had, in 1847, become the state of Minnesota. The school removed young Indian children from their families and villages across this region and brought them to Morris to study and learn non-native ways and “industrial trades”. The Sisters of Mercy ran the school until 1896, when they turned it over to the U.S. federal government’s Bureau of Indian Affairs. The Bureau renamed the school the Morris Industrial School for American Indians and continued to run it for ten more years.

In 1909, through federal legislation and a Minnesota state statute, (in Laws 1909, chapter 184), the land, some 290 acres, and buildings were deeded to the State of Minnesota for the purpose of establishing an agricultural boarding high school under the auspices of the University of Minnesota.

From an “Act of Congress, March 3, 1909, the Sixtieth Congress, Session II: Chapter 268”:

Minnesota. Morris School: That there is hereby granted to the State of Minnesota, upon the terms and conditions hereafter named the following described property, known as the Indian school at Morris Minnesota...Aggregating two hundred and ninety acres, with buildings, improvements, and other appurtenances thereon. Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school, and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils.

The governor of the state of Minnesota in 1909—the honorable John Johnson—expressed concern at the legislative acceptance of this offer from the federal government over what he perceived to be (in more contemporary language) “an unfunded mandate” about to be assumed by the State of Minnesota. In a letter to the Acting Commissioner of the Department of the Interior, he expressed his doubts:

I find that under the act of congress authorizing the transfer of this property to the state, and under chapter 184 of the Laws of 1909 adopted by the last legislature, it is contemplated that the state should take possession of this property on the first of July, 1909, but I find that the
legislature has made no appropriation for the care and maintenance of the school... (University of Minnesota, Morris Archives)

The transfer happened in spite of his concerns.

For more than 60 years, the West Central School of Agriculture provided secondary school opportunities from October through April—literally after harvest and before planting— for the sons and daughters of area farmers. Although our records are not perfect, it appears that only a handful of American Indian students were able to take advantage of this tuition-free educational experience during the agricultural high school era. In a sense, this was a rural version of an “exclusive” boarding school experience, but in this case with modest tuition costs and expansive educational opportunities.

Just as the American Indian Boarding School movement began to wane in the early 1900’s, so too the fate of the agricultural boarding school movement—it had run its course by the late 1950’s. Community leaders in the small farming town of Morris, Minnesota began, then, to lobby state legislators for what they imagined could be an exceptional and somewhat unusual educational opportunity for the children of residents of this region—a public liberal arts college, fashioned after the elite private liberal arts schools that were and are such an important part of the upper Midwest and the eastern coast of the United States. The citizens prevailed, and the University of Minnesota, Morris was established as a four year public liberal arts college of the University of Minnesota in 1959.

The original Minnesota state statute of 1909 was revised accordingly (1961), affirming the original directive regarding American Indian students. From “Minnesota state statutes: Chapter 137 (a statute which updates Minnesota Statute 184 of 1909)”:  

State Chapter 137. Section 137.16 MORRIS BRANCH; ADMISSION OF INDIANS. Subdivision 1. The University of Minnesota, Morris branch, situated in whole or in part on the lands described in laws 1909, chapter 184, shall admit Indian pupils qualified for admission at all times free of charge for tuition and on terms of equality with white pupils.” (Subdivision 2 of this statute provides that subdivision 1 is a substitute for the provisions of Laws 1909 chapter 184.)

I include this brief historic account in my written testimony because the legal and moral legacy reflected in our history shapes our institutional mission today. The University of Minnesota, Morris is tied inextricably to the land and to all the peoples who have called it home. The educational institutions which have resided here are just as inextricably tied to greater social movements and initiatives in this country—from the American Indian boarding school movement to the agricultural boarding high school movement to the expansion of American higher education which occurred in the 1960’s. This expansion promised to prepare a workforce for a growing American economy and it promised to open public educational opportunities to a broader array of people—those less privileged, those underrepresented in American higher education.

As the most racially and ethnically diverse campus of the University of Minnesota, (more than 22% students of color in a state that is not very racially diverse), as a campus with selective admissions standards that serves a high proportion of first generation college students (nearly 40% in this year’s entering class), and as a campus that serves many students whose families exhibit significant financial need (33% are Pell grant recipients; 96% receive financial aid), we are fulfilling that obligation and that promise. In 2011, 40% of Morris’s American Indian students were “low income”; 45% were first-generation college students.
This is our legacy. We honor it. We are proud of it.

Why does this matter?

American Indians represent about one percent of baccalaureate college-attending students nationally and in the State of Minnesota. At Morris, on our residential, undergraduate-focused liberal arts campus of 1,800 students, more than 275 American Indian students comprise over 15 percent of the student body. This significant Native student population makes Morris one of some forty schools in the country eligible for designation by the federal government as a Native American Serving Non-Tribal Institution (NASNTI).

American Indians, who are underrepresented nationally in all fields of study, find greater success at UMM than at other universities: 61% of UMM’s Native students graduate in six years compared with 39% statewide. (2010 cohort data) National, state and regional priorities call on us to increase undergraduate participation in science, technology, engineering and mathematics (STEM) fields, particularly of students from underrepresented groups. The University of Minnesota, Morris is responding to this challenge in a number of ways.

This spring, UMM was awarded a Howard Hughes Medical Institute grant that includes provisions to support American Indian students in undergraduate summer research. Morris hosts an NSF funded “WindStep” program that provides a summer immersion experience for middle and high school students from reservations in the state and region. These students live on campus and conduct real research in renewable energy both on the campus and on Indian reservations. Morris is a participant in another NSF-funded program—the Louis Stokes Alliance for Minority Participation in STEM fields (LSAMP). This program provides support for students of color, including American Indian students, to engage in undergraduate research in STEM disciplines. The campus has a strong and active chapter of the American Indian Science and Engineering Society (AISES) and will host the regional AISES meeting this spring. And the AISES publication, Winds of Change, named Morris as one of the top 200 educational institutions in the country for its support of American Indian students in 2011 and again this year.

We are also working on language revitalization on this campus, with courses in the Anishinaabe language offered as part of our regular curriculum and occasional courses offered in the Dakota/Lakota languages—one-half of Morris Native students are Anishinaabe and nearly a quarter are Dakota/Lakota. UMM has submitted a grant application to the state to provide additional funding to prepare K-12 teachers to teach these Native languages. We are working with our tribal community college partners in the region to facilitate the transfer of American Indian students who have completed associates degrees there to our baccalaureate granting school.

The tuition waiver is a major factor in promoting the attendance and success of American Indian students on this campus. These students benefit from the many programs we have established. Eighty-six percent of American Indian students who are offered admission end up enrolling compared to 38% of students overall. As the cost of tuition increases, so, obviously, does the value of the waiver.

This campus has demonstrated its unique and exceptional ability to promote educational experiences and opportunities for American Indian students, thus fulfilling both its legal and moral obligations. But, as Governor John Johnson recognized more than one hundred years ago, there are significant challenges that come with a mandate whose funding has not been carefully thought through. With the passage of
Senate Bill 3504 and its companion bill in the House, the federal government has an opportunity to support our success by funding its fair share of the costs of the tuition waiver—that is the portion associated with out-of-state students.

**What is the financial impact of the waiver on the state of Minnesota, the University of Minnesota and the University of Minnesota, Morris?**

The number of Native students has increased steadily at Morris since the University's founding in 1960, and it has grown exponentially over the course of the past five years.

We estimate that since the Morris campus opened as a public liberal arts college in 1960, we have waived over $20 million in tuition for American Indian students. The value of the tuition waived for out-of-state students in that same time period is estimated at over $6 million. (There is no in-state/out-of-state tuition differential for University of Minnesota, Morris students. Tuition for the 2012-2013 academic year for all full time students is just under $12,000.)

In 2010 and 2011, 25% of Morris’s American Indian students receiving tuition waivers were from out-of-state. Fifty federally recognized American Indian tribes and Alaskan Native villages are represented on this campus, and most of our non-resident Native students are from states surrounding Minnesota—North Dakota, South Dakota, and Wisconsin. We anticipate that in addition to the $20M already waived since 1960, we will waive an additional $3 million of tuition in the current fiscal year alone, with nearly $750,000 attributable to out-of-state students (25%).

**Why we ask for support for Senate Bill 3504**

The logic in Senate Bill 3504 is sound. In running the American Indian Boarding School the U.S. federal government’s Bureau of the Interior did not restrict enrollment only to those students who were from within the State of Minnesota. It drew students from across this region, just as we do now. In relegating American Indian peoples to reservations, the U. S. Federal Government did not restrict its actions to one or two tribes. It was inclusive in its disruption of the lives of Native people across the nation. Thus our obligation to honor the federal and state statutes by admitting qualified American Indian students on the same basis as other students and our practice of admitting students without respect to their state of residence follows directly from the past.

And yet, in Colorado and in Minnesota, the cost associated with this mandated financial requirement is now borne entirely by the two states themselves. In Minnesota, the state legislature provides a direct general allocation to the University of Minnesota. The University of Minnesota system, in turn, distributes this allocation among its five separate campuses. In recent years, the University of Minnesota system has allocated directly to Morris a portion of the unrealized revenue that results from this waiver.

