

118TH CONGRESS
2D SESSION

S. _____

To establish Haskell Indian Nations University as a federally chartered educational institution to fulfill the treaty and trust responsibility of the Federal Government to Indians, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MORAN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish Haskell Indian Nations University as a federally chartered educational institution to fulfill the treaty and trust responsibility of the Federal Government to Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Haskell Indian Nations
5 University Improvement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) a high quality, culturally relevant education
2 for Indians is essential for the survival and strength-
3 ening of Indian Tribes and Indian communities
4 throughout the United States;

5 (2) the Haskell Indian Industrial Training
6 School was established by the United States Army
7 in 1884, with the School renamed the Haskell Insti-
8 tute in 1887 and operated as an elementary and
9 high school for Indian children until 1965;

10 (3) in 1967—

11 (A) the curriculum of the Haskell Institute
12 evolved to offer 2-year degrees; and

13 (B) the Institute was renamed Haskell In-
14 dian Junior College;

15 (4) over the years, the Haskell Indian Junior
16 College—

17 (A) continued to develop and begin offer-
18 ing 4-year bachelor's degrees in 4 areas of
19 study;

20 (B) received accreditation; and

21 (C) in 1993, was renamed Haskell Indian
22 Nations University (referred to in this section
23 as the “University”);

24 (5) the University has been a unique Federal
25 educational institution within the Bureau of Indian

1 Education that is managed by the Secretary and
2 funded through appropriations by Congress;

3 (6) the University provides tuition-free higher
4 education services to approximately 800 Indian stu-
5 dents every year who represent approximately 140
6 Indian nations and Indian Tribes throughout the
7 United States;

8 (7) the 320-acre campus of the University is lo-
9 cated in Lawrence, Kansas, with 12 of the 41 total
10 buildings of the University listed as National His-
11 toric Landmarks;

12 (8) unlike many other public and private insti-
13 tutions of higher education, the University is solely
14 dependent on Federal funding;

15 (9) in recent years, the Bureau of Indian Edu-
16 cation and the administration of the University have
17 struggled—

18 (A) to fulfill the educational mission of the
19 University to its Indian students;

20 (B) to maintain the facilities of the Uni-
21 versity in good repair and operation; and

22 (C) to maintain the extracurricular pro-
23 grams of the University;

24 (10) the administration of the University has
25 failed to properly manage the funds under its cus-

1 tody or to provide a safe and secure environment for
2 its students, subjecting the University to recent con-
3 gressional inquiry; and

4 (11) in order for the Federal Government to
5 fulfill its responsibilities to provide a high quality
6 education to Indians, it is desirable to establish the
7 University as a federally chartered corporation with
8 an independent board of trustees to operate the Uni-
9 versity, with financial support from the Federal Gov-
10 ernment and the opportunity to raise private funds
11 to support the educational mission of the University.

12 **SEC. 3. PURPOSES.**

13 The purposes of this Act are—

14 (1) to establish Haskell Indian Nations Univer-
15 sity as a federally chartered educational institution;

16 (2) to provide the University with independence
17 from the management authority of the Bureau of In-
18 dian Education and improve the ability of the Uni-
19 versity to provide a high-quality education to Indian
20 students;

21 (3) to establish the University with the tax sta-
22 tus of a charitable organization to accept private do-
23 nations; and

24 (4) to affirm the treaty and trust responsibility
25 of the Federal Government to Indians.

1 **SEC. 4. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on Appropriations of
7 the Senate;

8 (B) the Committee on Health, Education,
9 Labor, and Pensions of the Senate;

10 (C) the Committee on Indian Affairs of the
11 Senate;

12 (D) the Committee on Appropriations of
13 the House of Representatives;

14 (E) the Committee on Education and the
15 Workforce of the House of Representatives; and

16 (F) the Committee on Natural Resources
17 of the House of Representatives.

18 (2) BOARD.—The term “Board” means the
19 Board of Trustees of the University established by
20 section 8(a).

21 (3) CONTRIBUTION.—The term “contribution”
22 means a monetary payment made by the University
23 towards the health and retirement plans of an em-
24 ployee of the University.

25 (4) ISDEAA TERMS.—The terms “Indian”,
26 “Indian Tribe”, and “Tribal organization” have the

1 meanings given those terms in section 4 of the In-
2 dian Self-Determination and Education Assistance
3 Act (25 U.S.C. 5304).

4 (5) INDIAN TRIBES OF KANSAS.—The term “In-
5 dian Tribes of Kansas” means—

6 (A) the Prairie Band Potawatomi Nation;

7 (B) the Kickapoo Tribe of Kansas;

8 (C) the Sac and Fox Nation of Missouri in
9 Kansas and Nebraska; and

10 (D) the Iowa Tribe of Kansas and Ne-
11 braska.

12 (6) LEGACY INSTITUTION.—The term “legacy
13 institution” means the Haskell Indian Nations Uni-
14 versity, as operated by the Bureau of Indian Affairs
15 before the date of enactment of this Act.

16 (7) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior.

18 (8) UNIVERSITY.—Except as provided in sec-
19 tion 2, the term “University” means the Haskell In-
20 dian Nations University, the federally chartered cor-
21 poration established by section 5(a).

1 **SEC. 5. ESTABLISHMENT OF HASKELL INDIAN NATIONS**
2 **UNIVERSITY AS A FEDERALLY CHARTERED**
3 **CORPORATION.**

4 (a) **IN GENERAL.**—There is established a federally
5 chartered corporation, to be known as the “Haskell Indian
6 Nations University”, which shall be under the direction
7 and control of the Board.

8 (b) **SUCCESSION; AMENDMENT OF CHARTER.**—

9 (1) **SUCCESSION.**—The University shall have
10 succession until dissolved by an Act of Congress.

11 (2) **AMENDMENT OF CHARTER.**—Congress may
12 revise or amend the charter of the University.

13 **SEC. 6. FUNCTIONS OF UNIVERSITY.**

14 (a) **PRIMARY FUNCTIONS.**—The primary functions of
15 the University shall be—

16 (1) to provide scholarly study for Indians; and
17 (2) to establish programs that culminate in the
18 awarding of degrees and certificates in the various
19 fields for which the University is accredited.

20 (b) **ADMINISTRATIVE ENTITIES.**—

21 (1) **IN GENERAL.**—The Board shall be respon-
22 sible for establishing the policies and internal orga-
23 nization that relate to the control and monitoring of
24 all subdivisions, administrative entities, and depart-
25 ments of the University.

1 (2) RESPONSIBILITY OF BOARD.—The specific
2 responsibilities of each subdivision, entity, and de-
3 partment of the University are solely within the dis-
4 cretion of the Board, or the designee of the Board.

5 (3) DEPARTMENTS OF STUDY.—The Board
6 shall establish, within the University, departments of
7 study.

