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104TH CONGRESS

2D SESSION H. R. 4098 To enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes.
IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1996 Mrs. MEYERS of Kansas introduced the following bill; which was referred to
the Committee on Economic and Educational Opportunities, and in addi-
tion to the Committee on Government Reform and Oversight, for a period

to be subsequently determined by the Speaker, in each case for consider- ation of such provisions as fall within the jurisdiction of the committee
concerned

A BILL To enhance the administrative authority of the president

of Haskell Indian Nations University, 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 Administrative Systems Act of 1996’’.

6 SEC. 2. FINDINGS.

7 The Congress finds that—

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1 (1) the provision of culturally sensitive curricula
2 for higher education programs at Haskell Indian

3 Nations University is consistent with the commit-

4 ment of the Federal Government to the fulfillment
5 of treaty obligations to Indian tribes through the
6 principle of self-determination and the use of Fed-
7 eral resources; and

8 (2) giving a greater degree of autonomy to Has-
9 kell Indian Nations University, while maintaining it

10 as an integral part of the Bureau of Indian Affairs,
11 will facilitate the transition of the university to a 4-
12 year university.
13 SEC. 3. DEFINITIONS.

14 For purposes of this Act—
15 (1) UNIVERSITY.—The term ‘‘Haskell Indian

16 Nations University’’ or ‘‘university’’ means the Has-
17 kell Indian Nations University, located in Lawrence,
18 Kansas.

19 (2) SECRETARY.—The term ‘‘Secretary’’ means
20 the Secretary of the Interior.

21 SEC. 4. PERSONNEL MANAGEMENT.
22 (a) INAPPLICABILITY OF CERTAIN CIVIL SERVICE

23 LAWS.—Chapters 51, 53, and 63 of title 5, United States 24 Code (relating to classification, pay, and leave, respec-25 tively) and the provisions of such title relating to the ap-

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1 pointment, performance evaluation, promotion, and re-
2 moval of civil service employees shall not apply to appli-

3 cants for employment with, employees of, or positions in 4 or under the university.
5 (b) ALTERNATIVE PERSONNEL MANAGEMENT PRO-

6 VISIONS.—
7 (1) IN GENERAL.—The president of the univer-

8 sity shall by regulation prescribe such personnel
9 management provisions as may be necessary, in

10 order to ensure the effective administration of the

11 university, to replace the provisions of law that are
12 inapplicable with respect to the university by reason
13 of subsection (a).

14 (2) PROCEDURAL REQUIREMENTS.—Regula-

15 tions under this subsection—

16 (A) shall be prescribed in consultation with
17 the board of regents of the university and other

18 appropriate representative bodies;
19 (B) shall be subject to the requirements of
20 subsections (b) through (e) of section 553 of

21 title 5, United States Code; and
22 (C) shall not take effect except with the

23 prior written approval of the Secretary.
24 (c) SPECIFIC SUBSTANTIVE REQUIREMENTS.—

25 Under the regulations—

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1 (1) no rate of basic pay may, at any time, ex-
2 ceed—

3 (A) in the case of an employee who would
4 otherwise be subject to the General Schedule,

5 the maximum rate of basic pay then currently
6 payable for grade GS–15 of the General Sched-
7 ule (including any amount payable under sec-

8 tion 5304 of title 5, United States Code, or
9 other similar authority for the locality involved);

10 or

11 (B) in the case of an employee who would
12 otherwise be subject to subchapter IV of chap-

13 ter 53 of title 5, United States Code (relating
14 to prevailing rate systems), the maximum rate
15 of basic pay which (but for this section) would

16 then otherwise be currently payable under the
17 wage schedule covering such employee;

18 (2) the limitation under section 5307 of title 5,
19 United States Code (relating to limitation on certain
20 payments) shall apply, subject to such definitional

21 and other modifications as may be necessary in the
22 context of the alternative personnel management

23 provisions established under this section;
24 (3) procedures shall be established for the rapid

25 and equitable resolution of grievances;

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1 (4) no university employee may be discharged
2 without notice of the reasons therefor and oppor-

3 tunity for a hearing under procedures that comport
4 with the requirements of due process, except that

5 this paragraph shall not apply in the case of an em-
6 ployee serving a probationary or trial period under
7 an initial appointment; and