For example, in fiscal year 2012, (academic year 2011-2012) the University of Minnesota’s central allocation to Morris to support the tuition waived for American Indian students was $1.65M, approximately 65% of the total tuition waived. Over one-third of the waiver, approximately $900,000, was unfunded and absorbed by the University of Minnesota, Morris. Our campus is one of modest financial resources and this growing revenue gap is a significant concern for us. We are certified by the U.S. Department of Education as eligible for Title III, IV and V grant funding, with our average
educational and general expenditures per full time student falling below the four-year public college average (Title III 2011 application, 2009-2010 data).

If modest growth in our American Indian student population continues over the course of this decade (2010-2019), we anticipate that the total tuition waived in this decade will be more than $30 million. If the federal government were to assume a fair share of this mandate by funding the waiver for out of state students—as Senate Bill 3504 suggests that it should—Morris would gain modest revenues of around $750,000 annually.

**Education matters**

U.S. Census Bureau data (in a 2004 report) show that American workers 18 years and older with a bachelor’s degree earn on average $51,000/year, compared to an annual income of $28,000 for workers with a high school diploma. Education matters and it remains a critical part of the American dream. In the United States, 28% of adults nationwide have earned bachelor’s degrees compared to 13% of American Indian adults; in Minnesota, 32% of adults have earned bachelor’s degrees compared to 12% of American Indian adults.

The American Indian tuition waiver represents an effort from the past to redress wrongs done by the federal government and the American people to members of our sovereign Indian nations. The waiver has been instrumental in promoting the success of many students over the course of the fifty years of UMM’s existence. Paulette Fairbanks Molin, White Earth Band of Ojibwe, is UMM’s first American Indian student graduate (UMM 1966). In 1995, she was a recipient of our Distinguished Alumni award. In receiving this award, she recounted her experience in coming to this campus.

As an honors student in high school, she noted that she was discouraged by a high school counselor who believed she was better suited for marriage or attendance at an Indian trade school in Kansas than she was for a college degree. Nevertheless, she persevered and enrolled. She recalled her mother shivering when they arrived on campus, saying it reminded her of an Indian Boarding School. Her mother would know, having herself attended the boarding school at Pipestone, Minnesota.

Paulette went on to earn a doctorate at the University of Minnesota, Twin Cities and then became a higher education administrator, serving as assistant dean of the graduate college and director of the American Indian Educational Opportunity Program at Hampton University in Virginia.

At the end of the tribute that marks her acceptance of the distinguished alumni award, Dr. Molin says, “UMM exposed me to new ideas and fostered my love of reading and learning while providing me with a home away from home. UMM also introduced me to new possibilities, possibilities that could transform lives, families, communities, and, indeed, the world. I was destined to remain on campus for four years, confounding expectations and beating the odds to graduate. Finally, there is this. UMM was pretty young, but built upon an American Indian foundation, a perfect match for a 17-year old with the same profile.”

The wrongs of the past and this contemporary effort to address them weave their way into the future in a most positive way. That American Indian families trust their sons and daughters to be educated on the land and in the buildings where not that long ago a concerted effort was made to obliterate their culture and language is a matter of great significance to us. And it is a matter of great pride for the University of Minnesota, Morris that we are able to move these young people along the path of educational success.
Senate Bill 3504 distributes the cost of this endeavor more reasonably between the federal government and the states and provides an opportunity for the federal government to join with us to foster the success of the population in this country that lives with the greatest educational and economic disparity.
Mr. Chairman and members of the committee, my name is Lewis Wittry and I am the Vice President of the student body at Fort Lewis College:

I believe that federal funding should be provided to support the Native American Tuition Waiver mandated by the federal government in 1911 because the conditions under which that agreement was made have changed dramatically since that time. The agreement was originally made that the state of Colorado would be granted the Old Fort Hesperus property on the condition that they would provide free tuition for all Native American students at a school on the site. At the time this was reasonable for the state because there was presumed to be only a handful of Native students to educate. In the 100 years since that agreement was made, an increasing amount of Native students have begun to take advantage of this opportunity for a free education. Today, Fort Lewis College’s native population consists of about 860 Native American students from a variety of different tribes across the country, an 85% majority of which are non-resident students who are receiving free tuition paid for by the state of Colorado, a total allocation of $13.7 million last year. While this means amazing things for the Native
communities that are able to take advantage of this opportunity, it is a much bigger financial burden on the state budget than could ever have been foreseen at the time the original agreement was made. Since a large portion of Colorado taxpayer’s money is and has for the last 100 years been going to pay for the education of non-resident students, I believe that it is a reasonable request for the federal government to contribute a significant portion of the total cost of the waiver. State governments are supposed to provide resources for the residents of their state, and national governments are supposed to provide resources for the residents of the nation at large. Since we are currently in a situation where the state of Colorado is providing a significant resource for students of the nation at large, I think you should support the passage of S. 3504 to create a more fair situation where the state and federal government are providing for their fair share of the cost of educating Native American students across the country.

In trying to formulate an opinion about this subject I kept coming back to the original agreement made in 1911 and what that meant about our state’s obligation to pay for the cost of the tuition waiver. For a while I had a very hard time getting behind this bill because I kept seeing it as a way for the state to shirk it’s responsibility to hold up it’s end of the agreement to educate Native students free of charge. And in some sense this is exactly what is being done. However, the more I looked at the original agreement made the more I began to think, “Well that’s just a terrible and unrealistic agreement by today’s standards, so we should just change the agreement.” It was explained to me later that this is not technically possible because the agreement was made in perpetuity. That is where this bill comes in. In light of the fact that we cannot change the original agreement made, I think this bill should be passed because it solves the problem without changing the agreement. Essentially this bill will still require that tuition
free education be provided for Native students at the two non-tribal, Native American serving institutions listed in the bill. However, added on to that agreement is the agreement that the federal government will help cover the increasing cost of this tuition waiver by providing the funds for all non-resident Native students up to $15 million. As I stated above, the circumstances around the tuition waiver have changed since 1911 and the original agreement no longer makes sense for the state of Colorado or the state of Minnesota. This is why we need to alter the agreement, and it seems to me that S. 3504 is a reasonable way of doing that.

The other reason I think this bill should be supported has little to do with any agreements made between state and country, but has more to do with the overall obligation I feel we as a country have to the Native American community. I was reading an article in our local newspaper sent to me by one of the administrators at our college regarding the tuition waiver at Fort Lewis College. A man quoted in the article put it very well when he talked about the tuition waiver as being one small victory in a long history of defeats for the Native American community. I think that he is right. We should not be allowing for this one small victory to be taken away from them, and it seems as though that is what might happen if the state is unable to receive help in funding the tuition waiver. For all of the horrors and subjugation that Native Americans have been put through since Europeans began to migrate to this land, I believe it is the moral responsibility of our country to make it possible to continue to honor one of the few trusts that has been made between the Native and non-native community. It has become an immense burden for our state to try and hold themselves to this agreement alone, and it is not a burden we should have to carry alone anymore. We are asking for help from the rest of the country so that we may continue to help the Native American community in this small way by offering them a
free college education. A free education will by no means ever repay them for what their people have been and continue to be put through. However, it is at least a small trust that we have been engaged in for the last 101 years, and the mission of educating Native American students is one of the only sustainable ways to try and break the destructive cycle that the subjugation of their people has caused for their communities.

Please try and see these bills not only from a purely budgetary and legally based standpoint, but also from a morally based standpoint. In forming my own opinion about this issue I have tried to ask myself, “Do these bills hold up according to previous legal agreements?” But I have also tried to ask myself, “Is it the right thing to do?” I go back and forth as to whether or not they hold up to the original agreement. However, I am firmly convinced that the passage of these bills is the right thing to do. I encourage you to think about these questions in your deliberations about where you stand.
Resolutions of Support for Native American Tuition Waiver Legislation

• The National Congress of American Indians
• The National Indian Gaming Association
• The Southern Ute Tribe
• The Ute Mountain Ute Tribe
• The Minnesota Indian Affairs Council
• The Mescalero Apache Tribe
• The State of Colorado Joint Resolution
The National Congress of American Indians
Resolution #MSP-15-009

TITLE: In Support of Full and Consistent Federal Funding for American Indian Higher Education Programs and Strengthened Federal Policies to Improve American Indian Higher Education Success

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the federal government has a moral and legal responsibility – as yet unfulfilled – to the federally recognized tribes with which it signed treaties in exchange for more than one billion acres of land and the resources contained therein; and

WHEREAS, separate NCAI Resolutions, RAP-10-041 and REN-13-054, were previously adopted and provided conflicting policy guidance on the issues addressed by resolution MSP-15-009; and

WHEREAS, American Indian and Alaska Native tribal governments and the United States Government have chartered 37 Tribal Colleges and Universities (TCUs) to ensure that high quality, culturally based Tribal higher education is accessible to American Indian people who were largely excluded from state supported higher education programs; and

WHEREAS, TCUs fulfill a fundamental role in maintaining, preserving and revitalizing irreplaceable American Indian and Alaska Native languages and cultural traditions and strengthens indigenous peoples worldwide; and

WHEREAS, TCUs serve more than 100,000 American Indians and Alaska Natives (representing more than 250 Indian tribes), and other rural community members in academic and community-based programs each year; and
WHEREAS, federal funding for American Indian higher education – including TCU operating funding, which is the responsibility of the U.S. Department of the Interior; TCU land-grant funding, which is the responsibility of the U.S. Department of Agriculture; as well as funding for American Indian scholarships, tuition payments, Native language research, and student success, Adult Basic Education, and career readiness initiatives, is woefully and chronically inadequate; and

WHEREAS, in addition to signing binding treaties with Indian tribes, the federal government in the early 1900s signed contractual agreements with certain states, including the States of Colorado and Minnesota, calling on these states to provide tuition-free higher education for American Indians in exchange for the state’s agreement to assume building and land that previously housed federal Indian board schools; and

WHEREAS, over the past several decades, thousands of American Indians and Alaska Natives have accessed tuition waiver programs at Fort Lewis College and the University of Minnesota-Morris, successfully completed courses of study, and used their education for the betterment of their tribes and Indian Country; and

WHEREAS, among the most successful students and most likely to complete courses of study at Fort Lewis College and University of Minnesota-Morris are students who first completed one or more courses of study at TCU; and

WHEREAS, as more American Indians and Alaska Natives enroll or transfer into both TCUs and state-chartered institutions of higher education such as Fort Lewis College and University of Minnesota-Morris -- particularly non-resident students -- the rate of growth will become unsustainable if federal funding for American Indian higher education is not significantly increased; and

WHEREAS, longstanding and growing inequities in federal and state policies, laws, and funding levels for American Indian and Alaska Native higher education are national concerns that require a collaborative national commitment to more and creative funding strategies and partnerships.

