

119TH CONGRESS
1ST 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 nations through-
4 out 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 more than 900 Indian students
5 every year who represent approximately 140 Indian
6 nations and Indian Tribes throughout the United
7 States;

8 (7) the 320-acre campus of the University is lo-
9 cated in Lawrence, Kansas, with 12 of the 44 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 today 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
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) INDIAN TRIBE.—The term “Indian Tribe”
26 means an Indian or Alaska Native tribe, band, na-

tion, pueblo, village, or community that the Secretary recognizes as an Indian Tribe pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(5) INDIAN TRIBES OF KANSAS.—The term “Indian Tribes of Kansas” means—

(A) the Prairie Band Potawatomi Nation;

(B) the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas;

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

(D) the Iowa Tribe of Kansas and Nebraska.

(6) ISDEAA TERMS.—The terms “Indian” and “Tribal organization” have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(7) LEGACY INSTITUTION.—The term “legacy institution” means the Haskell Indian Nations University, as operated by the Bureau of Indian Education before the date of enactment of this Act.

(8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(9) UNIVERSITY.—Except as provided in section 2, the term “University” means the Haskell In-

1 dian Nations University, the federally chartered cor-
2 poration established by section 5(a).

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

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

10 (b) SUCCESSION; AMENDMENT OF CHARTER.—

11 (1) SUCCESSION.—The University shall have
12 succession until dissolved by an Act of Congress.

13 (2) AMENDMENT OF CHARTER.—Congress may
14 revise or amend the charter of the University.

15 **SEC. 6. FUNCTIONS OF UNIVERSITY.**

16 (a) PRIMARY FUNCTIONS.—The primary functions of
17 the University shall be—

18 (1) to provide tuition-free, scholarly study for
19 Indians; and

20 (2) to establish programs that culminate in the
21 awarding of degrees and certificates in the various
22 fields for which the University is accredited.

23 (b) ADMINISTRATIVE ENTITIES.—

24 (1) IN GENERAL.—The Board shall be respon-
25 sible for establishing the policies and internal orga-

1 nization that relate to the control and monitoring of
2 all subdivisions, administrative entities, and depart-
3 ments of the University.

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

8 (3) DEPARTMENTS OF STUDY.—The Board
9 shall establish, within the University, departments of
10 study.

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

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

17 The Secretary shall provide grants and related assist-
18 ance to the University.

19 **SEC. 8. BOARD OF TRUSTEES.**

20 (a) ESTABLISHMENT.—There is established a Board
21 of Trustees for the University.

22 (b) COMPOSITION.—

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

1 (A) VOTING MEMBERS.—

2 (i) IN GENERAL.—In accordance with
3 the procedures established by the Secretary
4 under paragraph (2)(B), the voting mem-
5 bers of the Board shall be appointed by the
6 President, by and with the advice and con-
7 sent of the Senate, from among individuals
8 who—

9 (I) are enrolled members of In-
10 dian Tribes;

11 (II) are widely recognized in the
12 field of education, as determined by
13 the President; and

14 (III) represent diverse fields of
15 expertise, including finance, law, high-
16 er education, and Tribal leadership.

17 (ii) INITIAL APPOINTMENTS.—Of the
18 voting members of the Board first ap-
19 pointed under clause (i)—

20 (I) 12 shall be designees of each
21 of the 12 regions of the Bureau of In-
22 dian Affairs in existence as of the
23 date of enactment of this Act;

24 (II) 1 shall be a designee of the
25 Indian Tribes of Kansas;

1 (III) 1 shall be a member of the
2 Haskell Indian Nations University
3 Alumni Association; and

4 (IV) 1 shall be an at-large mem-
5 ber of an Indian Tribe.

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

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

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

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

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

20 (iii) solicit nominations from members
21 of Indian Tribes and Tribal organizations
22 in each of the 12 regions of the Bureau of
23 Indian Affairs in existence as of the date
24 of enactment of this Act;

1 (iv) give due consideration to the ap-
2 pointment of individuals who will provide
3 appropriate regional and Tribal representa-
4 tion on the Board; and

5 (v) ensure that those members are en-
6 rolled members of Indian Tribes.