8 (c) OTHER PROGRAMS.—In addition to the depart-
9 ments and programs described in subsection (b), the Uni-
10 versity shall develop such departments and programs as
11 the Board, or the designee of the Board, determines are
12 necessary.

13 **SEC. 7. RELATIONSHIP TO SECRETARY OF THE INTERIOR.**

14 The Secretary shall provide grants and related assist-
15 ance to the University.

16 **SEC. 8. BOARD OF TRUSTEES.**

17 (a) ESTABLISHMENT.—There is established a Board
18 of Trustees for the University.

19 (b) COMPOSITION.—

20 (1) IN GENERAL.—The Board shall be com-
21 posed of 15 voting members and 1 nonvoting mem-
22 ber, in accordance with the following:

23 (A) VOTING MEMBERS.—

24 (i) IN GENERAL.—In accordance with
25 the procedures established by the Secretary

1 under paragraph (2)(B), the voting mem-
2 bers of the Board shall be appointed by the
3 President, by and with the advice and con-
4 sent of the Senate, from among individuals
5 who—

6 (I) are enrolled members of In-
7 dian Tribes;

8 (II) are widely recognized in the
9 field of education, as determined by
10 the President; and

11 (III) represent diverse fields of
12 expertise, including finance, law, and
13 higher education.

14 (ii) INITIAL APPOINTMENTS.—Of the
15 voting members of the Board first ap-
16 pointed under clause (i)—

17 (I) 12 shall be designees of each
18 of the 12 geographic regions of the
19 Bureau of Indian Affairs;

20 (II) 1 shall be a designee of the
21 Indian Tribes of Kansas;

22 (III) 1 shall be a member of the
23 alumni association of the legacy insti-
24 tution; and

1 (IV) 1 shall be an at-large mem-
2 ber of an Indian Tribe from any of
3 the 12 geographic regions of the Bu-
4 reau of Indian Affairs.

5 (B) NONVOTING MEMBER.—The nonvoting
6 member of the Board shall be the president of
7 the student body of the University, ex officio.

8 (2) REQUIREMENTS FOR APPOINTMENT OF
9 VOTING MEMBERS.—

10 (A) IN GENERAL.—In appointing the vot-
11 ing members of the Board under paragraph
12 (1)(A), the President shall—

13 (i) consult with Indian Tribes and
14 Tribal organizations;

15 (ii) publish in the Federal Register an
16 announcement of the expiration of terms
17 not less than 120 days before that expira-
18 tion;

19 (iii) solicit nominations from residents
20 in each of the 12 regions of the Bureau of
21 Indian Affairs;

22 (iv) give due consideration to the ap-
23 pointment of individuals who will provide
24 appropriate regional and Tribal representa-
25 tion on the Board; and

1 (v) ensure that those members are en-
2 rolled members of Indian Tribes.

3 (B) NOMINATION PROCEDURES.—

4 (i) IN GENERAL.—Not later than 90
5 days after the date of enactment of this
6 Act, the Secretary shall establish, and pub-
7 lish in the Federal Register, procedures for
8 facilitating nominations to the Board de-
9 scribed in subparagraph (A)(iii).

10 (ii) REQUIREMENTS.—The nomination
11 procedures established pursuant to clause
12 (i) shall establish the following:

13 (I) A date, which shall be not
14 later than 60 days after the date on
15 which the procedures are established,
16 by which members of Indian Tribes,
17 Tribal advocacy committees, and Trib-
18 al organizations described in subpara-
19 graph (A)(iii) shall submit nomina-
20 tions for the Board.

21 (II) A date, which shall be not
22 later than 90 days after the date de-
23 scribed in subclause (I), by which the
24 nominations described in that sub-

1 clause shall be submitted to the Presi-
2 dent.

3 (III) Procedures by which the
4 President shall review nominations de-
5 scribed in subclause (II), including the
6 conduct of interviews.

7 (IV) A date, which shall be not
8 later than 90 days after the date de-
9 scribed in subclause (II), by which the
10 President shall appoint the voting
11 members of the Board under para-
12 graph (1)(A)(i) from among the nomi-
13 nations described in subclause (II).

14 (iii) NO SUBMISSION OF NOMINATION
15 FROM CERTAIN REGIONS.—If no nomina-
16 tion is received from a geographic region of
17 the Bureau of Indian Affairs under sub-
18 paragraph (A)(iii), the President shall ap-
19 point to the Board under paragraph (1)(A)
20 an individual from that geographic region
21 that—

22 (I) notwithstanding subclause (I)
23 of clause (i) of that paragraph, is not
24 member of an Indian Tribe; and

1 (II) meets the qualifications de-
2 scribed in subclauses (II) and (III) of
3 that clause.

4 (C) CARRYING OUT THROUGH BOARD.—

5 (i) IN GENERAL.—The President shall
6 carry out the requirements described in
7 clauses (ii) and (iii) of subparagraph (A)
8 through the Board.

9 (ii) RECOMMENDATIONS BY BOARD.—

10 The Board shall—

11 (I) make recommendations to the
12 President based on the nominations
13 received from Indian Tribes and Trib-
14 al organizations under subparagraph
15 (A)(iii);

16 (II) make recommendations of its
17 own; and

18 (III) review and provide com-
19 ments to the President on individuals
20 being considered by the President for
21 whom no nominations have been re-
22 ceived.

23 (3) NONVOTING MEMBERS.—The nonvoting
24 members of the Board shall be entitled—

1 (A) to attend all meetings of the Board;
2 and

3 (B) to provide advice to the Board on any
4 matter relating to the University.

5 (4) BACKGROUND CHECKS.—

6 (A) IN GENERAL.—Any individual nomi-
7 nated or appointed to the Board shall undergo
8 a background check in accordance with this
9 paragraph.

10 (B) REQUIREMENTS.—A background check
11 conducted pursuant to subparagraph (A)
12 shall—

13 (i) be facilitated by the Division of
14 School Operations of the Bureau of Indian
15 Education;

16 (ii) include a fingerprint check con-
17 ducted by the Federal Bureau of Investiga-
18 tion; and

19 (iii) include an investigation con-
20 ducted by the Office of Personnel Manage-
21 ment.

22 (c) TERMS OF OFFICE.—

23 (1) IN GENERAL.—Except as otherwise pro-
24 vided in this section, voting members of the Board
25 shall be appointed for a term of 6 years.

1 (2) RESTRICTION ON TERMS.—Except as pro-
2 vided in subsection (j), no member of the Board ap-
3 pointed under subsection (b)(1)(A)(i) shall be eligi-
4 ble to serve more than 3 consecutive terms, subject
5 to the condition that the member may continue to
6 serve until the successor of the member is appointed.