NOW THEREFORE BE IT RESOLVED, that NCAI does hereby assert that the President and Congress should fully and consistently fund all American Indian/Alaska Native higher education programs, including as priorities Tribal College and University programs and other programs aimed at ensuring the American Indians/Alaska Natives have access to and succeed in higher education with the goal of empowering all Native peoples with the education, skills, and tools needed to protect and strengthen Tribal Sovereignty and American Indian self-determination; and

BE IT FURTHER RESOLVED, that NCAI urges the federal government to work with tribes, states, and American Indian/Alaska Native peoples on a coordinated nationwide effort to fully, consistently, and equitably support American Indian/Alaska Native higher education access and completion through strengthened support for Tribal higher education, expanded access to scholarship and tuition funding, parity in federal funding and program participation, and other strategies; and
BE IT FURTHER RESOLVED, that Resolution MSP-15-009 is substituted for Resolutions RAP-10-041 and REN-13-054, which are repealed by adoption of this resolution; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary
NATIONAL INDIAN GAMING ASSOCIATION RESOLUTION
NIGA 2010 Mid-Year-EC-001

Support the Protection of a Premier National Native American Higher Education Program at Fort Lewis College in Durango, CO

WHEREAS, the National Indian Gaming Association (NIGA) is an intertribal association of 184 federally recognized Indian Tribes established to support Indian gaming and defend Indian sovereignty; and

WHEREAS, Indian Tribes are sovereigns that pre-date the United States, with prior and treaty protected rights to self-government and to our Indian lands, and

WHEREAS, the Constitution of the United States, through the Treaty, Commerce, and Apportionment Clauses and the 14th Amendment, recognizes the sovereign status of Indian Tribes as Native nations established prior to the United States; and

WHEREAS, the Indian Gaming Regulatory Act (the “IGRA”) acknowledged and confirmed the inherent sovereign powers of Tribal Governments; and

WHEREAS, Indian tribes are governments that pre-date the United States and, through the Indian Commerce Clause and the Treaty Clause, the Constitution of the United States recognizes the status of Indian tribes as sovereigns; and

WHEREAS, Fort Lewis College is a public liberal arts college in Durango, CO, which for the past 100 years has provided tuition-free college education to qualifying American Indian and Alaska Native students, and this year is the educational home to 786 American Indian and Alaska Native students, representing 126 tribes from 30 different states, and Fort Lewis College is one of only six Native American-Serving Non-Tribal Colleges in the United States; and

WHEREAS, Fort Lewis College awards more undergraduate degrees to American Indian and Alaska Native students than any other baccalaureate college, and graduates approximately 16.4% of all American Indian and Alaska Native graduates nationally, and last year Fort Lewis College awarded 13.5% of all science, technology, engineering and math (STEM) degrees earned by Indian people, more than any other baccalaureate college; and
WHEREAS, Fort Lewis College has a unique connection to Indian Country as it began as an Indian school, whereupon, in 1910 the U.S. Congress gave the State of Colorado title to the Fort Lewis Indian School, previously operated by the U.S. Department of the Interior, on condition that the school be "held and maintained" by Colorado as a school where Indians are admitted "free of charge for tuition and on terms of equality with white pupils." (Appropriations Act of April 4, 1910, 36 Stat. 274); and

WHEREAS, Fort Lewis College's Native American Tuition Waiver has enabled Native American students to access top-quality educational opportunities and academic success, which they might not otherwise been able to enjoy, and Native American students have used this education to provide for the betterment of their tribes and Indian Country as a whole; and

WHEREAS, earlier this year, the Colorado legislature introduced a measure, at the direction of the Colorado Department of Higher Education, to significantly cut reimbursement for Native American, out of state students, citing that the number of out of state Native students has grown by 87% in the last 20 years and the State can no longer afford the rates of reimbursement; and although this measure was withdrawn, it has ignited a debate over how much longer Colorado will honor its obligation to the United States for transfer of federal property 100 years ago; and

WHEREAS, for the past 100 years, the State of Colorado has carried this unfunded federal mandate, paying tuition for all qualifying American Indian and Alaska Native students from every corner of the United States, and in the past 25 years alone has expended well over $110 million for Native students from 44 states and 185 congressional districts, and noting that the land deeded to the State has a current market value of less than $19 million, the time has come for the federal government to help fund this federal mandate; and

WHEREAS, on July 29, 2010, Congressman Salazar introduced H.R. 5974 in the House, and Senator Bennet introduced S. 3724 in the Senate, to require the United States to reimburse Fort Lewis College for the tuition charges related to Indian students who are not residents of the State of Colorado.

WHEREAS, Fort Lewis College's signature Native American Tuition Waiver Program currently benefits Native people from 30 states and 95 Congressional Districts and qualifies for funding under the Native American Serving Non-Tribal Institutions account at the U.S. Department of Education; and H.R. 5974 and S. 3724 are an opportunity to provide legislative relief through recurring grants to Fort Lewis College through this program, without reduction to any other American Indian and Alaska Native educational programs.
NOW THEREFORE BE IT RESOLVED, that the NIGA does hereby request Congress to pass H.R. 5974 and S. 3724 in order to fund the federal mandate upon the State of Colorado for Reimbursement of the Fort Lewis College Native American Tuition Waiver program so that Fort Lewis College can maintain this national Native American higher education program for the continued betterment of all Native American people; and

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NIGA until it is withdrawn or modified by subsequent resolution.
April 19, 2013

Hon. Scott Tipton
U.S. House of Representatives
218 Cannon House Office Building
Washington, D.C. 20515

Re: Support for the Native American Indian Education Act (H.R. 1658).

Dear Representative Tipton:

I write on behalf of the Southern Ute Indian Tribal Council to express our support for the Native American Indian Education Act (H.R.1658) that you recently introduced. This bill, co-sponsored by 27 other Members of both political parties, will ensure that tribal member students, from Southern Ute and across Indian Country, continue to receive tuition-free education at those institutions where such benefit was guaranteed by prior agreements between states and the federal government. As you know, Fort Lewis College (FLC) in nearby Durango, Colorado, is one such institution and, given its proximity to our Reservation, protecting the right of tribal students to continue to attend FLC tuition-free is an important issue for us.

Many of our tribal members have taken advantage of the quality education offered by FLC, some of whom have returned to work in various capacities for the Tribe, where they put their education to work for their fellow tribal members. Although we have a generous scholarship program for our members, the ability of our students to attend FLC and obtain their degree at no additional cost to them or the Tribe is a significant incentive for those students and a clear benefit for the Tribe as a whole.

In addition, because tribal students also come from across Indian Country to attend FLC, we also enjoy a vibrant and diverse local Indian community. Many tribal FLC students receive services from our Southern Ute Health Clinic, participate in our pow-wows and cultural events, and also come to work for us. This community would likely not exist without the tuition waiver for these students. Therefore, given the current economic realities facing the State of Colorado and FLC itself, now is the time to preserve this guarantee so our Tribe, FLC, southwest Colorado, and all of Indian Country will continue to reap the rewards from accessible, affordable, and quality higher education for tribal students.

For these reasons, we fully support H.R. 1658 and your efforts to move that legislation forward. Please let me know if there is anything we can do to assist you in this important endeavor.

