

Haskell Indian Nations University Improvement Act: Section by Section Outline

SECTION 1. SHORT TITLE

- The Act may be cited as the "Haskell Indian Nations University Improvement Act of 2024".

SECTION 2. FINDINGS;

Findings: Establishes findings related to the need for a culturally relevant education for Indians, the historical context behind the formation and evolution of Haskell Indian Nations University, and neglect of governing duties from the Bureau of Indian Education.

SECTION 3. PURPOSES:

- **Purpose:** Establishes the purpose of the legislation, highlighting the importance of the Federal Government fulfilling its trust and treaty responsibility to Native Americans and clarifies the University's charitable organization tax status and independence from the Bureau of Indian Education.

SECTION 4. DEFINITIONS

- Key terms in the Act.

SECTION 5. ESTABLISHMENT OF UNIVERSITY AS A FEDERALLY CHARTERED CORPORATION

- **In General:** Establishes Haskell Indian Nations University as a federally chartered corporation under the direction of a Board of Trustees.
- **Succession and Amendment of Charter:** Specifies the University's charter will last until dissolved by Congress and that only Congress can revise or amend the charter.

SECTION 6. FUNCTIONS OF UNIVERSITY

- **Primary Functions:** Outlines the primary functions of the University, including:
 - To provide scholarly study for Indians.
 - To establish certificate and degree programs in various fields.
- **Administrative Entities:** Outlines the responsibilities of the Board of Trustees to establish the policies and internal organization that relate to the control and monitoring of all entities of the University.
 - Responsibilities of each subdivision, entity, and department of the University are solely within the discretion of the Board.
 - The Board will establish departments of study.
- **Other Programs:**
 - The Board will develop other departments and programs as deemed necessary.

SECTION 7. RELATIONSHIP TO SECRETARY OF THE INTERIOR

- The Secretary of the Interior will provide grants and assistance to improve the University's capacity to serve Indian students.

SECTION 8. BOARD OF TRUSTEES

- This section establishes a Board of Trustees for the University.
- **Composition:**
 - 15 voting members and 1 non-voting member.
 - 12 shall be designees of each of the 12 geographic regions of the BIA;
 - 1 shall be a designee of the Indian tribes of Kansas;
 - 1 shall be a member of the alumni association of the legacy institution;
 - 1 shall be an at-large member of an Indian Tribe from any of the 12 geographic regions of the BIA.
 - Voting members appointed by the President, representing various educational and professional fields, and must be enrolled members of Indian Tribes.
 - Non-voting member: student body president of the University.
 - Potential candidates will first be nominated by their Tribal communities/organizations.
 - Outlines dates of which the president must publish a solicitation for nominations in the federal register.
 - Sets deadlines for Tribal Advisory Boards to submit nominations and deadlines for the President to select nominees.

- Allows President to select a nominee without prior recommendation from the Tribal Advisory Board if the Tribal Advisory Board fails to provide a nomination to the President within the aforementioned timeline.
- Requires nominees for the board undergo proper vetting and background checks.
- **Terms of Office:**
 - Voting members serve 6-year terms with certain representatives (e.g., Bureau of Indian Affairs Regions, alumni, tribes).
 - Limit of 3 consecutive terms per member.
- **Vacancies:**
 - Vacancies filled for the remainder of the term.
- **Removal:**
 - Board members can be removed by the President, or with a $\frac{3}{4}$ vote from the Board, for inefficiency, neglect, or malfeasance.
- **Chairman and Vice Chairman:**
 - Initially designated by the President for 12-month terms, thereafter, elected for 2-year terms.
- **Quorum:**
 - Majority of voting members constitutes a quorum.
- **Powers:**
 - Authority to formulate policy, direct management, and establish bylaws and rules.
- **Compensation:**
 - Board members compensated \$125 per day plus travel expenses.
- **Appointment Exception for Continuity:**
 - Reappointment of Board members to maintain continuity if no new nomination is made within 60 days of term expiration.