7 (B) NOMINATION PROCEDURES.—

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

14 (ii) REQUIREMENTS.—The nomination
15 procedures established pursuant to clause
16 (i) shall establish the following:

17 (I) A date, which shall be not
18 later than 60 days after the date on
19 which the procedures are established,
20 by which members of Indian Tribes
21 and Tribal organizations described in
22 subparagraph (A)(iii) shall submit
23 nominations for the Board.

24 (II) A date, which shall be not
25 later than 90 days after the date de-

1 scribed in subclause (I), by which the
2 nominations described in that sub-
3 clause shall be submitted to the Presi-
4 dent.

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

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

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

1 (I) notwithstanding subclause (I)
2 of clause (i) of that paragraph, is not
3 a member of an Indian Tribe; and

4 (II) meets the qualifications de-
5 scribed in subclauses (II) and (III) of
6 that clause.

7 (C) CARRYING OUT REQUIREMENTS
8 THROUGH THE BOARD.—

9 (i) IN GENERAL.—The President shall
10 carry out the requirements described in
11 clauses (ii) and (iii) of subparagraph (A)
12 through the Board.

13 (ii) RECOMMENDATIONS BY BOARD.—
14 The Board shall—

15 (I) make recommendations to the
16 President based on the nominations
17 received from Indian Tribes and Trib-
18 al organizations under subparagraph
19 (A)(iii);

20 (II) make recommendations of its
21 own; and

22 (III) review and provide com-
23 ments to the President on individuals
24 being considered by the President for

1 whom no nominations have been re-
2 ceived.

3 (3) NONVOTING MEMBER.—The nonvoting
4 member of the Board shall be entitled—

5 (A) to attend all meetings of the Board;
6 and

7 (B) to provide advice to the Board on any
8 matter relating to the University.

9 (4) BACKGROUND CHECKS; MINIMUM STAND-
10 ARDS.—

11 (A) BACKGROUND CHECKS FOR INITIAL
12 MEMBERS.—

13 (i) IN GENERAL.—The initial mem-
14 bers nominated or appointed to the Board
15 under paragraph (1)(A)(i) shall undergo a
16 background check in accordance with this
17 subparagraph.

18 (ii) REQUIREMENTS.—A background
19 check conducted pursuant to clause (i)
20 shall—

21 (I) be facilitated by the Secretary
22 of Education;

23 (II) include a fingerprint check
24 conducted by the Federal Bureau of
25 Investigation; and

1 (III) include an investigation con-
2 ducted by the Office of Personnel
3 Management.

4 (B) MINIMUM STANDARDS FOR SUCCES-
5 SIVE MEMBERS.—In the bylaws of the Board
6 established under subsection (h)(3), the Board
7 shall establish minimum standards for the con-
8 duct of background checks for successive mem-
9 bers of the Board nominated and appointed
10 pursuant to a vacancy on the Board under sub-
11 section (d), which shall—

12 (i) be equivalent to background check
13 standards carried out by Federal education
14 agencies; and

15 (ii) allow the Board to contract serv-
16 ices from Federal agencies, including the
17 Office of Personnel Management, to con-
18 duct those background checks.

19 (c) TERMS OF OFFICE.—

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

23 (2) RESTRICTION ON TERMS.—Except as pro-
24 vided in subsection (j), no member of the Board ap-
25 pointed under subsection (b)(1)(A)(i) shall be eligi-

1 ble to serve more than 3 consecutive terms, subject
2 to the condition that the member may continue to
3 serve until the successor of the member is appointed.

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

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

9 (2) in the same manner as the original appoint-
10 ment was made, in accordance with subsection
11 (b)(1)(A)(ii).

12 (e) REMOVAL.—

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

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

21 (f) CHAIRMAN AND VICE CHAIRMAN.—

22 (1) IN GENERAL.—The President shall des-
23 ignate the initial Chairman and Vice Chairman of
24 the Board from among the members of the Board

1 appointed under subsection (b)(1)(A)(i), who shall
2 each serve for a term of 1 year.

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

8 (A) be elected from among the members of
9 the Board appointed under subsection
10 (b)(1)(A)(i); and

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

12 (3) VACANCIES.—In the case of a vacancy in
13 the office of Chairman or Vice Chairman of the
14 Board—

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

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

20 (g) QUORUM.—Unless otherwise provided by the by-
21 laws of the University, a majority of the members of the
22 Board appointed under subsection (b)(1)(A)(i) shall con-
23 stitute a quorum.