Sincerely,

Jimmy R. Newton, Jr., Chairman
Southern Ute Indian Tribal Council

cc Hon. John Kline, Chairman
Committee on Education and the Workforce

Hon. George Miller, Ranking Member
Committee on Education and the Workforce
DATE: May 5, 2015

RESOLUTION NO. 2015-054

UTE MOUNTAIN TRIBAL COUNCIL RESOLUTION
REFERENCE: AUTHORIZING FEDERAL FUNDS TO REIMBURSE
FORT LEWIS COLLEGE’S NATIVE AMERICAN TUITION WAIVER PROGRAM

WHEREAS, the Constitution and By-Laws of the Ute Mountain Ute Tribe, approved June 6, 1940 and
subsequently amended, provides in Article III that the governing body of the Ute Mountain Ute Tribe
(“Tribe”) is the Ute Mountain Ute Tribal Council and sets forth in Article V the powers of the Tribal Council
exercised in this Resolution;

WHEREAS, the Tribe, as a federally recognized tribe of the United States, is vested with certain rights
and powers that are inherent in a sovereign government; and

WHEREAS, The Ute Mountain Ute Tribal Council is committed to programs that benefit the social and
public well-being of the Ute Mountain Ute Tribal members; and

WHEREAS, the U.S. Congress created in 1910 a unique connection between Fort Lewis College and
Indian Country by giving the State of Colorado title to the Fort Lewis Indian School, previously operated
by the U.S. Department of the Interior, on condition that the school be “held and maintained” by Colorado
as a school where Indians are admitted “free of charge for tuition and on terms of equality with white
pupils) (Appropriations Act of April 4, 1910, 36 Stat. 274); and

WHEREAS, today Fort Lewis College is Colorado’s Public Liberal Arts College that has for the 100
years provided a tuition-free education to qualifying American Indian and Alaska Native students and was
the educational home to 1,235 American Indian and Alaska Native students from 162 tribes and 47 states
in 2014/2015; and

WHEREAS, the State of Colorado has for the past 100 years had the distinction of supporting one of only
two colleges in the nation that offers American Indian and Alaska Native students a tuition waiver from
any federally-recognized tribe and, in the fall of 2014 has provided the tuition of 965 of its 1,235
American Indian and Alaska Native students who are residents from 46 other states; and

WHEREAS, Fort Lewis College awards more undergraduate degrees to American Indian and Alaska
Native students than any other four-year institution in the nation, graduates approximately 16 percent of
all American Indian and Alaska Native students nationally, and last year awarded more baccalaureate
technology, engineering and math (TEM) degrees than any other 4 year institution in the nation (NSF WebCASPAR 2015); and

WHEREAS, the Fort Lewis College Native American Tuition Waiver has enabled American Indian and Alaska Native students to access top-quality educational opportunities and academic success, which they might not otherwise have been able to enjoy, and these many students have used this education provided for the betterment of their tribes and Indian Country as a whole (indeed many of today’s Indian leaders are Fort Lewis College graduates or have a Fort Lewis student or alumni in their family); and

WHEREAS, nothing would relieve Colorado of its responsibility to reimburse Fort Lewis College the cost of tuition for American Indian and Alaska Native students who are residents of Colorado or any cost of tuition that exceeds the federal funding proposed in S.B. 484 and H.R. 3040 for American Indian and Alaska Native students who are not residents of Colorado; and

WHEREAS, no other Tribal funds or Tribal education programs will be affected or depleted by this bill being passed as the funding for these actions comes out of the Education program(s).

NOW THEREFORE BE IT RESOLVED, that the Ute Mountain Ute Tribe through action of the Tribal Council, does unanimously support and request that Congress fund the federal mandate upon the State of Colorado for reimbursement of the Fort Lewis College Native American Tuition Waiver program so that this program may be maintained for the continued betterment of all American Indian and Alaska Native people.

BE IT FINALLY RESOLVED that the Ute Mountain Tribal Council authorizes the Chairman to sign the Resolution and any other legal documents as may be necessary to carry out the intent of this Resolution.

The foregoing Resolution was duly adopted this 5th day of May, 2015.

[Signature]
Manuel Heart, Chairman
Ute Mountain Ute Tribal Chairman

CERTIFICATION

This is to certify that there was a quorum of 5 Tribal Council Members present at the official meeting of the Ute Mountain Tribal Council held on the above mentioned date, that 4 voted for and 0 opposed and that the above Resolution was duly adopted.

[Signature]
Michela F. Alire
Recoding Secretary
Ute Mountain Tribal Council
RESOLUTION 1212013_1

WHEREAS, the Minnesota Indian Affairs Council Membership consists of representatives of the eleven federally-recognized Indian Tribes located within the State of Minnesota, official members of the State of Legislature and State Departments, and American Indian community members from Minneapolis, St. Paul, Bemidji, and Duluth; and

WHEREAS, the Minnesota Indian Affairs Council is a liaison between state and local units of government in the delivery of services to the American Indians in the State of Minnesota; and

WHEREAS, the University of Minnesota-Morris has a long and esteemed tradition of excellence in higher education; and

WHEREAS, the University of Minnesota-Morris was originally established as a federal boarding school for American Indian children who were forcibly or coercively removed from their families and reservations; and

WHEREAS, when the federal government ended its policy of American Indian boarding schools it granted the land and buildings to the State of Minnesota; and

WHEREAS, the federal government’s grant, memorialized in Acts of Congress, March 3, 1909, the Sixtieth Congress, Session II: Chapter 268, included the provision that any American Indian student accepted into the succeeding institution be granted tuition free education; and

WHEREAS, the State of Minnesota accepted the land grant, Laws of 1909, chapter 184, by and through the West Central School of Agriculture and the University of Minnesota-Morris and since that time has honored and embraced this obligation; and
WHEREAS, the University of Minnesota-Morris and Fort Lewis College in Durango Colorado are the only two institutions in the United States with similar history and a continuing obligation to Indian students; and

WHEREAS, American Indian students represent 15% of the student body of the University of Minnesota-Morris of which 61% graduate within six years; and

WHEREAS, fifty federally recognized American Indian tribes and Alaska Native villages are represented on the Morris campus; and

WHEREAS, since the founding of the University of Minnesota-Morris in 1960 over $20 million in tuition has been waived for Indian students; and

WHEREAS, it is estimated that the current annual cost of the American Indian tuition waiver at Morris is nearly $3 million, with nearly $750,000 attributable to out-of-state students; and

WHEREAS, if the federal government were to assume the share of funding attributable to out-of-state students, as is proposed in the Native American Indian Higher Education Act, the total federal cost for Morris would be $750,000; and

WHEREAS, the history and current fiscal concerns experienced by the University of Minnesota Morris is similar to the issues facing the Ft. Lewis College:

THEREFORE LET IT BE RESOLVED: the members of the Minnesota Indian Affairs Council urge members of the Congress of the United States to approve legislation which funds the portion of out-of-state tuition waivers for American Indian students attending the University of Minnesota-Morris and Ft. Lewis College.

THEREFORE LET IT BE RESOLVED: We do hereby certify that the foregoing resolution was duly presented and acted upon by a vote of ____ Yea, ____ Nay, and ____ Abstain at the quarterly board meeting of the Minnesota Indian Affairs Council, a quorum present, held on December 11, 2013 at St. Paul, Minnesota.

Kevin Lecey, Chairman
Minnesota Indian Affairs Council

Curt Kalk, Secretary
Minnesota Indian Affairs Council
WHEREAS, the Mescalero Apache Tribe, an Indian Tribe organized under the Indian Reorganization Act of June 18, 1934, (25 U.S.C. § 476) and under its Revised Constitution has full power to act for the Tribe; and

WHEREAS, the Mescalero Apache Tribal Council has the power to represent the Tribe and act in all matters that concern the welfare of the Tribe pursuant to Article XI, Section 1(i) of the Revised Constitution; and

WHEREAS, the Mescalero Apache Tribal Council wishes to encourage its members to obtain higher education and it is within the trust responsibility of the federal government to provide financial support for such youth; and

WHEREAS, recently, Senator Bennet and Senator Udall introduced Senate Bill 484 which would require the federal government to pay tuition for Indian students at Fort Lewis College, thereby funding the long-standing federal mandate that Fort Lewis waive tuition for Indian students; and

WHEREAS, Fort Lewis College graduates more Indian students than any other baccalaureate institution in the United States; and

WHEREAS, in addition, as of the academic year ending in 2011, students from 124 different tribes attended Fort Lewis and Mescalero Apache Tribal members have benefited from the tuition waiver program; and

WHEREAS, the tuition waivers program is at risk of being reduced by the severe budget constraints of the State of Colorado.

NOW, THEREFORE, BE IT RESOLVED, that the Mescalero Apache Tribal Council strongly supports Senate Bill 484.
CERTIFICATION

The foregoing enactment of the Mescalero Apache Tribal Council is duly adopted and approved on the 19th day of April 2011, at legally called session of the Mescalero Apache Tribal Council, by a vote of 8 for and 0 against, with 0 abstaining at which quorum was present and at which a majority of the members voted in favor thereof. This enactment is approved by the President of the Mescalero Apache Tribe under authority of Article XII, Section 1, of the Revised Constitution.