7 (d) VACANCIES.—A member of the Board appointed
8 under subsection (b)(1)(A)(i) to fill a vacancy occurring
9 before the expiration of the term to which the predecessor
10 of the member was appointed shall be appointed—

11 (1) for the remainder of that term; and

12 (2) in the same manner as the original appoint-
13 ment was made, in accordance with subsection
14 (b)(1)(A)(ii).

15 (e) REMOVAL.—

16 (1) IN GENERAL.—On a vote of $\frac{3}{4}$ of the mem-
17 bers of the Board, any member of the Board may
18 be removed by the President for neglect of duty or
19 malfeasance in office.

20 (2) NO EFFECT ON POWERS OF BOARD.—A va-
21 cancy in the Board shall not impair the right of the
22 remaining members of the Board to exercise the
23 powers of the Board.

24 (f) CHAIRMAN AND VICE CHAIRMAN.—

1 (1) IN GENERAL.—The President shall des-
2 ignate the initial Chairman and Vice Chairman of
3 the Board from among the members of the Board
4 appointed under subsection (b)(1)(A)(i), who shall
5 each serve for a term of 1 year.

6 (2) SUCCESSIVE CHAIRMEN AND VICE CHAIR-
7 MEN.—On expiration of the term of the initial
8 Chairman and Vice Chairman of the Board des-
9 ignated under paragraph (1), the Chairman and
10 Vice Chairman shall—

11 (A) be elected from among the members of
12 the Board appointed under subsection
13 (b)(1)(A)(i); and

14 (B) serve for a term of 2 years.

15 (3) VACANCIES.—In the case of a vacancy in
16 the office of Chairman or Vice Chairman of the
17 Board—

18 (A) the vacancy shall be filled by the mem-
19 bers of the Board appointed pursuant to sub-
20 section (b)(1)(A)(i); and

21 (B) the member filling that vacancy shall
22 serve for the remainder of the unexpired term.

23 (g) QUORUM.—Unless otherwise provided by the by-
24 laws of the University, a majority of the members of the

1 Board appointed under subsection (b)(1)(A)(i) shall con-
2 stitute a quorum.

3 (h) POWERS.—The Board may—

4 (1) formulate the policy of the University;

5 (2) direct the management of the University;

6 and

7 (3) make such bylaws and rules as the Board
8 determines necessary for the administration of its
9 functions under this Act, including the organization
10 and procedures of the Board.

11 (i) COMPENSATION.—

12 (1) IN GENERAL.—Members of the Board ap-
13 pointed under subsection (b)(1)(A)(i) shall, for each
14 day the members are engaged in the performance of
15 the duties under this Act, receive compensation at
16 the rate of \$125 per day, including travel time.

17 (2) TRAVEL EXPENSES.—All members of the
18 Board, while serving away from their homes or reg-
19 ular places of business, shall be allowed travel ex-
20 penses (including per diem in lieu of subsistence), as
21 authorized by section 5703 of title 5, United States
22 Code, for persons in Government service employed
23 intermittently.

24 (j) APPOINTMENT EXCEPTION FOR CONTINUITY.—

1 (1) IN GENERAL.—In order to maintain the sta-
2 bility and continuity of the Board, the Board shall
3 have the power to recommend the continuation of
4 members on the Board pursuant to this subsection.

5 (2) NOTIFICATION OF PRESIDENT.—When the
6 Board makes a recommendation under paragraph
7 (1), the Chairman of the Board shall submit the rec-
8 ommendation to the President not later than 75
9 days prior to the expiration of the term of the appli-
10 cable member.

11 (3) REAPPOINTMENT.—If the President has not
12 transmitted to the Senate a nomination to fill the
13 position of a member covered by a recommendation
14 made under paragraph (1) by the date that is 60
15 days after the date on which the term of the member
16 expires, the member shall be deemed to have been
17 reappointed for another full term to the Board, with
18 all the appropriate rights and responsibilities.

19 **SEC. 9. POWERS OF THE BOARD.**

20 (a) IN GENERAL.—In carrying out this Act, the
21 Board shall have the power, in accordance with this Act—

22 (1) to adopt, use, and alter a corporate seal;

23 (2)(A) to make agreements and contracts with
24 persons, Indian Tribes, and private or governmental
25 entities; and

1 (B) to make payments or advance payments
2 under those agreements or contracts without regard
3 to section 3324 of title 31, United States Code;

4 (3) notwithstanding any other provision of law,
5 to enter into joint development ventures with public
6 or private commercial or noncommercial entities for
7 the development of facilities to comply with the mas-
8 ter plan prepared under section 22(a), if the ven-
9 tures are related to and further the mission of the
10 University;

11 (4) to sue and be sued in its corporate name
12 and to complain and defend in any court of com-
13 petent jurisdiction;

14 (5) to represent itself, or to contract for rep-
15 resentation, in all judicial, legal, and other pro-
16 ceedings;

17 (6)(A) with the approval of the Federal agency
18 concerned, to make use of services, facilities, and
19 property of any board, commission, independent es-
20 tablishment, or executive agency or department of
21 the Executive Branch in carrying out this Act; and

22 (B) to pay for that use (with those payments to
23 be credited to the applicable appropriation that in-
24 curred the expense);

1 (7) to use the United States mails on the same
2 terms and conditions as the executive departments
3 of the Federal Government;

4 (8) to obtain the services of experts and con-
5 sultants in accordance with the provisions of section
6 3109 of title 5, United States Code, and to accept
7 and utilize the services of voluntary and noncom-
8 pensated personnel and reimburse that personnel for
9 travel expenses, including per diem, as authorized by
10 section 5703 of that title;

11 (9) to solicit, accept, and dispose of gifts, be-
12 quests, devises of money, securities, and other prop-
13 erties of whatever character, for the benefit of the
14 University;

15 (10) to receive grants from, and enter into con-
16 tracts and other arrangements with, Federal, State,
17 or local governments, public and private agencies,
18 organizations, institutions, and individuals;

19 (11) to acquire, hold, maintain, use, and oper-
20 ate such real property, including improvements
21 thereon, personal property, equipment, and other
22 items, as may be necessary to enable the Board to
23 carry out the purpose of this Act;

24 (12) to the extent not already provided by law,
25 to obtain insurance to cover all activities of the Uni-

1 iversity, including coverage relating to property and
2 liability, or make other provisions against losses;

3 (13) to use any funds or property received by
4 the University to carry out the purpose of this Act,
5 including the authority to designate on an annual
6 basis a portion, not to exceed 10 percent, of the
7 funds appropriated to carry out this Act for invest-
8 ment, including in the trust funds described in sub-
9 sections (a) and (b) of section 20, without regard to
10 any other provision of law regarding investment or
11 disposition of federally appropriated funds, on a
12 short-term basis for the purpose of maximizing yield
13 and liquidity of those funds; and

14 (14) to exercise all other lawful powers nec-
15 essarily or reasonably related to the establishment of
16 the University in order to carry out the provisions
17 of this Act and the exercise of the powers, purposes,
18 functions, duties, and authorized activities of the
19 University.