24 (h) POWERS.—The Board may—

25 (1) formulate the policy of the University;

1 (2) direct the management of the University;
2 and

3 (3) make such bylaws and rules as the Board
4 determines necessary for the administration of its
5 functions under this Act, including the organization
6 and procedures of the Board.

7 (i) COMPENSATION.—

8 (1) IN GENERAL.—Members of the Board ap-
9 pointed under subsection (b)(1)(A)(i) shall, for each
10 day the members are engaged in the performance of
11 the duties under this Act, receive compensation per
12 day, including travel time, at a rate specified by the
13 Board, which shall be—

14 (A) determined in consultation with the
15 Secretary; and

16 (B) published through an official notice
17 after the rate is finalized.

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

25 (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) to make agreements and contracts with per-
24 sons, Indian Tribes, and private or governmental en-
25 tities;

1 (3) to sue and be sued in its corporate name
2 and to complain and defend in any court of com-
3 petent jurisdiction;

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

7 (5)(A) with the approval of the Federal agency
8 concerned, to make use of services, facilities, and
9 property of any board, commission, independent es-
10 tablishment, or executive agency or department of
11 the Executive Branch in carrying out this Act; and

12 (B) to pay for that use (with those payments to
13 be credited to the applicable appropriation that in-
14 curred the expense);

15 (6) to use the United States mails on the same
16 terms and conditions as the executive departments
17 of the Federal Government;

18 (7) to obtain the services of experts and con-
19 sultants in accordance with the provisions of section
20 3109 of title 5, United States Code, and to accept
21 and utilize the services of voluntary and noncom-
22 pensated personnel and reimburse that personnel for
23 travel expenses, including per diem, as authorized by
24 section 5703 of that title;

1 (8) to acquire, hold, maintain, use, and operate
2 such real property, including improvements thereon,
3 personal property, equipment, and other items, as
4 may be necessary to enable the Board to carry out
5 the purpose of this Act;

6 (9) to the extent not already provided by law,
7 to obtain insurance to cover all activities of the Uni-
8 versity, including coverage relating to property and
9 liability, or make other provisions against losses; and

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

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

20 (c) FIDUCIARY DUTY.—

21 (1) IN GENERAL.—Members of the Board shall
22 have a fiduciary duty to the University, including
23 the duty of care, the duty of loyalty, the duty of
24 good faith, the duty of confidentiality, and the duty
25 of disclosure.

1 (2) INSURANCE.—The University may obtain
2 insurance on behalf of the members of the Board in
3 the performance of the official duties of the mem-
4 bers on behalf of the University.

5 **SEC. 10. EXECUTIVE BOARD.**

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

9 (b) COMPOSITION.—The Executive Board shall be
10 composed of—

11 (1) the Chairman of the Board;

12 (2) the Vice Chairman of the Board;

13 (3) the Secretary of the Board;

14 (4) the Treasurer of the Board; and

15 (5) an at-large member of the Board, to be
16 elected by the Board from among the members of
17 the Board appointed under section 8(b)(1)(A)(i).

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

22 (d) MEETINGS.—

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

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

3 (A) the Chairman of the Board; or

4 (B) 3 members of the Executive Board.

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

7 (f) POWERS.—The Executive Board may hold and
8 use all the powers of the Board, subject to the approval
9 of the Board.

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

11 (a) ESTABLISHMENT.—

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

15 (2) TRANSITION.—

16 (A) IN GENERAL.—On the date of enact-
17 ment of this Act, the individual serving as the
18 President of the legacy institution on the day
19 before the date of enactment of this Act shall
20 be deemed to have been appointed as the In-
21 terim President of the University until the ear-
22 lier of—

23 (i) the date on which that individual is
24 reappointed by the Board as President of
25 the University; and

1 (ii) the date on which the Board ap-
2 points a new individual to serve as Presi-
3 dent of the University.

4 (B) REQUIRED ACTION.—If the Interim
5 President of the University is not reappointed
6 by the Board as President of the University or
7 if a new individual is not appointed by the
8 Board to serve as President of the University
9 by the date that is 2 years after the date of en-
10 actment of this Act, the Board shall—

11 (i) reappoint the Interim President of
12 the University as the President of the Uni-
13 versity; or

14 (ii) appoint a new individual to serve
15 as President of the University.