Mark R. Chino, President

Greg Mendez, Secretary
SENATE JOINT MEMORIAL 15-001

WHEREAS, In 1910, the United States Congress created a unique connection between Fort Lewis College and Indian Country by giving the State of Colorado title to the Fort Lewis Indian School, previously operated by the U.S. Department of the Interior, on the condition that the school be "held and maintained" by Colorado as a school where Indians are admitted "free of charge for tuition and on terms of equality with white pupils" (Appropriations Act of April 4, 1910, 36 Stat. 274); and

WHEREAS, Today, Fort Lewis College is a public liberal arts college that has, for the past 104 years, provided a tuition-free education...
to qualifying American Indian and Alaska Native students, and in 2014,
it was the educational home to 1,235 American Indian and Alaska Native
students from 155 tribes and 234, or 54% of, U.S. Congressional
Districts; and

WHEREAS, For the past century, the State of Colorado has had
the distinction of supporting one of only two colleges in the nation that
offers tuition waivers to American Indian and Alaska Native students
from any federally recognized tribe, providing the tuition of 965
American Indian and Alaska Native students who are residents of 46
other states in the fall of 2014; and

WHEREAS, Fort Lewis College awards more undergraduate
degrees to American Indian and Alaska Native students than any other
four-year institution in the nation, and awarded more baccalaureate
science, technology, engineering, and mathematics degrees earned by
American Indian people than any other baccalaureate institution in the
nation; and

WHEREAS, The Fort Lewis College Native American Tuition
Waiver Program has enabled American Indian and Alaska Native students
to access top-quality educational opportunities and academic success,
which they might not otherwise have been able to enjoy, and these many
students have used this education provided to them for the betterment of
their tribes and Indian Country as a whole; indeed, many of today's
American Indian leaders are Fort Lewis College graduates or have Fort
Lewis College students or alumni in their families; and

WHEREAS, Proposed federal legislation in the United States
Congress would provide funding to help pay for the costs of the federally
mandated Native American Tuition Waiver Program only for those
American Indian and Alaska Native students who are not residents of the
state in which their college is located; and

WHEREAS, Nothing in the federal legislation would relieve the
State of Colorado of its responsibility to reimburse Fort Lewis College for
tuition costs for those American Indian and Alaska Native students who
are residents of Colorado nor for any tuition costs that exceed the
proposed federal funding for American Indian and Alaska Native students
who are not residents of Colorado; now, therefore,

Be It Resolved by the Senate of the Seventieth General Assembly

-2-
of the State of Colorado, the House of Representatives concurring herein:

That, in order to properly and fairly support the Fort Lewis College Native American Tuition Waiver Program and to provide for the continued betterment of all American Indian and Alaska Native people, we, the members of the Colorado General Assembly, hereby:

(1) Encourage Congress to support legislation that would assist the State of Colorado in funding its federal mandate to reimburse the Fort Lewis College Native American Tuition Waiver Program for tuition costs for out-of-state American Indian and Alaska Native students; and

(2) Recognize the State of Colorado's responsibility to reimburse Fort Lewis College for tuition costs for those American Indian and Alaska Native students who are residents of the state.

Be It Further Resolved, That copies of this Joint Memorial be sent to the Honorable Arne Duncan, Secretary of the United States Department of Education; Senator Lamar Alexander, Chairman of the Senate Committee on Health, Education, Labor, and Pensions; Representative John Kline, Chairman of the House Committee on Education and the Workforce; and to each member of Colorado's Congressional delegation.
Letters of Support for Native American Tuition Waiver Legislation

• The Honorable John W. Hickenlooper, Governor, State of Colorado

• Mr. John E. Echohawk, Executive Director, Native American Rights Fund

• The Honorable Joseph A. Garcia, Chair, Colorado Commission of Indian Affairs

• Mr. Chad “Corntassel” Smith, Former Principal Chief, Cherokee Nations

• Mr. Charlie Vig, Chair, Shakopee Mdewakanton Sioux Community

• Mr. Hereford Percy, Chair, Colorado Commission on Higher Education

• Ms. Alysha Guthrie, Former Senator, Associated Students of Fort Lewis College

• Ms. Noel Altaha, Former Senator, Associated Students of Fort Lewis College

• Mr. Steven Short, Trustee, Board of Trustees for Fort Lewis College

• Ms. Natalie Janes, Former President, Associated Students of Fort Lewis College

• Mr. John Wells, Trustee, Board of Trustees for Fort Lewis College
August 17, 2012

The Honorable Michael Bennet
458 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet,

On behalf of the State of Colorado, we offer our support of two pieces of pending federal legislation, S. 3504 and its companion, H.R. 3040. These bills represent a prudent legislative effort that will enhance educational opportunities in Indian Country and Colorado, as well as similarly impacted states.

In 1910, the U.S. Congress created an unique connection between Fort Lewis College and Indian Country by giving the State of Colorado title to over 6,200 acres located in southwest corner of Colorado that was being operated as a military fort and an Indian boarding school under the U.S. Department of the Interior, on condition that the school be “held and maintained by Colorado as a school where Indians are admitted free of charge for tuition and on terms of equality with white pupils” (Act of April 4, 1910, 36 Stat. 274).

The tuition waiver program funded by the State of Colorado has enabled many American Indian and Alaska Native students to have high-quality educational opportunities that they might not otherwise have been able to access. One hundred years ago, the originators of this agreement had no way to anticipate how this federal mandate in perpetuity would affect the State of Colorado a century later, particularly with the advent of modern day transportation. The once-desolate military fort on the border of what then were the “Territories” and are now more commonly referred to as the States of New Mexico and Arizona, would place southwestern Colorado in a central location to Indian Country. Today the College is located within a 150-mile radius of 25 Indian reservations or Pueblos, making it an accessible and affordable option to many students in Indian Country. At the time of the 1910 agreement, Indian students at Fort Lewis numbered in the single digits. The composition of the fall 2011 class numbered 860
American Indian and Alaska Native students, 725 of which represent 138 different tribes and 35 states outside of Colorado.

For the past 100 years, Colorado has had the unique distinction of supporting high-quality educational opportunities in Indian Country and far surpassing the expectations set forth in the original agreement. Indeed, Fort Lewis College awards more undergraduate degrees to American Indian and Alaska Native students that any other four-year institution in the nation, graduates approximately 16% of all American Indian and Alaska Native students nationally, and last year awarded 13.5% of all baccalaureate science, technology, engineering, and mathematics (STEM) degrees earned by American Indian students (NSF WebCASPAR).

Today, many do not realize that despite the economic success of a small handful of tribes, American Indians still face poverty rates, substance abuse rates, suicide rates and teenage birth rates that far exceed the national average. The unemployment rate on many Indian reservations still far exceeds 50 percent. The key to ending this cycle is education, and Colorado is proud of our efforts to enhance educational opportunities for Native Americans; we simply need some assistance in carrying out this tremendously successful national program. To that end, I thank Senator Michael Bennet and Congressman Scott Tipton for their leadership, and the entire Colorado congressional delegation, as well as many members of Congress for their support of this effort.

S. 3504 and H.R. 3040 have my full support and endorsement, and I request that Congress assist in funding the federal mandate upon the State of Colorado for reimbursement of the out-of-state students in Fort Lewis College Native American tuition Waiver program so that the program may be maintained for the continued betterment of all American Indian and Alaska Native people. It is the right thing to do.

Sincerely,

John W. Hickenlooper
Governor
April 20, 2011

To Whom It May Concern:

As Executive Director of the Native American Rights Fund, I have met with representatives of Fort Lewis College about S. 484, a bill sponsored by Senators Bennet and Udall of Colorado, which would direct the Secretary of Education to pay the Fort Lewis College in the State of Colorado an amount equal to the tuition charges for Indian students who are not residents of the State of Colorado. The Native American Rights Fund is in full support of S. 484 and hopes that it is passed by Congress and signed by the President as soon as possible.

The Native American Rights Fund, having been involved in the litigation in the 1970s enforcing the Indian tuition waiver, is aware of the importance of the Indian tuition waiver to Indian students across the country and the outstanding record of Fort Lewis College in graduating Indian students over the years. We believe that the Indian tuition waiver needs to be continued and that federal funding for Fort Lewis College to cover tuition charges for non-resident Indian students as provided in S. 484 would ensure that the Indian tuition waiver continues.

Sincerely,

John E. Echohawk
President Dene Kay Thomas  
Fort Lewis College  
1000 Rim Drive  
Durango, CO 81301  

Dear President Thomas:  

The U.S. Congress created in 1910 a unique connection between Fort Lewis College and Indian Country by giving the State of Colorado title to the Fort Lewis Indian School, previously operated by the U.S. Department of the Interior, on condition that the school be “held and maintained” by Colorado as a school where Indians are admitted “free of charge for tuition and on terms of equality with white pupils” (Appropriations Act of April 4, 1910, 36 Stat. 274).  

Today Fort Lewis College is Colorado’s Public Liberal Arts College that has for the past 100 years provided a tuition-free education to qualifying American Indian and Alaska Native students and was the educational home to 786 American Indian and Alaska Native students from 124 tribes and 34 states in 2010.  

The State of Colorado has for the past 100 years had the distinction of supporting one of only two colleges in the nation that offers American Indian and Alaska Native students from any federally-recognized tribe a tuition waiver and, in fall 2010, has provided the tuition for 668 of its 786 American Indian and Alaska Native students who are residents from 33 other states.  

Fort Lewis College awards more undergraduate degrees to American Indian and Alaska Native students than any other four-year institution in the nation, graduates approximately 16 percent of all American Indian and Alaska Native students nationally, and last year awarded 13.5 percent of all baccalaureate science, technology, engineering and math (STEM) degrees earned by Indian people (NSF WebCASPAR 2009).  

The Fort Lewis College Native American Tuition Waiver has enabled American Indian and Alaska Native students to access top-quality educational opportunities and academic success, which they might not otherwise have been able to enjoy, and these many
students have used this education provided for the betterment of their tribes and Indian Country as a whole (indeed, many of today’s Indian leaders are Fort Lewis College graduates or have a Fort Lewis student or alumni in their family).

Nothing in Senate Bill 484 would relieve Colorado of its responsibility to reimburse Fort Lewis College the cost of tuition for American Indian and Alaska Native students who are residents of Colorado or any cost of tuition that exceeds the federal funding proposed in S. 484 for American Indian and Alaska Native students who are not residents of Colorado.