20 (b) ACCOUNTING FOR NON-FEDERAL FUNDS.—Any
21 funds received by, or under the control of, the University
22 that are not Federal funds shall be accounted for sepa-
23 rately from Federal funds.

24 (c) INTEREST AND INVESTMENTS.—Interest and
25 earnings on amounts appropriated to the University pur-

1 suant to this Act that are invested under subsection
2 (a)(13) shall be—

3 (1) the property of the University; and

4 (2) expended to carry out this Act.

5 (d) FIDUCIARY DUTY.—

6 (1) IN GENERAL.—Members of the Board shall
7 have a fiduciary duty to the University, including
8 the duty of care, the duty of loyalty, the duty of
9 good faith, the duty of confidentiality, and the duty
10 of disclosure.

11 (2) INSURANCE.—The University may obtain
12 insurance on behalf of the members of the Board in
13 the performance of the official duties of the mem-
14 bers on behalf of the University.

15 **SEC. 10. EXECUTIVE BOARD.**

16 (a) ESTABLISHMENT.—There is established an Exec-
17 utive Board of the Board (referred to in this section as
18 the “Executive Board”).

19 (b) COMPOSITION.—The Executive Board shall be
20 composed of—

21 (1) the Chairman of the Board;

22 (2) the Vice Chairman of the Board;

23 (3) the Secretary of the Board;

24 (4) the Treasurer of the Board; and

1 (5) an at-large member of the Board, to be
2 elected by the Board from among the members of
3 the Board appointed under subsection (b)(1)(A).

4 (c) VACANCIES.—In the case of any vacancy that oc-
5 curs in the position of an at-large member of the Executive
6 Board before the expiration of the term of that member,
7 the Board shall elect a replacement to complete that term.

8 (d) MEETINGS.—

9 (1) IN GENERAL.—The Executive Board shall
10 hold not more than 24 regular meetings per calendar
11 year.

12 (2) SPECIAL MEETINGS.—Special meetings of
13 the Executive Board may be held on the call of—

14 (A) the Chairman of the Board; or

15 (B) 3 members of the Executive Board.

16 (e) QUORUM.—A majority of the Executive Board
17 shall constitute a quorum.

18 (f) POWERS.—The Executive Board may hold and
19 use all the powers of the Board, subject to the approval
20 of the Board.

21 **SEC. 11. PRESIDENT OF THE UNIVERSITY.**

22 (a) ESTABLISHMENT.—

23 (1) IN GENERAL.—The University shall have a
24 President, to be appointed by the Board, who shall
25 serve as the chief executive officer of the University.

1 (2) TRANSITION.—

2 (A) IN GENERAL.—On the date of enact-
3 ment of this Act, the individual serving as the
4 President of the legacy institution on the day
5 before the date of enactment of this Act shall
6 be deemed to have been appointed as the In-
7 terim President of the University until the ear-
8 lier of—

9 (i) the date on which that individual is
10 reappointed by the Board as President of
11 the University; and

12 (ii) the date on which the Board ap-
13 points a new individual to serve as Presi-
14 dent of the University.

15 (B) REQUIRED ACTION.—If the Interim
16 President of the University is not reappointed
17 by the Board as President of the University or
18 if a new individual is not appointed by the
19 Board to serve as President of the University
20 by the date that is 2 years after the date of en-
21 actment of this Act, the Board shall—

22 (i) reappoint the Interim President of
23 the University as the President of the Uni-
24 versity; or

1 (ii) appoint a new individual to serve
2 as President of the University.

3 (b) RESPONSIBILITIES.—Subject to the direction of
4 the Board and the general supervision of the Chairman
5 of the Board, the President of the University shall have—

6 (1) the responsibility for carrying out the poli-
7 cies and functions of the University; and

8 (2) authority over all personnel and activities of
9 the University.

10 (c) COMPENSATION.—The President of the Univer-
11 sity shall be paid at a rate—

12 (1) not less than 120 percent of the minimum
13 rate of basic pay payable for GS–15 of the General
14 Schedule; and

15 (2) not greater than the rate of basic pay pay-
16 able for level III of the Executive Schedule.

17 (d) REMOVAL.—On a vote of $\frac{3}{4}$ of the members of
18 the Board, the President of the University may be re-
19 moved for inefficiency, neglect of duty, or malfeasance in
20 office.

21 **SEC. 12. STAFF OF UNIVERSITY.**

22 (a) EXEMPTION FROM CIVIL SERVICE.—Except as
23 otherwise provided in this section, title 5, United States
24 Code, shall not apply to the University.

25 (b) APPOINTMENT AND COMPENSATION.—

1 (1) IN GENERAL.—The President of the Univer-
2 sity, with the approval of the Board, shall have the
3 authority to appoint, fix the compensation of (in-
4 cluding health and retirement benefits), and pre-
5 scribe the duties of such officers and employees as
6 the President of the University deems necessary for
7 the efficient administration of the University, in ac-
8 cordance with this section.

9 (2) COMPENSATION OF OFFICERS AND EMPLOY-
10 EES.—

11 (A) IN GENERAL.—Except as provided in
12 subparagraph (B), the President of the Univer-
13 sity shall fix the basic compensation for officers
14 and employees of the University at rates com-
15 parable to the rates in effect under the General
16 Schedule for individuals with comparable quali-
17 fications and positions, to whom chapter 51 of
18 title 5, United States Code, applies.

19 (B) EXCEPTION.—If the Board determines
20 that such action is necessary for purposes of re-
21 cruitment or retention of officers or employees
22 necessary to the functions of the University, the
23 Board is authorized, by formal action, to estab-
24 lish a rate of, or a range for, basic compensa-
25 tion that is comparable to the rate of compensa-

1 tion paid to officers or employees having similar
2 duties and responsibilities in other institutions
3 of higher education.

4 (c) POLICIES AND PROCEDURES.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date on which the President of the Univer-
7 sity is appointed under section 11(a), the President
8 of the University shall make or modify, as applica-
9 ble, policies and procedures governing—

10 (A) the establishment of positions at the
11 University;

12 (B) basic compensation for those positions
13 (including health and retirement benefits);

14 (C) entitlement to compensation;

15 (D) conditions of employment;

16 (E) discharge from employment;

17 (F) the leave system; and

18 (G) such other matters as may be appro-
19 priate.

20 (2) RULES AND REGULATIONS.—Policies and
21 procedures promulgated under paragraph (1) with
22 respect to discharge and conditions of employment
23 shall require—

1 (A) that procedures be established for the
2 rapid and equitable resolution of grievances of
3 individuals; and

4 (B) that no individual may be discharged
5 without—

6 (i) notice of the reasons for that dis-
7 charge; and

8 (ii) an opportunity for a hearing
9 under procedures that comport with the re-
10 quirements of due process.

