

Carrie L. Billy
President & CEO

MEMBERSHIP:

ALASKA

Ilisagvik College

ARIZONA

Diné College
Tohono O'odham Community College

KANSAS

Haskell Indian Nations University

MICHIGAN

Bay Mills Community College
Keweenaw Bay Ojibwa Community College
Saginaw Chippewa Tribal College

MINNESOTA

Fond du Lac Tribal and Community College
Leech Lake Tribal College
Red Lake Nation College
White Earth Tribal and Community College

MONTANA

Aaniiih Nakoda College
Blackfeet Community College
Chief Dull Knife College
Fort Belknap College
Little Big Horn College
Salish Kootenai College
Stone Child College

NEBRASKA

Little Priest Tribal College
Nebraska Indian Community College

NEW MEXICO

Institute of American Indian Arts
Navajo Technical College
Southwestern Indian Polytechnic Institute

NORTH DAKOTA

Cankdeska Cikana Community College
Fort Berthold Community College
Sitting Bull College
Turtle Mountain Community College
United Tribes Technical College

OKLAHOMA

College of the Muscogee Nation
Comanche Nation College

SOUTH DAKOTA

Oglala Lakota College
Sinte Gleska University
Sisseton Wahpeton College

WASHINGTON

Northwest Indian College

WISCONSIN

College of Menominee Nation
Lac Courte Oreilles Ojibwa Community College

WYOMING

Wind River Tribal College

ALBERTA, CANADA

Red Crow Community College

The Honorable Tom Harkin
Chair
Senate Health, Education, Labor and Pensions Committee
United States Senate
Washington, DC 20510

July 17, 2014

Dear Chairman Harkin:

As the elected officers of the Board of Director of the American Indian Higher Education Consortium (AIHEC), we are writing on behalf of the nation's 37 Tribal Colleges and Universities, who collectively are AIHEC, to bring to your attention a serious concern regarding the provision posed in Section 309 of the discussion draft.

Section 309 of the discussion draft calls for the federal government to find the funds to assume 40 percent of the cost of tuition for non-state resident American Indian/Alaska Native students that enroll in "any state institutions of higher education serving Native American Indian students that provides tuition-free education to such students... in fulfillment of a condition under which it received its original grant of land."

Some states are now asking the federal government to relieve them of a portion of their legal obligation to offer tuition waivers for Native students in exchange for land and facilities. To my knowledge, there has never been an offer to return the property acquired under the signed agreements, yet now states are apparently no longer able or willing to fulfill their part of agreements with the federal government. Rather, impacted states are asking both to keep the property and have the federal government pay a significant portion of their obligation to retain it. This would be a boon for impacted states and their institutions of higher education, but it comes at the expense of the federal budget and Tribal higher education.

While we understand the underlying intent of the proposed program and recognize that much has changed since these agreements were made, we believe that relieving a state of its obligation to offer Native students tuition-free higher education opportunities at select state supported institutions is an untenable notion until the federal government first fulfills its *own* binding treaty obligation to public institutions of higher education that are chartered by federally recognized Indian tribes – Tribal Colleges and Universities.

It has been 33 years since the Tribally Controlled Colleges and Universities Assistance Act – or Tribal College Act – was first funded. The Tribal College Act provides for the basic day-to-day operating budgets for accredited public institutions of higher education that are chartered by federally recognized Indian tribes. These colleges provide high quality, culturally appropriate postsecondary education opportunities to American Indian/Alaska Native students, and other reservation residents. For the immediate past academic year, the operating budgets at TCUs were funded at \$5,850 per Indian student, which after over 30 years, is only 70 percent of the congressionally authorized level. Unlike the state institutions, these colleges do not receive public funding for all students. They do not receive any federal funds towards their operations for non-Native students, yet non-Indian students make up 20 percent of their collective enrollments and in most cases, the states do not support the TCUs' operations for the non-Indian state residents that they enroll.

AIHEC is the collective spirit and unifying voice of our nation's Tribal Colleges and Universities.



Section 309 of the discussion draft calls for federal funds to be paid towards the operations of certain state institutions for the out-of-state Native students enrolled. We firmly believe that the federal government, which is struggling to adequately fund existing federal programs within the constraints of the current economic climate and budget agreements, must not consider assuming the obligations of some states to Native students before it first fulfills its own direct commitments to federally-recognized Tribal governments and the colleges they charter. It is a simple matter of equity -- before the Congress can consider assuming the financial responsibilities of some states, **it must first meet its own.**

In keeping with resolutions adopted by the AIHEC Board of Directors and the National Congress of American Indians documenting the objection to federal funding being used to relieve states of their obligation before the federal government has met its own, we respectfully suggest that any enacted legislation postpone the relieving of states from their obligations until the federal government first fulfills its own direct obligation to Indian tribes and fully funds the Tribal College Act at \$8,000 per Indian student. Once that obligation is met and maintained, then federal financial help for these states to continue to honor their legal obligation to American Indian/Alaska Native students might be considered. To achieve this we propose the following amendment to the discussion draft.

- (1) On page 215, line 19 strike "shall" and insert "may", and
- (2) On page 219, after line 18 insert the following new paragraph –

"(e) EXCEPTION. – the secretary shall not meet the requirements described in paragraph (a) unless and until the federal government has fully met its direct obligation to fund tribally chartered institutions of higher education under the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 1801 et seq.]"

Higher education for Native students has made significant strides over the last few decades, and we believe it will continue to gain momentum due in large part to the successes of the TCUs, as well as those institutions that offer American Indians/Alaska Native tuition-free higher education opportunities. We urge you to recognize and fulfill the federal responsibility to Indian tribes and Tribal higher education before entertaining a plan to appropriate federal funds to fulfill state obligations which were knowingly assumed in exchange for valuable land and other property.

Thank you for your consideration,

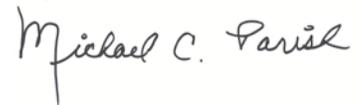
Respectfully,



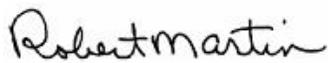
Cynthia Lindquist, Chair
Cankdeska Cikana Community College



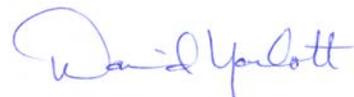
Laurel Vermillion, Vice-Chair
Sitting Bull College



Michael Parish, Treasurer
Bay Mills Community College



Robert Martin, Secretary
Institute of American Indian Arts



David Yarlott, Member at-Large
Little Big Horn College

Attachments: AIHEC Board resolution and NCAI resolution
CC: HELP Committee membership and TCU Congressional delegation