Therefore, the Colorado Commission of Indian Affairs, which includes representatives from the Southern Ute Indian Tribe and Ute Mountain Ute Tribe as voting members, does unanimously support Senate Bill 484 and request that Congress fund the federal mandate upon the State of Colorado for reimbursement of the Fort Lewis College Native American Tuition Waiver program so that this program may be maintained for the continued betterment of all American Indian and Alaska Native people.

Sincerely,

[Signature]

Joseph A. Garcia
Lieutenant Governor
Chair, Colorado Commission of Indian Affairs
May 11, 2011

The Honorable Dale Kildee
House Native American Caucus, Co-Chairman

The Honorable Tom Cole
House Native American Caucus, Co-Chairman

Re: Support for Fort Lewis College Legislation

Dear Chairman Kildee and Chairman Cole:

On behalf of the Cherokee Nation, I am writing to express our support for the proposed legislation offered by Congressman Tipton for the Fort Lewis College Native American Tuition Waiver Program. For the past century, the institution has provided Native Americans who qualify with tuition-free education as mandated by the United States Congress. By covering tuition costs for Native American students, the State of Colorado has given tribal citizens access to a first-rate education and opportunity for success.

Because the Colorado school currently provides higher education to Native American students from 124 different tribes (including the Cherokee Nation) and 34 states, Cherokee students would also be affected by funding cuts to the program. If this legislation does not pass, Colorado leaders might try again to cut the Native tuition waiver program due to State budget constraints. As introduced, the Tipton bill would use federal dollars to reimburse Colorado for the cost of out-of-state Native American students’ tuition -- helping to guarantee that all qualified Native American students receive tuition waivers regardless of state residence.

Therefore, this Bill is especially pertinent to the Cherokee Nation because many of our students at Fort Lewis are from out-of-state and need the funding protection guaranteed by this legislation:

- Over the past 10 years, 1,179 free tuition waivers were granted to members of the Cherokee Nation, of which only 449 were Colorado residents
- On average, 118 tuition waivers are granted per year to members of the Cherokee Nation
- The average GPA for Cherokee Nation students is 3.20
- 38% of Cherokee Nation students graduated with honors (Cum Laude, Magna Cum Laude, or Summa Cum Laude)
- 29% of Cherokee Nation graduates were first-generation college students, meaning neither parent attended college

I respectfully urge that Congress fully fund the State of Colorado’s federal mandate for reimbursement of the Fort Lewis College Native American Tuition Waiver Program so that our tribal citizens and children will continue to receive a first-class education. Tribes have witnessed disparities in Native American education services for too long; therefore, we must protect successful institutions like Fort Lewis College.
Once again, it is my desire that you support Congressman Tipton’s legislation and stand with the Cherokee Nation by promoting Native American education. Educated Americans, including tribal citizens, strengthen the United States by providing a skilled, diversified workforce that fuels the economy. For further information, please contact our Washington Office Legislative Officer, Clint Bowers, at 202.393.7007 or at clint-bowers@cherokee.org.

Sincerely,

Chad Smith
Principal Chief
Cherokee Nation
September 9, 2014

Hon. John Kline
U.S. House of Representatives
Washington, D.C. 20515

Re: Support for Native American Tuition Cost-Share Language in Higher Education Act Reauthorization

Dear Mr. Chairman:

The Shakopee Mdewakanton Sioux Community asks that you include tuition cost-share language in your Higher Education Act reauthorization legislation similar to that included by Senator Harkin in his discussion draft legislation (attached).

As you know, our Community has supported the higher education efforts of Indians from many different Tribes, including substantial financial support we have provided through the University of Minnesota. At the same time we have encouraged Indian students to make maximum use of the opportunities they have for tuition-free education at the University of Minnesota-Morris campus and the University of Colorado/Fort Lewis campus. We have supported House consideration of H.R. 1658 because we acknowledge the increased burden placed on Minnesota and Colorado taxpayers by the century-old federal legal obligations of these two colleges. We believe Senator Harkin’s federal-state (40-60) cost-share approach is a fair compromise and urge you to include it or similar language in your Committee’s version of the Higher Education Act reauthorization legislation. Please let me or our counsel (Philip Baker-Shenk) know if you or your staff have any questions. Thank you for your efforts on behalf of Native Americans and tribal governments.

Sincerely,

Charlie Vig
Chairman

Attachments: 4-page excerpt of Sen. Harkin Higher Education Act legislation
1-page summary of H.R. 1658 provisions
August 17, 2012

Honorable Senator Michael F. Bennet
458 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet:

The Colorado Commission on Higher Education (CCHE) is writing to express our board’s support of the federal legislation which aims to fund a portion of the cost for American Indian students attending Fort Lewis College in Durango, Colorado. The CCHE is the central policy and statewide coordinating board for higher education in Colorado overseeing 31 public institutions of higher education. The CCHE embraces and supports all of these institutions as well as their unique role and mission in providing a quality postsecondary education in the state. Fort Lewis College is unique not only to Colorado but to the nation in being one of only two public institutions of higher education (University of Minnesota – Morris as the other) with the specific duty of serving and educating American Indians students as part of its overall role and mission.

Given Colorado’s state budgetary challenges, the cost for the Fort Lewis College Native American Tuition Waiver has been typically covered by reducing funding to the state’s other financial aid programs. The transfers of funding from existing programs reduces the availability of financial aid to qualifying American Indian students – over 80 percent of all American Indian enrollments in the public system of higher education in Colorado are in institutions other than Fort Lewis College – as well as other students attending other institutions of higher education in Colorado.

The CCHE believes that the current prospects of some federal funding to mitigate these costs at the state level are an effective and reasonable course of action that will provide a financially sustainable solution to help ensure that Fort Lewis College remains accessible to all American Indian students from all regions of the country. The CCHE reiterates its strong support of Fort Lewis College and celebrates its ever increasing success in educating American Indian students across the nation.

Sincerely,

Hereford Percy
Chairman
Colorado Commission on Higher Education
Dear Senator Bennet,

The Native American Tuition Waiver is definitely a controversial issue, and I feel it necessary to express my sentiments.

I am a non-traditional, first-generation, Native American student. I come from a small community in Southeast Alaska where most of my friends and peers are Alaskan Native. I grew up where my cultural values were a solid, integrated part of my life; where higher education was not necessarily an expectation. I say this only to prove the necessity of the Native American Tuition Waiver, particularly at Fort Lewis College.

Generations of Native American students are still willing to further their education because of their homelands and families; these students want to make a difference. They represent a significant part of not only our history, but of our future.

The Native American Tuition Waiver serves more than just a few purposes. Perhaps one of the greatest purposes that goes overlooked is that it brings us together. For those of us who wish to further our education and have an impact in life, having other like-minded people with similar life experiences only serves to benefit our educational goals. At Fort Lewis College 120 different tribes, villages, bands, and corporations are represented. This allows us to be diverse, yet similar. Our Native American population adds a great dimension to the diversity at our school.

At Fort Lewis College, the Native American Center offers itself as an excellent resource for any campus needs. With several first-generation students, they are there to offer academic support as well as cultural, and social. This is yet one more reason to re-iterate the necessity of Native American Tuition Waiver. It is bringing minority students together and allowing us to succeed.

American Indian Business Leaders (AIBL) and American Indian Science and Engineering Society (AISES) have both won awards for Fort Lewis College; Wanbli Ota, who puts on the largest student run event every year for our campus, and Miss Hozhoni who serves as an ambassador for the Native American students highlight meaningful pieces of our Native American study body. The Native American Honor Society, Pejuta Tipi Society, and Native American and Indigenous Leadership Forum (NAILF) are all great initiatives taken by our successful Native American students who want to make a difference.
Looking at the poverty statistics and the drop-out rates of American Indian and Alaskan Native students can be heart-wrenching as an indigenous person. Because of the Native American Tuition Waiver I have been a successful student at Fort Lewis College.

I support the continuation of the Native American Tuition Waiver.

Sincerely,

Alysha Guthrie
Michael Bennet  
United States Senate  
458 Russell Senate Office Building Washington, DC 20510  

August 16, 2012  

RE: S.484 & S.3504  

Da Go Te Greetings Senator Bennet,  

Fort Lewis College is more than an institute of Higher Education; it’s a place of hope for many American Indian students. Historically this institute represented a state of civilizing the Indian by washing the students of their traditional cultures. Fortunately over time great efforts have been made and continue to be implemented so that all individual backgrounds, beliefs and lifestyles are respected. The tuition waiver for Native Americans at Fort Lewis College has provided generations of American Indians to succeed and for many it may not have been possible without the unique opportunity promised by the agreement between our Indigenous ancestors and the U.S. government.  

According to social psychologist and Native American scholar, Dr. Fryberg, only .4% of doctoral degrees are awarded to American Indians and only .5% of university faculty are American Indian (Fryberg & Stephens, 2010). This study goes on to state that if students have the ability to bring positive academic social representations to mind (i.e. people they know who went to college) it impacts their feelings of belonging.  

At Fort Lewis College, I have experienced positive feelings of belonging and enhanced self-esteem because the environment encourages individuality and interdependency, as well as diversity. I would credit this positive change to my fellow colleagues and classmates, the faculty and professors as well as the administrators.  