11 (d) APPEAL TO BOARD.—

12 (1) IN GENERAL.—Any officer or employee of
13 the University may appeal to the Board any deter-
14 mination by the President of the University to not
15 re-employ or to discharge the officer or employee.

16 (2) OVERTURN BY BOARD.—On an appeal made
17 under paragraph (1) by an officer or employee of the
18 University, the Board may, on a majority vote of the
19 Board, in writing, overturn the determination of the
20 President of the University with respect to the em-
21 ployment of the officer or employee.

22 (e) LEAVE.—

23 (1) IN GENERAL.—Any individual who elects
24 under subsection (g)(2) to be covered under the pro-
25 visions of this section or who is an employee of the

1 Federal Government and is transferred or re-
2 appointed, without a break in service, from a posi-
3 tion under a different leave system to the University,
4 shall be credited for purposes of the leave system
5 provided under rules and regulations promulgated
6 under subsection (c), with the annual and sick leave
7 to the credit of that individual immediately before
8 the effective date of the election, transfer, or re-
9 appointment.

10 (2) LEAVE ON TERMINATION.—On termination
11 of employment with the University, any annual leave
12 remaining to the credit of an individual covered by
13 this section shall be liquidated in accordance with
14 sections 5551(a) and 6306 of title 5, United States
15 Code, except that leave earned or accrued under
16 rules and regulations promulgated under subsection
17 (c) shall not be so liquidated.

18 (3) LEAVE WHEN TRANSFERRED.—In the case
19 of any individual who is transferred, promoted, or
20 reappointed, without break in service, to a position
21 in the Federal Government under a different leave
22 system, any remaining leave to the credit of such
23 person earned or credited under the policies and pro-
24 cedures promulgated under subsection (c) shall be
25 transferred to the credit of that individual in the

1 employing agency on an adjusted basis in accordance
2 with rules and regulations to be promulgated by the
3 Office of Personnel Management.

4 (f) APPLICABILITY.—

5 (1) IN GENERAL.—This section shall apply to
6 any individual appointed after the date of enactment
7 of this Act for employment in the University.

8 (2) NO EFFECT ON CURRENT EMPLOYEES.—
9 Except as provided in subsection (g), the enactment
10 of this Act shall not affect—

11 (A) the continued employment of any indi-
12 vidual employed by the legacy institution before
13 the date of enactment of this Act; or

14 (B) the right of the individual to receive
15 the compensation attached to the position.

16 (3) EXCEPTIONS.—This section shall not apply
17 to—

18 (A) an individual whose services are pro-
19 cured by the University pursuant to a written
20 procurement contract; or

21 (B) employees of an entity performing
22 services pursuant to a written contract with the
23 University.

24 (g) TERMINATION OF CIVIL SERVICE POSITIONS.—

25 On the date of enactment of this Act, any position at the

1 University that is occupied by an individual in the civil
2 service shall terminate.

3 (h) COLLECTIVE BARGAINING.—The University shall
4 be considered an agency for the purpose of chapter 71 of
5 title 5, United States Code.

6 (i) COMPENSATION FOR WORK INJURIES.—Employ-
7 ees of the University shall receive compensation for work
8 injuries and illnesses in accordance with chapter 81 of title
9 5, United States Code.

10 (j) BACKGROUND CHECKS.—

11 (1) CURRENT EMPLOYEES.—An individual em-
12 ployed by the legacy institution before the date of
13 enactment of this Act shall undergo a background
14 check in accordance with section 8(b)(4)(B) to be el-
15 igible to be employed by the University.

16 (2) NEW EMPLOYEES.—An individual that
17 seeks employment with the University shall undergo
18 a background check in accordance with section
19 8(b)(4)(B).

20 **SEC. 13. CONTRIBUTIONS TO EMPLOYEE HEALTH AND RE-**
21 **TIREMENT BENEFITS.**

22 (a) MANDATORY CONTRIBUTIONS.—The University
23 shall make contributions toward the health and retirement
24 costs of all employees, including to faculty and staff, which
25 shall—

1 (1) be made at a level consistent with the re-
2 quirements imposed on Federal agencies under ap-
3 plicable Federal law; and

4 (2) be consistent with amounts that Federal
5 agencies are mandated to pay into similar retirement
6 and health benefit plans.

7 (b) **ELIGIBILITY FOR FEDERAL BENEFITS.**—All em-
8 ployees of the University shall be eligible to receive health
9 and retirement benefits, subject to the condition that the
10 University shall meet the obligations of the University to
11 make the contributions required under subsection (a).

12 (c) **IMPLEMENTATION AND COMPLIANCE.**—The Uni-
13 versity shall establish a compliance framework to ensure
14 that contributions made under subsection (a) are made in
15 a timely manner and in accordance with Federal guide-
16 lines.

17 (d) **ANNUAL AUDITS.**—Annual audits shall be con-
18 ducted by the Inspector General of the Department of the
19 Interior to verify adherence by the University to this sec-
20 tion.

21 **SEC. 14. PREFERENCE FOR MEMBERS OF INDIAN TRIBES.**

22 (a) **IN GENERAL.**—Notwithstanding any other provi-
23 sion of Federal or State law, the University may develop
24 a policy for the University to extend preference to mem-
25 bers of Indian Tribes in—

1 (1) admission to, and enrollment in, programs
2 conducted by the University;

3 (2) employment by the University; and

4 (3) contracts, fellowships, and grants awarded
5 by the University.

6 (b) **HIRING PREFERENCE.**—In carrying out section
7 12(b)(1), the President of the University shall, to the max-
8 imum extent practicable, give preference in hiring to mem-
9 bers of Indian Tribes.

10 **SEC. 15. NONPROFIT AND NONPOLITICAL NATURE OF THE**
11 **UNIVERSITY.**

12 (a) **STOCK.**—The University shall have no power to
13 issue any shares of stock or to declare or pay any divi-
14 dends.

15 (b) **NONPROFIT NATURE.**—No part of the income or
16 assets of the University shall inure to the benefit of any
17 director, officer, employee, or any other individual except
18 as salary or reasonable compensation for services.

19 (c) **NONPOLITICAL NATURE.**—The University may
20 not contribute to, or otherwise support, any political party
21 or candidate for elective public office.

22 **SEC. 16. TAX STATUS; TORT LIABILITY.**

23 (a) **TAX STATUS.**—The University and the franchise,
24 capital, reserves, income, and property of the University
25 shall be exempt from all taxation now or hereafter imposed

1 by the United States, by any Indian Tribe, or by any State
2 or political subdivision thereof.

3 (b) TORT LIABILITY.—

4 (1) IN GENERAL.—The University shall be sub-
5 ject to liability relating to tort claims only to the ex-
6 tent a Federal agency is subject to such liability
7 under chapter 171 of title 28, United States Code.