16 (b) RESPONSIBILITIES.—Subject to the direction of
17 the Board and the general supervision of the Chairman
18 of the Board, the President of the University shall have—

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

21 (2) authority over all personnel and activities of
22 the University.

23 (c) COMPENSATION.—The Board shall have the au-
24 thority to fix the compensation (including health and re-
25 tirement benefits) of the President of the University.

1 (d) REMOVAL.—On a vote of 11 of the 15 members
2 of the Board, the President of the University may be re-
3 moved for inefficiency, neglect of duty, or malfeasance in
4 office.

5 **SEC. 12. STAFF OF UNIVERSITY.**

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

9 (b) APPOINTMENT AND COMPENSATION.—The Presi-
10 dent of the University, with the approval of the Board,
11 shall have the authority to appoint, fix the compensation
12 of (including health and retirement benefits), and pre-
13 scribe the duties of such officers and employees as the
14 President of the University deems necessary for the effi-
15 cient administration of the University, in accordance with
16 this section.

17 (c) POLICIES AND PROCEDURES.—

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

23 (A) the establishment of positions at the
24 University;

1 (B) basic compensation for those positions
2 (including health and retirement benefits);
3 (C) entitlement to compensation;
4 (D) conditions of employment;
5 (E) discharge from employment;
6 (F) the leave system; and
7 (G) such other matters as may be appro-
8 priate.

9 (2) RULES AND REGULATIONS.—Policies and
10 procedures promulgated under paragraph (1) with
11 respect to discharge and conditions of employment
12 shall require—

13 (A) that procedures be established for the
14 rapid and equitable resolution of grievances of
15 individuals; and

16 (B) that no individual may be discharged
17 without notice of the reasons for that discharge.

18 (d) APPEAL TO BOARD.—

19 (1) IN GENERAL.—Any officer or employee of
20 the University may appeal to the Board any deter-
21 mination by the President of the University to not
22 re-employ or to discharge the officer or employee.

23 (2) OVERTURN BY BOARD.—On an appeal made
24 under paragraph (1) by an officer or employee of the
25 University, the Board may, on a majority vote of the

1 Board, in writing, overturn the determination of the
2 President of the University with respect to the em-
3 ployment of the officer or employee.

4 (e) LEAVE.—

5 (1) IN GENERAL.—Any individual who is an
6 employee of the Federal Government and is trans-
7 ferred or reappointed, without a break in service,
8 from a position under a different leave system to the
9 University, shall be credited for purposes of the
10 leave system provided under rules and regulations
11 promulgated under subsection (c), with the annual
12 and sick leave to the credit of that individual imme-
13 diately before the effective date of the transfer or re-
14 appointment.

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

23 (3) LEAVE WHEN TRANSFERRED.—In the case
24 of any individual who is transferred, promoted, or
25 reappointed, without break in service, to a position

1 in the Federal Government under a different leave
2 system, any remaining leave to the credit of such
3 person earned or credited under the policies and pro-
4 cedures promulgated under subsection (c) shall be
5 transferred to the credit of that individual in the
6 employing agency on an adjusted basis in accordance
7 with rules and regulations to be promulgated by the
8 Office of Personnel Management.

9 (f) APPLICABILITY.—

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

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

16 (A) the continued employment of any indi-
17 vidual employed by the legacy institution before
18 the date of enactment of this Act; or

19 (B) the right of the individual to receive
20 the compensation attached to the position.

21 (3) EXCEPTIONS.—This section shall not apply
22 to—

23 (A) an individual whose services are pro-
24 cured by the University pursuant to a written
25 procurement contract; or

1 (B) employees of an entity performing
2 services pursuant to a written contract with the
3 University.

4 (g) TERMINATION OF CIVIL SERVICE POSITIONS.—
5 On the date of enactment of this Act, any position at the
6 University that is occupied by an individual in the civil
7 service shall terminate.

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

11 (i) COMPENSATION FOR WORK INJURIES.—Employ-
12 ees of the University shall receive compensation for work
13 injuries and illnesses in accordance with chapter 81 of title
14 5, United States Code.