In order to learn one must feel safe. I am a senior majoring in psychology with a minor in Native American Indigenous Studies. My tribes are White Mountain Apache and San Carlos Apache from Arizona. In my research of Native American historical trauma and compassion, I have come to the conclusion that when the brain, spirit, and body experience trauma they cannot learn until they feel safe again. Coming from a reservation of despair; staggering unemployment, suicide, and teen pregnancy rates, there is little hope. When I left home for college I did not realize how my experiences would bring a new perspective in the classroom and help “outsiders” understand. I also didn’t understand that I needed to feel safe in order to express, share, and learn. Fortunately my professors and classmates provide a culture on campus that allows for reciprocal learning.  

I have had incredible opportunities to share my stories and Apache culture with the outside world. I have been blessed to have the support system from departments, faculty, students and mentors. The campus has allowed for many students to feel safe and comfortable with who they are and where they come from. Personally, I have found hope and it gives me courage. Courage to take advantage of opportunities offered at Fort
Lewis. A few experiences stand out; after being elected a student senator (ASFLC 2010-2011) I had the privilege of writing the resolution, “Striving for Common Ground,” which promotes open-mindedness of all backgrounds. This passed during the centennial year of Fort Lewis College, 1911-2011. I have also been blessed to meet with a political activist and Tibetan nun. Her friends invited me to speak annually at a Tibetan camp in New York where I share my Apache language, tradition and culture. I share the message of my elders; we need to balance ones American identity and ones Indigenous identity in order to sustain who we are. I love the simple yet powerful statement, I am because we are. I have been blessed to be a research assistant for an NIH (National Institute of Health) grant that allows me to study Native American Historical trauma and compassion. This grant has prepared me for graduate school and the hopes of becoming the first social psychologist with a Doctorate of my tribe. I also plan to become the first Native American professor in the psychology department at Fort Lewis College. All of these experiences would not have been possible without the fabric of people, the tuition waiver, and the environment at Fort Lewis College.

Support and encouragement of students is seen and heard throughout Indian country. Our elders, leaders and family members tell us to use education as a way of being successful and more importantly as a way to help our families, clan kinship, and tribal communities. In order to prepare for the next generation, Indigenous students must honor their responsibilities and create positive relationships with American education systems. Traditionally college is a place for white students to find themselves and express their independence and individuality. This tends to be different for most Indigenous students because most tribes and clanship exist on interdependent relationships. For Natives like myself, college is a time when we leave our reservations, and interact in an entirely different social context. Statistically the odds may be against me and yet I feel hopeful and motivated every semester.

As I approach my senior year, I look back on my time at Fort Lewis and have feelings of gratitude and hope. I am grateful for the many opportunities that only a unique place like Fort Lewis can offer both Native and non-Native students. Students like me that identify as a single parent raising my two sisters; as a first generation college student; as an Apache woman; as a Native American determined to make a positive difference in her community. I am also incredibly grateful to my Indigenous ancestors that prepared for my future. The Southern Ute and Ute Mountain Ute tribes committed an act of complete selflessness when they humbly requested that in return for their ancestral lands the U.S. government must allow all Indian students to attend tuition waivered and to be treated equal to their white pupils. I honor this sacred trust by sharing my experiences at Fort Lewis and by identifying as a proud Native American student and soon to be alumni.

Ashook Thank you for your time,

Noel Altaha
White Mountain Apache Tribe
Class of 2013
Reference:

Steven R. Short  
28 Kennebec Drive  
Durango, CO 81301

The Honorable Michael Bennet  
United States Senate  
458 Russell Senate Office Building  
Washington, DC 20510

RE: Senate Bills 484 and 3504

Dear Senator Bennet:

I want to thank you for your hard work toward the passage of the legislation addressed in Senate Bills 484 and 3504 regarding Native American tuition waivers. I am a member of the Fort Lewis College Board of Trustees, and therefore understand the importance of sustaining the Federal mandates of certain state supported nontribal colleges to provide tuition-free education to Native American students. As you are aware, Fort Lewis College is one such institution receiving support from the State of Colorado.

I will not be able to attend the hearing on these bills in Denver on August 22, 2012, which will occur before the U.S. Senate Committee on Health, Education, Labor and Pensions. I want to express my personal support, however, for the bills under consideration and encourage forward movement of these bills by you and the other Senators that have thus far demonstrated their support.

I believe the value of providing educational opportunities for Native American students through nontribal colleges is well established. The institutions and mandates that are necessary to accomplish such education are likewise well established. The questions center on the sustainability of the mandates and future viability of the associated institutions given the diminished funding available for higher education at the state level, and the fact that many of the Native American students are not residents of the State in which a particular college is located. As expressed in the language of the proposed legislation, “the value of the Native American student tuition waiver benefits contributed by these colleges and the States that support them today far exceeds the value of the original grant of land and facilities” that established the mandates.

As citizens of our great country, we have a duty to honor the mandates as set forth. The Federal legislation under consideration will ensure that Federal funding is available to help support and sustain the longstanding Federal mandates of those colleges and States required to provide Native American tuition waivers.

Senate Bills 484 and 3504 are essential components to assuring continuation of high quality, nontribal education for Native American students. I appreciate your time and dedication to this matter.

Sincerely,

Steven R. Short
The Honorable Michael Bennet  
United States Senate  
458 Russell Senate Office Building  
Washington, DC 20510

RE: S.484 & S.3504

Dear Senator Bennet,

The Native American Tuition Waiver brings a unique aspect to Fort Lewis College that most other schools cannot offer. As a recent graduate of Fort Lewis, I have been extremely fortunate to have been a part of the unique culture Fort Lewis provides. The tuition waiver allows for many students who otherwise could not afford this type of education to excel. Also, many of the students who receive this waiver are first generation college students. I strongly believe this waiver brings diversity, and opportunities for both Native and non-Native students to interact and learn about each other in a nurturing setting that usually would not be possible.

Many of my friends were brought to Fort Lewis by this waiver, allowing me personally to better understand and appreciate their culture. I have served on student government, played an NCAA sport, and had classes with many Native students. Students at other institutions would never have the opportunity to meet these students, be exposed to their culture, and really get to know them and their families like I have.

Without this waiver, Fort Lewis would not have the traditions we have treasured over the past 100 years. There have now been several generations of Native Americans graduate, enriching both these students and Fort Lewis College. These graduates have been able to take their knowledge back to their nations, where they have been able to improve the lives of others.

By attending Fort Lewis College, I know that I now have a better understanding and appreciation of the Native American culture. I have been given an opportunity that most other people will never encounter. Looking back at my experience, I believe this waiver makes Fort Lewis College who we are and gives us the rich culture that cannot be found anywhere else in higher education.

I support this waiver and the unique opportunity it provides for Native and non-Native students.

Sincerely,

Natalie Janes  
ASFLC President 2011-2012
Honorable Senator Michael Bennet  
458 Russell Senate Building  
Washington, DC 20510  

Dear Senator Bennet:  

I offer this letter of support for the Native American tuition waiver. This bill is very important to Native American students, the State of Colorado, Fort Lewis College and the United States.  

Respectfully,  

John Wells  

John M. Wells, Owner/Broker  
The Wells Group Real Estate Brokerage  
901 Main Avenue  
Durango, CO 81301  

Direct: 970-375-7022  
Fax: 970-375-3378  
Cell: 970-749-1440  

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History, FAQ, & Demographics
The Native American Tuition Waiver at Fort Lewis College dates back 100 years to an offer made by the federal government to the state of Colorado. The Old Fort Lewis property in Hesperus, CO, was home to a military post and Indian boarding school, both operated by the federal government, until 1910 when the land was offered to Colorado. If Colorado chose to accept the land, the state would need to follow two conditions.

The two conditions, as stated in the 1910 offer (36 Stat. 273, chapter 140, p. 274), are (1) “…That said lands and buildings shall be held and maintained by the State of Colorado as an institution of learning…” and (2) “…that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils…”

In short, Colorado received the land and buildings in exchange for its promise to keep it as an “institution of learning” and to admit Native American students without charge for tuition.
What is the federal legislation proposing?
The federal legislation is proposing “To help fulfill the Federal mandate to provide higher educational opportunities for Native American Indians.” (Title Page)

In a little more detail, the bills instruct that “…for fiscal year 2014 and each succeeding fiscal year, the Secretary of Education shall pay to any eligible college an amount equal to the charges for tuition for all Indian students who are not residents of the State in which the college is located and who are enrolled in the college for the academic year ending before the beginning of such fiscal year.” (Section 4, Part A, (1))

The bills also make clear that nothing in it would relieve the state of Colorado from its obligation to continue to provide the Native American Tuition Waiver as it has been doing for the last 100 years. All Native American students from federally-recognized tribes, both resident and non-resident, would continue to be admitted tuition-free at Fort Lewis College. (Section 4, Part C)

Does this federal legislation restrict or cap the number of Native American students that can attend Fort Lewis College and receive the tuition waiver?
The federal legislation does not, either now or in the future, restrict or cap the number of Native American students, either resident or non-resident, who can attend Fort Lewis College and receive the tuition waiver. See Section 4, Part C.

There has been confusion over this issue because the bills will limit the amount of funding the federal government will provide to “…the amount equal to the charges for tuition for all Indian students of that college who were not residents of the State in which the college is located and who were enrolled in the college for academic year 2012-2013.” (Section 4, Part A, (3))

This limitation applies only to the amount of funding the federal government will provide. It does not cap the number of non-resident students that can receive the tuition waiver at Fort Lewis College. Colorado will continue to pay the tuition charges for non-resident Native American students if the tuition charges exceed the amount provided by the federal government. This is explained in Section 4, Part C.