8 (2) TREATMENT AS FEDERAL AGENCY.—For
9 purposes of chapter 171 of title 28, United States
10 Code, the University shall be treated as a Federal
11 agency (within the meaning of section 2671 of that
12 title).

13 (3) PRESIDENT.—For purposes of chapter 171
14 of title 28, United States Code, the President of the
15 University shall be deemed the head of the Federal
16 agency described in paragraph (2).

17 **SEC. 17. TRANSFER OF FUNCTIONS.**

18 (a) IN GENERAL.—There are hereby transferred to
19 the University, and the University shall perform, the func-
20 tions of the legacy institution.

21 (b) CERTAIN MATTERS RELATING TO TRANSFERRED
22 FUNCTIONS.—

23 (1) IN GENERAL.—Subject to subsection (d), all
24 personnel, liabilities, contracts, real property, per-
25 sonal property, assets, and records as are deter-

1 mined by the Director of the Office of Management
2 and Budget to be employed, held, or used primarily
3 in connection with any function transferred under
4 subsection (a) (regardless of the administrative enti-
5 ty providing the services on the date before the
6 transfer) shall be transferred to the University.

7 (2) CERTAIN PERSONNEL.—Personnel engaged
8 in functions transferred under subsection (a) shall
9 be transferred in accordance with applicable laws
10 and regulations relating to the transfer of functions,
11 except that the transfer shall be without reduction in
12 classification or compensation for 1 year after the
13 date of the transfer.

14 (c) REFERENCES IN OTHER LAW.—

15 (1) IN GENERAL.—All laws and regulations re-
16 lating to the legacy institution shall, insofar as those
17 laws and regulations are appropriate, and not incon-
18 sistent with the provisions of this Act, remain in full
19 force and effect and apply with respect to the Uni-
20 versity.

21 (2) REFERENCES.—All references in any other
22 Federal law to the legacy institution, or any officer
23 transferred to the University under subsection (b),
24 shall be deemed to refer to the University.

1 (d) FORGIVENESS OF AMOUNTS OWED; HOLD HARM-
2 LESS.—

3 (1) IN GENERAL.—Subject to paragraph (2)—

4 (A) the University shall be responsible for
5 all obligations of the University incurred after
6 the date of the enactment of this Act; and

7 (B) the Secretary shall be responsible for
8 all obligations of the University incurred on or
9 before the date of enactment of this Act, includ-
10 ing those which accrued by reason of any statu-
11 tory, contractual, or other reason prior to that
12 date, which became payable within 2 years of
13 that date.

14 (2) EXCEPTION.—

15 (A) IN GENERAL.—With respect to all pro-
16 grams of the Federal Government, in whatever
17 form or from whatever source derived, the Uni-
18 versity shall only be held responsible for actions
19 and requirements, either administrative, regu-
20 latory, or statutory in nature, for events which
21 occurred on or after the date of enactment of
22 this Act, including the submission of reports,
23 audits, and other required information.

24 (B) NO RELIEF.—The United States may
25 not seek any monetary damages or repayment

1 for the commission of events, or omission to
2 comply with either administrative or regulatory
3 requirements, for any action that occurred prior
4 to the date of enactment of this Act.

5 **SEC. 18. HEADQUARTERS OF THE UNIVERSITY.**

6 (a) IN GENERAL.—Lawrence, Kansas, shall be main-
7 tained as the location for the University.

8 (b) BRANCHES.—The University may establish
9 branches at additional locations to fulfill its functions and
10 acquire or lease land as may be necessary.

11 (c) FACILITIES AND LAND.—

12 (1) CONVEYANCE OF PROPERTY.—On the date
13 of enactment of this Act, the Secretary shall convey
14 to the University all right, title, and interest of the
15 United States in and to the property of the legacy
16 institution, including all facilities of the legacy insti-
17 tution on that property.

18 (2) USE; PROHIBITION.—The land and facilities
19 conveyed to the University under paragraph (1)—

20 (A) shall only be used to further the pur-
21 poses described in section 3; and

22 (B) shall not be conveyed or otherwise sold
23 by the University.

1 **SEC. 19. COMPLIANCE WITH OTHER LAWS.**

2 (a) IN GENERAL.—The University shall comply with
3 the provisions of—

4 (1) Public Law 95–341 (commonly known as
5 the “American Indian Religious Freedom Act”) (42
6 U.S.C. 1996 et seq.);

7 (2) the Archaeological Resources Protection Act
8 of 1979 (16 U.S.C. 470aa et seq.); and

9 (3) division A of subtitle III of title 54, United
10 States Code.

11 (b) CRIMINAL LAWS.—All Federal criminal laws re-
12 lating to larceny, embezzlement, or conversion of the funds
13 or the property of the United States shall apply to the
14 funds and property of the University.

15 (c) OTHER FEDERAL ASSISTANCE.—

16 (1) IN GENERAL.—Funds received by the Uni-
17 versity pursuant to this Act shall not be regarded as
18 Federal money for purposes of meeting any match-
19 ing requirements for any Federal grant, contract, or
20 cooperative agreement.

21 (2) APPLICATIONS.—

22 (A) IN GENERAL.—The University shall
23 not be subject to any provision of law requiring
24 that non-Federal funds or other moneys be used
25 in part to fund any grant, contract, cooperative

1 agreement, or project as a condition to the ap-
2 plication for, or receipt of, Federal assistance.

3 (B) SAVINGS PROVISION.—Nothing in this
4 subsection affects in a negative fashion the re-
5 view, prioritization, or acceptance of any appli-
6 cation or proposal for such a program, solicited
7 or unsolicited.

8 **SEC. 20. ENDOWMENT PROGRAM.**

9 (a) PROGRAM ENHANCEMENT ENDOWMENT.—

10 (1) IN GENERAL.—Amounts appropriated to
11 carry out this Act for each fiscal year for use under
12 this subsection may be deposited into a trust fund
13 (referred to in this subsection as the “trust fund”),
14 to be maintained by the University at a federally in-
15 sured banking or savings institution.

16 (2) CONTRIBUTIONS.—

17 (A) IN GENERAL.—The President of the
18 University shall provide—

19 (i) for deposit in the trust fund—

20 (I) a capital contribution by the
21 University of \$5,000,000; and

22 (II) any earnings on the funds
23 deposited under this subparagraph;
24 and

1 (ii) for the reservation for the sole use
2 of the University of any noncash, in-kind
3 contributions of real or personal property,
4 which may at any time be converted to
5 cash, which shall be deposited as a capital
6 contribution into the trust fund.

7 (B) FEDERAL CONTRIBUTION.—Out of any
8 funds in the Treasury not otherwise appro-
9 priated, there is appropriated \$5,000,000 for
10 deposit in the trust fund.