15 (j) BACKGROUND CHECKS.—

16 (1) IN GENERAL.—

17 (A) CURRENT EMPLOYEES.—An individual
18 employed by the legacy institution before the
19 date of enactment of this Act shall undergo a
20 background check in accordance with the min-
21 imum standards established by the Board under
22 paragraph (2) to be eligible to be employed by
23 the University.

24 (B) NEW EMPLOYEES.—An individual that
25 seeks employment with the University shall un-

1 dergo a background check in accordance with
2 the minimum standards established by the
3 Board under paragraph (2).

4 (2) MINIMUM STANDARDS.—The Board shall
5 establish minimum standards for the conduct of
6 background checks for current and new employees of
7 the legacy institution and University under subpara-
8 graphs (A) and (B), as applicable, of paragraph (1),
9 which shall—

10 (A) be equivalent to background check
11 standards carried out by Federal education
12 agencies; and

13 (B) allow the Board to contract services
14 from Federal agencies, including the Office of
15 Personnel Management, to conduct those back-
16 ground checks.

17 (3) ANNUAL CERTIFICATION; SUBMISSION.—

18 (A) IN GENERAL.—Not later than Sep-
19 tember 1 of each year, the Board shall certify
20 that all employees of the University received a
21 background check in accordance with the min-
22 imum standards established under paragraph
23 (2).

24 (B) SUBMISSION.—The Board shall submit
25 to the President, the Secretary, and the appro-

1 priate committees of Congress notice of each
2 annual certification under subparagraph (A).

3 **SEC. 13. CONTRIBUTIONS TO EMPLOYEE HEALTH AND RE-**
4 **TIREMENT BENEFITS.**

5 (a) MANDATORY CONTRIBUTIONS.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the University shall make contributions
8 toward the health and retirement costs of all em-
9 ployees, including to faculty and staff, which shall—

10 (A) be made at a level consistent with the
11 requirements imposed on Federal agencies
12 under applicable Federal law; and

13 (B) be consistent with amounts that Fed-
14 eral agencies are mandated to pay into similar
15 retirement and health benefit plans.

16 (2) ALTERNATIVE BENEFITS.—On a determina-
17 tion by the Board, in order to support recruitment
18 and retention efforts, the University may offer alter-
19 native health and retirement benefits that differ
20 from the benefits described in paragraph (1).

21 (b) ELIGIBILITY FOR FEDERAL BENEFITS.—All em-
22 ployees of the University shall be eligible to receive health
23 and retirement benefits, subject to the condition that the
24 University shall meet the obligations of the University to
25 make the contributions required under subsection (a)(1).

1 (c) IMPLEMENTATION AND COMPLIANCE.—The Uni-
2 versity shall establish a compliance framework to ensure
3 that contributions made under subsection (a)(1) are made
4 in a timely manner and in accordance with Federal guide-
5 lines.

6 (d) ANNUAL AUDITS.—Annual audits shall be con-
7 ducted by the Inspector General of the Department of the
8 Interior to verify adherence by the University to this sec-
9 tion.

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

11 (a) IN GENERAL.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of Federal or State law, the University
14 may develop a policy—

15 (A) under which only individuals described
16 in paragraph (2) may be admitted to, and en-
17 roll in, programs conducted by the University;
18 and

19 (B) to extend preference to members of In-
20 dian Tribes in—

21 (i) employment by the University; and
22 (ii) contracts, fellowships, and grants
23 awarded by the University.

24 (2) INDIVIDUALS DESCRIBED.—Individuals re-
25 ferred to in paragraph (1)(A) are individuals—

1 (A) that are members of an Indian Tribe;

2 (B) that are descendants of a grandparent

3 who is a member of an Indian Tribe; or

4 (C) with $\frac{1}{4}$ blood quantum, as evidenced

5 by a Certificate of Degree of Indian Blood

6 (commonly known as a “CDIB”) by the Bureau

7 of Indian Affairs.

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

12 **SEC. 15. NONPROFIT AND NONPOLITICAL NATURE OF THE**
13 **UNIVERSITY.**

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

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

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

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

2 (a) TAX STATUS.—The University and the franchise,
3 capital, reserves, income, and property of the University
4 shall be exempt from all taxation now or hereafter imposed
5 by the United States, by any Indian Tribe, or by any State
6 or political subdivision thereof.