Does the legislation affect Colorado’s responsibility to offer the Native American Tuition Waiver?
The federal legislation does not take away the state of Colorado’s responsibility to offer the Native American Tuition Waiver. As explained in Section 4, Part C, “Nothing in this Act shall be construed to relieve any State from any mandate it may have under Federal law to reimburse a college for each academic year—

(1) with respect to 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 for such students that exceeds the amount received under this section for such academic year; and

(2) with respect to 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 for such students for such academic year.”
Does the fact that the bills refer to “Indian students” create a possibility of a future lawsuit by violating the Equal Protection Clause of the 14th Amendment?

When the legislation refers to “Indian students,” this is a political classification of membership in a federally-recognized tribe, not a racial one. The U.S. Supreme Court has upheld that laws based on political classification of membership in a federally-recognized tribe do not violate the Equal Protection Clause of the 14th Amendment. See Morton v. Mancari, 417 U.S. 535 (1974), Rice v. Cayetano, 528 U.S. 495 (2000). What this means is that there are no conflicts with the 14th Amendment as the term “Indian” in the bills refer to a political classification, not a racial one.

Why should the federal government help Colorado pay for the tuition waiver?

As stated in the legislation, “(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 Indian students is no longer equitably shared among the States and colleges because it does not distinguish between Indian students who are residents of the State or 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.” (Section 3, (3-5))

As to why it is appropriate for the federal government to assist the state of Colorado in paying a portion of the tuition waiver, the answer is in the diversity of the FLC Native American student body.

In 2014, 87 percent of Native American students who provided a Certificate of Indian Blood and who enrolled at Fort Lewis College were from out-of-state.

One of the justifications for the legislation is the fact that as the benefits of Native American students receiving an education at Fort Lewis College extend beyond the borders of Colorado, the cost of providing that education should be shared by other U.S. states as well.
Academic Year 2014-15
1,235 enrolled AI/AN students represented 162 tribes

- 3 Affil Tribes/Ft Berthoud, ND
- Absentee-Shawnee Tribe, OK
- Acoma Pueblo
- Allakaket Village, AK
- Arapahoe Tribe/Wind River, WY
- Assiniboine & Sioux Tribes, MT
- Bad River Band Chippewa, WI
- Bay Mills Indian Community, MI
- Beaver Village, AK
- Blackfeet Tribe, MT
- Caddo Indian Tribe of OK
- Cahuilla Band of Indians, CA
- Cent Coun Tingit/Haida Tribes
- Cherokee
- Chevak Native Village, AK
- Cheyenne River Sioux Tribe, SD
- Cheyenne-Arapaho Tribes, OK
- Chickasaw Nation, OK
- Chippewa-Cree Ind Rocky Boy MT
- Choctaw
- Citizen Potawatomi Nation, OK
- Colorado River Tribe
- Comanche
- Conf Salish & Kootenai Tribes
- Conf Tribes Colville Res, WA
- Crow
- Curyung Tribal Coun-Dillingham
- Delaware Nation, OK
- Eastern Shawnee Tribe, OK
- Egegik Village-Bristol Bay, AK
- Ft Sill Apache Tribe of OK
- Ft Belknap Ind Community, MT
- Gila River Indian Comm, AZ
- Ho-Chunk Nation, WI
- Hualapai Tribe, AZ
- Inupiat Comm, Arctic Slope, AK
- Iowa Tribe of KS and NB
- Isleta, Pueblo of, NM
- Jemez, Pueblo of, NM
- Jicarilla Apache Tribe, NM
- Kenaitze Indian Tribe
- Ketchikan Indian Corporation
- Keweenaw Bay Chippewa, MI
- Kickapoo Tribe of KS
- Kickapoo Tribe of OK
- King Island Native Comm, AK
- Laguna
- LeveLock Village, AK
- Lower Brule Sioux Tribe, SD
- Menominee Indian Tribe of WI
- Mescalero Apache Tribe, NM
- Metlakatla Indian Community
- Miami Tribe of OK
- Minnesota Chippewa Tribe
- Muscogee (Creek) Nation, OK
- Naknek Native Village
- Native Vill of Barrow Inupiat
- Native Vill of Shishmaref, AK
- Native Village of Atka, AK
- Native Village of Chignik, AK
- Native Village of Eyak, AK
- Native Village of Kiana, AK
- Native Village of Kotzebue
- Native Village of McGrath, AK
- Native Village of Stevens, AK
- Native Village of Tyonek, AK
- Navajo
- Nenana Native Association, AK
- Ninilchik Village
- Nome Eskimo Community
- Noorvik Native Community, AK
- Northern Cheyenne Tribe, MT
- Nulato Village, AK
- Ogilala Sioux/Pine Ridge, SD
- Omaha Tribe of NE
- Oneida Tribe of Wisconsin
- Orutsaramuit Nat Vill-Bethel
- Osage
- Otoe-Missouria Tribe, OK
- Paiute-Shoshone Bishop, CA
- Paiute-Shoshone Tribe, NV
- Pascua Yaqui Tribe of AZ
- Pawnee
- Peoria Tribe of Indians, OK
- Petersburg Indian Assoc, AK
- Pit River Tribe, CA
- Ponca Tribe of OK
- Prairie Band of Potawatomi, KS
- Pribilof Aleut St Paul Isl, AK
- Pueblo of Nambe, NM
- Pueblo of Pojoaque
- Pueblo of San Felipe, NM
- Pueblo of San Ildefonso, NM
- Pyramid Lake Paiute Tribe, NV
- Quapaw Tribe, OK
- Quechan Tribe, Ft Yuma, CA
- Red Cliff Band, Lake Superior
- Rosebud Sioux Tribe, SD
- Round Vly Ind Tribes/Covelos
- Sac and Fox Nation, Oklahoma
- Salt River Pima-Maricopa, AZ
- San Carlos Apache Tribe, AZ
- Sandia, Pueblo of, NM
- Santa Ana, Pueblo of, NM
- Santo Domingo, Pueblo of, NM
- Sault Ste Marie Chippewa, MI
- Seminole Nation of OK
- Seneca Nation of New York
- Seneca-Cayuga Tribe, OK
- Shoshone Tribe/Wind River, WY
- Shoshone-Bannock Tribes, ID
- Sitka Tribe of Alaska
- Southern Ute Ind Tribe, CO
- St Regis Band of Mohawk, NY
- Standing Rock Sioux of ND/SD
- Te-Moak Trbs/West Shoshone, NV
- Tohono O'odham Nation of AZ
- Traditional Village of Togiak
- Turtle Mtn Band Chippewa, ND
- Ute Indian/Uintah/Ouray, UT
- Ute Mountain Tribe, CO, NM, UT
- Village of Aniak, AK
- Walker River Paiute, NV
- White Mountain Apache, AZ
- Winnebago Tribe of Nebraska
- Wyandotte Tribe of OK
- Yankton Sioux Tribe, SD
- Yavapai-Apache, Camp Verde, AZ
- Zia Pueblo
- Zuni Pueblo
- Village of Red Devil, AK
- Village of Chefornak, AK
- Wichita & Affiliated Tribes
- Yurok Tribe/Yurok Reserv, CA
- Ysleta Del Sur Pueblo, TX
- Washoe Tribe of NV and CA
- Dry Creek Rancheria Pomo, CA
- Stockbridge-Munsee Mohican, WI
- Match-E-Be-Nash-She-Wish, MI
- Native Village of Mekoryuk, AK
- Pilot Station Trad Village, AK
- Native Vill of Pilot Point, AK
- Okhaw Owingeh, NM
- Fort Independence Paiute Tribe
- Gwichyaa Zhee Gwich'in, AK
- Red Lake Band Chippewa, MN
- Mentasta Traditional Coun, AK
- Tule River Indian Tribe, CA
- Moapa Band of Paiute, NV
- Sisseton-Wahpeton Oyate, SD
- Wilton Rancheria, CA
- Native Village of Eklutna, AK
- Algaaaciq Native Village, AK
- Native Vill of White Mtn, AK
- Spokane Tribe, WA
- Sokaogon Chippewa Comm, WI
- Timbisha Shoshone, CA
- Chilkat Indian Village, AK
- Yerington Paiute Tribe, NV
- Native Village of Perryville
Fort Lewis College Tuition Waiver Program Benefits the Nation:

- 47 States have benefited from the Native American tuition waiver program at Fort Lewis College.
- The states of New Mexico and Arizona have the highest number of American Indian / Alaska Native students benefiting from the tuition waiver program; **Colorado ranks third.**
- 54% (234) U.S. House of Representative Districts are represented among the American Indian / Alaska Native students receiving a tuition waiver at Fort Lewis College since 2000.
- 54% (305) federally recognized tribes have been represented among the student body at Fort Lewis College since 2000.
- Of the 22,442 tuition waivers granted since 2000, over half have been to members of the Navajo Nation, which has borders that straddle the states of Arizona and New Mexico.
- Federally recognized Tribes who rank among the top twelve recipients for tuition waivers from 2000-14 are the following: Navajo Nation (10,589), Cherokee Nation (1,675), Choctaw (718), Cent CounTilingit/Haida (584), Southern Ute Tribe (551), Oglala Sioux/Pine Ridge (318), Chickasaw Nation (292), Muscogee Creek Nation (255), Jicarilla Apache Tribe (226), White Mountain Apache (207), Ute Mountain Ute Tribe (170), and Hopi (161).