11 (3) RETURN TO TREASURY.—If, at any time,
12 the University withdraws any capital contribution
13 (as described in paragraph (2)(A)(i)(I)) made by the
14 University to the trust fund or puts any property (as
15 described in paragraph (2)(A)(ii)) to a use which is
16 not for the sole benefit of the University, an amount
17 equal to the value of the Federal contribution shall
18 be withdrawn from the trust fund and returned to
19 the Treasury as miscellaneous receipts.

20 (4) INTEREST.—Interest deposited in the trust
21 fund pursuant to paragraph (2)(A)(i)(II) may be pe-
22 riodically withdrawn and used, at the direction of
23 the Board or its designee, to defray any expense as-
24 sociated with the operation of the University, includ-
25 ing the expense of operations and maintenance, ad-

1 ministration, academic and support personnel, com-
2 munity and student services programs, and technical
3 assistance.

4 (5) REQUIREMENTS.—

5 (A) IN GENERAL.—For the purpose of
6 complying with the contribution requirement
7 under paragraph (2)(A)(ii), the University may
8 use funds or in-kind contributions of real or
9 personal property fairly valued that are made
10 available from any private or Tribal source, in-
11 cluding interest earned by the funds invested
12 under this subsection.

13 (B) IN-KIND CONTRIBUTIONS.—In-kind
14 contributions shall be—

15 (i) property other than fully depre-
16 ciable property; and

17 (ii) valued according to the procedures
18 established for such purpose by the Sec-
19 retary of the Treasury.

20 (C) ELIGIBILITY FOR MATCHING FUNDS.—

21 For purposes of this paragraph, all contribu-
22 tions, including in-kind and real estate, which
23 are received by the University beginning on the
24 date on which the initial members of the Board
25 appointed under section 8(b)(1)(A)(ii) are con-

1 firmed by the Senate, but which have not been
2 included in the computations under this sub-
3 section, shall be eligible for matching with Fed-
4 eral funds appropriated in any fiscal year.

5 (6) CONTROL OF UNIVERSITY.—Amounts ap-
6 propriated to carry out this Act for use under this
7 subsection shall be paid by the Secretary of the
8 Treasury to the University as a Federal capital con-
9 tribution equal to the amount of funds or the value
10 of the in-kind contributions which the University
11 demonstrates have been placed within the control of,
12 or irrevocably committed to the use of, the Univer-
13 sity as a capital contribution of the University in ac-
14 cordance with this subsection.

15 (b) CAPITAL IMPROVEMENT ENDOWMENT.—

16 (1) IN GENERAL.—In addition to the trust fund
17 described in subsection (a)(1), funds may be depos-
18 ited in a trust fund maintained by the University at
19 a federally insured banking or savings institution
20 from the amount appropriated to carry out this Act
21 for each fiscal year for the purpose of establishing
22 a separate special endowment for capital improve-
23 ment (referred to in this subsection as the “capital
24 endowment fund”) to pay expenses associated with
25 site selection and preparation, site planning and ar-

1 architectural design and planning, new construction,
2 materials and equipment procurement, renovation,
3 alteration, repair, and other building and expansion
4 costs of the University.

5 (2) CONTRIBUTIONS.—The President of the
6 University shall provide for the deposit into the cap-
7 ital endowment fund—

8 (A) a capital contribution by the Univer-
9 sity in an amount equal to the amount of each
10 Federal contribution under paragraph (4); and

11 (B) any earnings on amounts in the capital
12 endowment fund.

13 (3) DEPOSIT OF FUNDS.—

14 (A) IN GENERAL.—Funds deposited by the
15 University as a match for Federal contributions
16 under paragraph (4) shall remain in the capital
17 endowment fund for a period of not less than
18 2 years.

19 (B) RETURN TO TREASURY.—If at any
20 time the University withdraws any capital con-
21 tribution to the capital endowment fund before
22 the funds have been deposited for the 2-year pe-
23 riod described in subparagraph (A), an amount
24 equal to the Federal contribution under para-
25 graph (4) for the applicable fiscal year shall be

1 withdrawn from the capital endowment fund
2 and returned to the Treasury as miscellaneous
3 receipts.

4 (C) WITHDRAWAL OF FUNDS.—At the end
5 of the 2-year period described in subparagraph
6 (A), the entire principal and interest of the
7 funds deposited for that period, including the
8 Federal matching portion—

9 (i) shall accrue, without reservation,
10 to the University; and

11 (ii) may be withdrawn, in whole or in
12 part, to defray expenses associated with
13 capital acquisition and improvement of the
14 University referred to in paragraph (1).

15 (4) PAYMENT BY SECRETARY OF THE TREAS-
16 URY.—Subject to paragraph (3), amounts appro-
17 priated to carry out this Act for use under this sub-
18 section shall be paid by the Secretary of the Treas-
19 ury to the University as a Federal capital contribu-
20 tion equal to the amount which the University dem-
21 onstrates has been placed within the control of, or
22 irrevocably committed to the use of, the University
23 and is available for deposit as a capital contribution
24 of the University in accordance with this subsection.

25 (5) REQUIREMENT.—

1 (A) IN GENERAL.—For the purpose of
2 complying with the contribution requirement
3 under paragraph (2), the University may use
4 funds or in-kind contributions of real or per-
5 sonal property.

6 (B) ELIGIBILITY FOR MATCHING FUNDS.—
7 For the purposes of this paragraph, all con-
8 tributions, including in-kind and real estate,
9 which are held by the University [beginning on
10 the date on which the initial members of the
11 Board appointed under section 8(b)(1)(A)(ii)
12 are confirmed by the Senate], but which have
13 not been included in their entirety in computa-
14 tions under this section, shall be eligible for
15 matching Federal funds appropriated in any
16 year.

17 (c) GENERAL ADMINISTRATIVE PROVISIONS.—

18 (1) IN GENERAL.—Funds in the trust funds de-
19 scribed in subsections (a) and (b) shall be invested
20 under the same conditions and limitations as funds
21 are invested under section 331(c)(2) of the Higher
22 Education Act of 1965 (20 U.S.C. 1065(c)(2)) and
23 the regulations implementing that section (as such
24 regulations were in effect at the time the funds are
25 invested).

1 (2) NO BENEFIT TO PRIVATE PERSON.—No
2 part of the net earnings of the trust funds estab-
3 lished under this section shall inure to the benefit of
4 any private person.

5 (3) USE OF FUNDS TO SECURE LOAN.—Any
6 amounts deposited in a trust fund authorized under
7 subsections (a) and (b) may be used to secure loans
8 procured for the purposes of constructing or improv-
9 ing University facilities.