7 (b) TORT LIABILITY.—

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

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

17 (3) PRESIDENT.—For purposes of chapter 171
18 of title 28, United States Code, the President of the
19 University shall be deemed the head of the Federal
20 agency described in paragraph (2).

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

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

25 (b) CERTAIN MATTERS RELATING TO TRANSFERRED
26 FUNCTIONS.—

1 (1) IN GENERAL.—Subject to subsection (d), all
2 personnel, liabilities, contracts, real property, per-
3 sonal property, assets, and records as are deter-
4 mined by the Director of the Office of Management
5 and Budget to be employed, held, or used primarily
6 in connection with any function transferred under
7 subsection (a) (regardless of the administrative enti-
8 ty providing the services on the date before the
9 transfer) shall be transferred to the University.

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

17 (c) REFERENCES IN OTHER LAW.—

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

24 (2) REFERENCES.—All references in any other
25 Federal law to the legacy institution, or any officer

1 transferred to the University under subsection (b),
2 shall be deemed to refer to the University.

3 (d) FORGIVENESS OF AMOUNTS OWED; HOLD HARM-
4 LESS.—

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

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

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

16 (2) EXCEPTION.—

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

1 (B) NO RELIEF.—The United States may
2 not seek any monetary damages or repayment
3 for the commission of events, or omission to
4 comply with either administrative or regulatory
5 requirements, for any action that occurred prior
6 to the date of enactment of this Act.

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

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

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

13 (c) FACILITIES AND LAND.—

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

20 (2) USE; PROHIBITION.—

21 (A) IN GENERAL.—The land and facilities
22 conveyed to the University under paragraph
23 (1)—

24 (i) shall only be used to further the
25 purposes described in section 3, which may

1 include the demolition of such facilities;
2 and

3 (ii) except as provided in subpara-
4 graph (B), shall not be conveyed or other-
5 wise sold by the University.

6 (B) TRANSFER TO IHS.—Facilities con-
7 veyed to the University under paragraph (1)
8 may be transferred to the Indian Health Serv-
9 ice for use by the Indian Health Service.

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

11 (a) IN GENERAL.—The University shall comply with
12 the provisions of—

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

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

18 (3) division A of subtitle III of title 54, United
19 States Code.

20 (b) CRIMINAL LAWS.—All Federal criminal laws re-
21 lating to larceny, embezzlement, or conversion of the funds
22 or the property of the United States shall apply to the
23 funds and property of the University.

24 (c) OTHER FEDERAL ASSISTANCE.—

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

6 (2) APPLICATIONS.—

7 (A) IN GENERAL.—The University shall
8 not be subject to any provision of law requiring
9 that non-Federal funds or other moneys be used
10 in part to fund any grant, contract, cooperative
11 agreement, or project as a condition to the ap-
12 plication for, or receipt of, Federal assistance.

13 (B) SAVINGS PROVISION.—Nothing in this
14 subsection affects in a negative fashion the re-
15 view, prioritization, or acceptance of any appli-
16 cation or proposal for such a program, solicited
17 or unsolicited.

18 **SEC. 20. ENDOWMENT PROGRAM.**

19 (a) PROGRAM ENHANCEMENT ENDOWMENT.—

20 (1) IN GENERAL.—Amounts appropriated to
21 carry out this Act for each fiscal year for use under
22 this subsection may be deposited into a trust fund
23 (referred to in this subsection as the “trust fund”),
24 to be maintained by the University at a federally in-
25 sured banking or savings institution.

1 (2) CONTRIBUTIONS.—

2 (A) IN GENERAL.—The President of the
3 University shall provide—

4 (i) for deposit in the trust fund—

5 (I)(aa) an initial capital contribu-
6 tion by the University of \$5,000,000;
7 and

8 (bb) such additional capital con-
9 tributions as may be required under
10 subparagraph (B); and

11 (II) any earnings on the funds
12 deposited under this subparagraph;
13 and

14 (ii) for the reservation for the sole use
15 of the University of any noncash, in-kind
16 contributions of real or personal property,
17 which may at any time be converted to
18 cash, which shall be deposited as a capital
19 contribution into the trust fund.