SECTION 9. POWERS OF THE BOARD

- **In General:** Outlines the general powers of the Board –
 - Adopt, use, and alter a corporate seal.
 - Enter into agreements and contracts and make payments under these agreements.
 - Enter into joint development ventures for development of facilities.
 - To sue or be sued, and to represent itself or contract legal representation.
 - Make use of services, facilities, and property of any boards, commissions, executive agency, etc.
 - Obtain services and have the ability to reimburse personnel for travel expenses.
 - Solicit, accept, and dispose of gifts for the benefit of the University.
 - Receive grants from and enter into contracts and other arrangements with Federal, State, and local governments, public and private agencies, organizations, institutions, and individuals.
 - Acquire, maintain, use, and dispose of property.
 - Obtain insurance to cover all activities of the University.
 - To invest no more than 10 percent of funds appropriated in this act into a trust fund for the University so long as those funds are expended to carry out the purposes of the Act.
 - To exercise all other lawful powers reasonably related to the establishment of the University in order to carry out the provisions of this Act.
- **Accounting for Non-Federal Funds:**
 - Any non-Federal funds received will be accounted for separately from Federal funds.
- **Interest and Investments:**
 - Interest and earnings on appropriated funds are property of the University.
 - Specifies that members of the board have a fiduciary duty to the University and allows The University to obtain insurance on behalf of the members of the Board in the performance of their official duties.

SECTION 10. EXECUTIVE BOARD

- Establishes an Executive Board of the Board of Trustees
- **Composition:**
 - Composed of Chairman, Vice Chairman, Secretary, Treasurer, and one at-large member elected by the Board.
- **Vacancies:**
 - At-large vacancies filled by election for the remainder of the term.
- **Meetings:**
 - Up to 24 meetings per year, with special meetings as needed.

- **Quorum:**
 - Majority of the Executive Board constitutes a quorum.
- **Powers:**
 - Can exercise all powers of the Board, subject to approval by the full Board.

SECTION 11. PRESIDENT OF THE UNIVERSITY

- **Establishment:**
 - The President is appointed by the Board and serves as CEO of the University.
 - **The current Haskell president will serve as interim President until the new Haskell Board of Regents is appointed and the Board either reappoints the interim president or appoints a new President.**
- **Responsibilities:**
 - Responsible for executing policies and overseeing personnel and activities.
- **Compensation:**
 - Salary set between 120% of GS-15 pay rate and the level III of the Executive Schedule
- **Removal**
 - On a vote of $\frac{3}{4}$ of the members of the Board, the President of the University may be removed for inefficiency, neglect of duty or malfeasance in office.

SECTION 12. STAFF OF UNIVERSITY

- **Exemption from Civil Service:**
 - Title 5 of the U.S. Code does not apply to the University except where specified.
- **Appointment and Compensation:**
 - President appoints officers and employees, fixing compensation within federal General Schedule rates.
- **Policies & Procedures:**
 - President establishes positions at the University, basic compensation, conditions of employment, discharge from employment, leave system, and other appropriate matters.
- **Appeal to Board:**
 - Any employee can appeal decisions regarding hiring made by the President to the Board, and the Board can overturn with a majority vote.
- **Leave:**
 - Any employee transferred or reappointed to the University will be credited for any leave.
 - Any employee who is transferred to another position in the Federal government retains leave credits.
- **Applicability:**
 - This legislation will not affect the continued employment of any employee by the legacy institution or their salary.
- **Termination of Civil Service Positions:**
 - Enactment of this legislation terminates any civil service position
- **Collective Bargaining:**
 - The University is considered an agency under federal collective bargaining laws.
- **Compensation for Work Injuries:**
 - Employees are entitled to federal workers' compensation benefits.
- **Background Checks**
 - Current employees of the legacy institution and new employees must undergo a background check to be eligible to be employed by the University.

SECTION 13. CONTRIBUTIONS TO EMPLOYEE HEALTH AND RETIREMENT BENEFITS

- **Mandatory Contributions:**
 - The University must contribute to employee health and retirement benefits in line with federal standards.
- **Eligibility for Federal Benefits:**
 - Employees are eligible for federal benefits if the University meets contribution obligations.
- **Implementation and Compliance:**
 - The University must ensure timely contributions and comply with federal guidelines, including annual audits.
- **Annual Audits:**
 - The University must conduct mandatory annual audits.

SECTION 14. PREFERENCE FOR MEMBERS OF INDIAN TRIBES

- **General:**
 - Preference in admissions, employment, grants, fellowships, and contracts for members of Indian Tribes.
- **Hiring Preference:**
 - Preference to be given in hiring where feasible.

SECTION 15. NONPROFIT AND NONPOLITICAL NATURE OF THE UNIVERSITY

- **Stock:**
 - The University cannot issue stock or pay dividends.
- **Nonprofit Nature:**
 - Income and assets cannot benefit any individual except for reasonable compensation for services.
- **Nonpolitical Nature:**
 - The University cannot support political parties or candidates for public office.