10 (4) OTHER GOVERNING PROVISIONS.—The
11 President of the University shall provide for such
12 other provisions governing the trust funds estab-
13 lished under this section as may be necessary to pro-
14 tect the financial interest of the United States and
15 to promote the purpose of this Act as agreed to by
16 the Secretary of the Treasury and the Board or the
17 designee of the Board, including record keeping pro-
18 cedures for the investment of funds received under
19 the trust fund established under subsection (b) and
20 such other record keeping procedures for the ex-
21 penditure of accumulated interest for the trust fund
22 under subsection (a) as will allow the Secretary of
23 the Treasury to audit and monitor activities under
24 this section.

1 **SEC. 21. ESTABLISHMENT OF ENDOWMENT BOARD OF**
2 **TRUSTEES.**

3 (a) IN GENERAL.—The University shall establish an
4 independent Board of Trustees, to be known as the “En-
5 dowment Board” (referred to in this section as the “En-
6 dowment Board”), dedicated to overseeing the manage-
7 ment and investment of the endowment funds of the Uni-
8 versity under section 20.

9 (b) PURPOSE.—The establishment of the Endowment
10 Board is intended to enhance the governance and account-
11 ability of endowment fund management while maintaining
12 clear separation between the roles and responsibilities of
13 the Endowment Board and the Board.

14 (c) POWERS.—The Endowment Board shall operate
15 separately from the Board, subject to the condition that
16 the Endowment Board shall work in conjunction with the
17 Board to ensure alignment of investment strategies with
18 the financial goals and overall mission of the University.

19 (d) RESPONSIBILITIES.—The Endowment Board
20 shall be responsible for—

21 (1) managing and overseeing the investment
22 and allocation of endowment funds under section 20;

23 (2) developing and implementing investment
24 policies and strategies to optimize the financial per-
25 formance of the endowment funds under that sec-
26 tion; and

1 (3) reporting regularly to the Board on the per-
2 formance of the endowment funds under that section
3 and making recommendations, as appropriate.

4 **SEC. 22. PROVISION OF FACILITIES.**

5 (a) MASTER PLAN.—

6 (1) IN GENERAL.—The Board shall prepare a
7 master plan on the short-term and long-term facili-
8 ties needs of the University, which shall include eval-
9 uation of all facets of existing University programs,
10 including support activities and programs and facili-
11 ties.

12 (2) REQUIREMENTS.—The master plan pre-
13 pared under paragraph (1) shall evaluate develop-
14 ment and construction requirements (based on a
15 growth plan approved by the Board), including items
16 such as infrastructure and site analysis, development
17 of a phased plan with architectural and engineering
18 studies, cost projections, landscaping, and related
19 studies which cover all facets of the programs and
20 planned functions of the University.

21 (b) DEADLINE FOR TRANSMITTAL.—Not later than
22 18 months after the date of enactment of this Act, the
23 Board shall submit to the appropriate committees of Con-
24 gress the master plan prepared under subsection (a),

1 which shall include a prioritization of needs, as determined
2 by the Board.

3 **SEC. 23. REPORTS.**

4 (a) ANNUAL REPORT.—The President of the Univer-
5 sity shall submit to the appropriate committees of Con-
6 gress and the Board an annual report describing the sta-
7 tus of the University during the 1-year period preceding
8 the date of the report, which shall include, among other
9 matters—

10 (1) a detailed statement of all private and pub-
11 lic funds, gifts, and other items of a monetary value
12 received by the University during that period and
13 the disposition thereof; and

14 (2) any recommendations for improving the
15 University.

16 (b) BUDGET PROPOSAL.—

17 **[(1) SUBMISSION.—**

18 **[(A) IN GENERAL.—**Not later than 180
19 days after the date on which the initial mem-
20 bers of the Board appointed under section
21 8(b)(1)(A)(ii) are confirmed by the Senate, and
22 each fiscal year thereafter, the Board shall sub-
23 mit to Congress a budget proposal.】

24 **[(B) INITIAL SUBMISSION TO OMB.—**Prior
25 to the submission to Congress of a budget pro-

1 positional under subparagraph (A), the Board shall
2 submit the applicable budget proposal to the
3 Director of the Office of Management and
4 Budget, who shall provide advice and rec-
5 ommendations on the proposal before returning
6 the proposal to the University for submission to
7 Congress under that subparagraph.】

8 (2) REQUIREMENTS.—A budget proposal sub-
9 mitted under paragraph (1)(A) shall—

10 (A) be submitted not later than April 1 of
11 each calendar year; and

12 (B) propose a budget for the University for
13 the 2 fiscal years succeeding the fiscal year dur-
14 ing which the proposal is submitted.

15 (3) NO CONSIDERATION OF FUNDRAISING OR
16 BEQUESTS.—In determining the amount of funds to
17 be appropriated to the University on the basis of a
18 budget proposal submitted under paragraph (1)(A),
19 Congress shall not consider the amount of private
20 fundraising or bequests made on behalf of the Uni-
21 versity during any preceding fiscal year.

22 **SEC. 24. AUTHORIZATION OF APPROPRIATIONS.**

23 (a) DISCRETIONARY APPROPRIATIONS.—

24 (1) IN GENERAL.—There is authorized to be
25 appropriated \$21,000,000 for each fiscal year to

1 carry out this Act, to remain available without fiscal
2 year limitation.

3 (2) TRUST FUND.—There is authorized to be
4 appropriated \$5,000,000 for the capital contribution
5 of the University to the trust fund under section
6 20(a)(2)(A)(i)(I).

7 (b) AVAILABILITY OF FUNDS.—

8 (1) IN GENERAL.—For the purpose of affording
9 adequate notice of funding available under this Act,
10 amounts appropriated in an appropriation Act for
11 any fiscal year to carry out this Act shall—

12 (A) become available for obligation on July
13 1 of that fiscal year; and

14 (B) remain available until September 30 of
15 the succeeding fiscal year.

16 (2) TRANSITION.—To effect a transition to the
17 forward funding method of timing appropriation ac-
18 tion described in paragraph (1), there are authorized
19 to be appropriated, in an appropriation Act or Acts
20 for the same fiscal year, 2 separate appropriations
21 to carry out this Act, the first of which shall not be
22 subject to that paragraph.

23 (c) INDEPENDENT AGENCY.—Funds appropriated
24 under this section for each fiscal year shall be transferred
25 by the Secretary of the Treasury through the most expedi-

1 tious method available with the University being des-
2 igned as its own certifying agency.

3 (d) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the University should receive, on an annual
5 basis, such increases in appropriations as are necessary
6 to ensure that the University is able to provide a high-
7 quality educational experience in a safe, secure, and com-
8 fortable campus environment.

9 (e) ELIGIBILITY FOR ASSISTANCE.—Except as spe-
10 cifically provided in this Act, the University shall be eligi-
11 ble to receive Federal financial assistance under any pro-
12 gram authorized under the Higher Education Act of 1965
13 (20 U.S.C. 1001 et seq.) or any other applicable program
14 for the benefit of institutions of higher education, commu-
15 nity colleges, or postsecondary educational institutions.