20 (B) MATCHING CONTRIBUTIONS.—For
21 each \$5,000,000 that the University, through
22 private fundraising or bequests made on behalf
23 of the University, raises, the University shall
24 match that amount through a capital contribu-
25 tion, which shall be deposited in the trust fund.

1 (3) RETURN TO TREASURY.—If, at any time,
2 the University withdraws any capital contribution
3 (as described in items (aa) and (bb) of paragraph
4 (2)(A)(i)(I)) made by the University to the trust
5 fund or puts any property (as described in para-
6 graph (2)(A)(ii)) to a use which is not for the sole
7 benefit of the University, an amount equal to the
8 value of the Federal contribution shall be withdrawn
9 from the trust fund and returned to the Treasury as
10 miscellaneous receipts.

11 (4) INTEREST.—Interest deposited in the trust
12 fund pursuant to paragraph (2)(A)(i)(II) may be pe-
13 riodically withdrawn and used, at the direction of
14 the Board or its designee, to defray any expense as-
15 sociated with the operation of the University, includ-
16 ing the expense of operations and maintenance, ad-
17 ministration, academic and support personnel, com-
18 munity and student services programs, and technical
19 assistance.

20 (5) REQUIREMENTS.—

21 (A) IN GENERAL.—For the purpose of
22 complying with the contribution requirement
23 under paragraph (2)(A)(ii), the University may
24 use funds or in-kind contributions of real or
25 personal property fairly valued that are made

1 available from any private or Tribal source, in-
2 cluding interest earned by the funds invested
3 under this subsection.

4 (B) IN-KIND CONTRIBUTIONS.—In-kind
5 contributions shall be—

6 (i) property other than fully depre-
7 ciable property; and

8 (ii) valued according to the procedures
9 established for such purpose by the Sec-
10 retary of the Treasury.

11 (C) ELIGIBILITY FOR MATCHING FUNDS.—
12 For purposes of this paragraph, all contribu-
13 tions, including in-kind and real estate, which
14 are received by the University beginning on the
15 date on which the initial members of the Board
16 appointed under section 8(b)(1)(A)(ii) are con-
17 firmed by the Senate, but which have not been
18 included in the computations under this sub-
19 section, shall be eligible for matching with Fed-
20 eral funds appropriated in any fiscal year.

21 (6) CONTROL OF UNIVERSITY.—Amounts ap-
22 propriated to carry out this Act for use under this
23 subsection shall be paid by the Secretary of the
24 Treasury to the University as a Federal capital con-
25 tribution equal to the amount of funds or the value

1 of the in-kind contributions which the University
2 demonstrates have been placed within the control of,
3 or irrevocably committed to the use of, the Univer-
4 sity as a capital contribution of the University in ac-
5 cordance with this subsection.

6 (b) USE OF AMOUNTS FROM THE NATIONAL PARKS
7 AND PUBLIC LAND LEGACY RESTORATION FUND.—Sec-
8 tion 200402(e)(1) of title 54, United States Code, is
9 amended, in the matter preceding subparagraph (A), by
10 inserting “(including Haskell Indian Nations University
11 and the Southwestern Indian Polytechnic Institute)” after
12 “schools”.

13 (c) GENERAL ADMINISTRATIVE PROVISIONS.—

14 (1) IN GENERAL.—Funds in the trust fund de-
15 scribed in subsection (a) shall be invested under the
16 same conditions and limitations as funds are in-
17 vested under section 331(c)(2) of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1065(c)(2)) and the
19 regulations implementing that section (as such regu-
20 lations were in effect at the time the funds are in-
21 vested).

22 (2) NO BENEFIT TO PRIVATE PERSON.—No
23 part of the net earnings of the trust fund established
24 under this section shall inure to the benefit of any
25 private person.

1 (3) USE OF FUNDS TO SECURE LOAN.—Any
2 amounts deposited in the trust fund authorized
3 under subsection (a) may be used to secure loans
4 procured for the purposes of constructing or improv-
5 ing University facilities.

6 (4) OTHER GOVERNING PROVISIONS.—The
7 President of the University shall provide for such
8 other provisions governing the trust fund established
9 under this section as may be necessary to protect
10 the financial interest of the United States and to
11 promote the purpose of this Act as agreed to by the
12 Secretary of the Treasury and the Board or the des-
13 ignee of the Board, including record keeping proce-
14 dures for the expenditure of accumulated interest for
15 the trust fund under subsection (a) as will allow the
16 Secretary of the Treasury to audit and monitor ac-
17 tivities under this section.