SECTION 16. TAX STATUS; TORT LIABILITY

- **Tax Status:**
 - Exempt from all taxes imposed by the United States, Indian Tribes, or state/local governments.
- **Tort Liability:**
 - Liable for tort claims under the Federal Tort Claims Act.
 - The University President is considered the head for tort claims purposes.

SECTION 17. TRANSFER OF FUNCTIONS

- **General Transfer:**
 - Functions of legacy institutions are transferred to the University.
- **Transfer of Personnel and Assets:**
 - Employees, liabilities, contracts, and property are transferred to the University.
 - Employees' classification and compensation are maintained for one year.
- **References in Other Laws:**
 - References to legacy institutions in other laws apply to the University, unless in conflict with this Act.
- **Forgiveness of Amounts Owed:**
 - The University is responsible only for obligations incurred after the Act's enactment.
 - The U.S. government is not entitled to seek repayment for actions occurring before the enactment.

SECTION 18. HEADQUARTERS

- **Location:**
 - The University's main headquarters will remain in Lawrence, Kansas, with the option to establish branches at other locations if necessary.
- **Facilities and Land:**
 - Upon enactment, the Secretary will convey all right, title, interest, and property to the University.
 - The land and facilities conveyed to the University shall only be used to further the mission of the University, and cannot be conveyed or otherwise sold.

SECTION 19. COMPLIANCE WITH OTHER LAWS

- **Compliance:**
 - The University must comply with federal laws like the American Indian Religious Freedom Act and the Archeological Resources Protection Act.
 - Must adhere to federal criminal laws relating to theft or misuse of funds.
- **Other Assistance:**
 - Federal funds received under this Act will not count towards matching fund requirements for other federal programs.

SECTION 20. ENDOWMENT PROGRAM

- **Program Enhancement Endowment:**

- Creation of a trust fund with federal and University contributions, earnings for University operations.
 - The President shall provide for a deposit in the trust fund of \$5,000,000 and any earnings, to be matched with a contribution from the federal government in Section 24.
- Any interest accrued can be periodically used to help with expenses associated with University operations.
- Federal contribution must be returned to the Treasury if misused.
- **Capital Improvement Endowment:**
 - Separate trust fund for capital improvements, with matching contributions from the University.
 - Funds will remain in trust for at least two years before use.
- **General Provisions:**
 - Investments will comply with established regulations and prevent private gain.

SECTION 21. ESTABLISHMENT OF THE ENDOWMENT BOARD OF TRUSTEES

- **In General:**
 - An independent Endowment Board will be established to manage the University's endowment funds.
- **Purpose:**
 - The Endowment Board is responsible for enhancing the governance and accountability of endowment fund management.
- **Powers and Responsibilities:**
 - The Endowment Board will operate separately from the Board of Regents but align investment strategies with the University's mission and goals.
 - Reports to the Board of Regents and makes recommendations.

SECTION 22. PROVISION OF FACILITIES

- **Master Plan:**
 - The Board must prepare a master plan for the University's facilities, including infrastructure analysis and cost projections.
- **Deadline:**
 - The plan must be submitted to Congress within 18 months of the Act's enactment.

SECTION 23. REPORTS

- **Annual Report:**
 - The University President must submit an annual report to Congress and the Board, detailing the status of the University and funds received and recommendations for improvements to the University.
- **Budget Proposal:**
 - The Board must submit a budget proposal to Congress by April 1 to encompass the following 2 fiscal years.
 - Private fundraising or bequests in the prior fiscal year are not considered in the proposal.

SECTION 24. AUTHORIZATION OF APPROPRIATIONS

- **In General:**
 - \$21,000,000 may be appropriated each fiscal year, with funds available without fiscal year limitation. The University should receive sufficient funding increases to provide a quality educational experience.
 - **Trust Fund:**
 - There is to be \$5,000,000 for the capital contribution of the University to the trust fund under section 20(a)(2)(A)(i)(I).
- **Availability of Funds:**
 - Funding will become available on July 1 of each fiscal year, aligning with the forward funding structure. Those funds remain available until September 30 of the succeeding fiscal year.
- **Eligibility for Assistance:**
 - Tribally controlled colleges are not excluded from other federal funding programs due to their participation in this Act.