18 **SEC. 21. ESTABLISHMENT OF ENDOWMENT BOARD OF**
19 **TRUSTEES.**

20 (a) IN GENERAL.—The University shall establish an
21 independent Board of Trustees, to be known as the “En-
22 dowment Board” (referred to in this section as the “En-
23 dowment Board”), dedicated to overseeing the manage-
24 ment and investment of the endowment funds of the Uni-
25 versity under section 20.

1 (b) APPOINTMENT.—Members of the Endowment
2 Board shall be appointed by the Board on an affirmative
3 vote of 11 of the 15 members of the Board.

4 (c) PURPOSE.—The establishment of the Endowment
5 Board is intended to enhance the governance and account-
6 ability of endowment fund management while maintaining
7 clear separation between the roles and responsibilities of
8 the Endowment Board and the Board.

9 (d) POWERS.—The Endowment Board shall operate
10 separately from the Board, subject to the condition that
11 the Endowment Board shall work in conjunction with the
12 Board to ensure alignment of investment strategies with
13 the financial goals and overall mission of the University.

14 (e) RESPONSIBILITIES.—The Endowment Board
15 shall be responsible for—

16 (1) managing and overseeing the investment
17 and allocation of the trust fund under section 20;

18 (2) developing and implementing investment
19 policies and strategies to optimize the financial per-
20 formance of the trust fund under that section; and

21 (3) reporting regularly to the Board on the per-
22 formance of the trust fund under that section and
23 making recommendations, as appropriate.

24 **SEC. 22. PROVISION OF FACILITIES.**

25 (a) MASTER PLAN.—

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

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

16 (b) DEADLINE FOR TRANSMITTAL OF INITIAL MAS-
17 TER PLAN.—Not later than 2 years after the date of en-
18 actment of this Act, the Board shall submit to the appro-
19 priate committees of Congress the master plan prepared
20 under subsection (a), which shall include a prioritization
21 of needs, as determined by the Board.

22 (c) UPDATED MASTER PLANS.—Not later than 2
23 years after the date on which the Board submits the initial
24 master plan under subsection (b), and not less frequently
25 than once every 5 years thereafter, the Board shall pre-

1 pare and submit to the appropriate committees of Con-
2 gress an updated master plan in accordance with the re-
3 quirements described in subsection (a).

4 **SEC. 23. REPORTS.**

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

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

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

17 (b) BUDGET PROPOSAL.—

18 (1) SUBMISSION.—

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

1 (B) INITIAL SUBMISSION TO OMB.—Prior
2 to the submission to Congress of a budget pro-
3 posal under subparagraph (A), the Board shall
4 submit the applicable budget proposal to the
5 Director of the Office of Management and
6 Budget, who shall provide advice and rec-
7 ommendations on the proposal before returning
8 the proposal to the University for submission to
9 Congress under that subparagraph.

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

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

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

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

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

25 (a) DISCRETIONARY APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated not less than \$27,000,000 for each fis-
3 cal year to carry out this Act.

4 (2) TRUST FUND.—

5 (A) INITIAL CONTRIBUTION.—There is au-
6 thorized to be appropriated \$5,000,000 for the
7 initial capital contribution of the University to
8 the trust fund under section
9 20(a)(2)(A)(i)(I)(aa) for fiscal year 2026.

10 (B) SUCCESSIVE CONTRIBUTIONS.—There
11 is authorized to be appropriated not less than
12 \$5,000,000 to carry out section 20(a)(2)(B).

13 (b) AVAILABILITY OF FUNDS.—

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

18 (A) become available for obligation on
19 June 1 of that fiscal year; and

20 (B) remain available until September 30 of
21 the succeeding fiscal year.

22 (2) TRANSITION.—To effect a transition to the
23 forward funding method of timing appropriation ac-
24 tion described in paragraph (1), there are authorized
25 to be appropriated, in an appropriation Act or Acts

1 for the same fiscal year, 2 separate appropriations
2 to carry out this Act.

3 (c) 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.