8 (5) university employees serving for a period
9 specified in or determinable under an employment

10 agreement shall, except as otherwise provided in the
11 agreement, be notified at least 30 days before the
12 end of such period as to whether their employment

13 agreement will be renewed.
14 (d) RULE OF CONSTRUCTION.—Nothing in this sec-

15 tion shall be considered to affect—

16 (1) the applicability of any provision of law pro-
17 viding for—

18 (A) equal employment opportunity;
19 (B) Indian preference; or
20 (C) veterans’ preference; or

21 (2) the eligibility of any individual to partici-
22 pate in any retirement system, any program under

23 which any health insurance or life insurance is af-
24 forded, or any program under which unemployment

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1 benefits are afforded, with respect to Federal em-
2 ployees.
3 (e) LABOR-MANAGEMENT PROVISIONS.—

4 (1) COLLECTIVE-BARGAINING AGREEMENTS.—

5 Any collective-bargaining agreement in effect on the
6 day before the effective date specified under sub-
7 section (f)(1) shall continue to be recognized by the

8 university until altered or amended pursuant to law.
9 (2) EXCLUSIVE REPRESENTATIVE.—Nothing in

10 this Act shall affect the right of any labor organiza-
11 tion to be accorded (or to continue to be accorded)
12 recognition as the exclusive representative of any

13 unit of university employees.
14 (3) OTHER PROVISIONS.—Matters made subject

15 to regulation under this section shall not be subject
16 to collective bargaining, except in the case of any
17 matter under chapter 63 of title 5, United States

18 Code (relating to leave).
19 (f) EFFECTIVE DATE.—
20 (1) ALTERNATIVE PERSONNEL MANAGEMENT

21 PROVISIONS.—The alternative personnel manage-
22 ment provisions under this section shall take effect

23 on such date as may be specified in the regulations,
24 except that in no event shall the date specified be

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1 later than 1 year after the date of the enactment of
2 this Act.
3 (2) PROVISIONS MADE INAPPLICABLE BY THIS

4 SECTION.—Subsection (a) shall take effect as of the
5 date specified under paragraph (1).

6 (g) APPLICABILITY.—
7 (1) IN GENERAL.—Except as otherwise pro-

8 vided in this subsection, the alternative personnel
9 management provisions under this section shall

10 apply with respect to all applicants for employment
11 with, all employees of, and all positions in or under
12 the university.
13 (2) CURRENT EMPLOYEES NOT COVERED EX-
14 CEPT PURSUANT TO A VOLUNTARY ELECTION.—

15 (A) IN GENERAL.—A university employee

16 serving on the day before the effective date
17 specified under subsection (f)(1) shall not be

18 subject to the alternative personnel manage-
19 ment provisions under this section (and shall

20 instead, for all purposes, be treated in the same
21 way as if this section had not been enacted,
22 notwithstanding subsection (a)) unless, before

23 the end of the 5-year period beginning on such
24 effective date, such employee elects to be cov-

25 ered by such provisions.

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1 (B) PROCEDURES.—An election under this
2 paragraph shall be made in such form and in

3 such manner as may be required under the reg-
4 ulations, and shall be irrevocable.
5 (3) TRANSITION PROVISIONS.—

6 (A) PROVISIONS RELATING TO ANNUAL
7 AND SICK LEAVE.—Any individual who—

8 (i) makes an election under paragraph
9 (2), or
10 (ii) on or after the effective date spec-

11 ified under subsection (f)(1), is trans-
12 ferred, promoted, or reappointed, without a

13 break in service of 3 days or longer, to a
14 university position from a non-university
15 position with the Federal Government or

16 the government of the District of Colum-
17 bia,

18 shall be credited, for the purpose of the leave
19 system provided under regulations prescribed

20 under this section, with the annual and sick
21 leave to such individual’s credit immediately be-
22 fore the effective date of such election, transfer,

23 promotion, or reappointment, as the case may

24 be.

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1 (B) LIQUIDATION OF REMAINING LEAVE
2 UPON TERMINATION.—

3 (i) ANNUAL LEAVE.—Upon termi-
4 nation of employment with the university,

5 any annual leave remaining to the credit of
6 an individual within the purview of this
7 section shall be liquidated in accordance
8 with section 5551(a) and section 6306 of

9 title 5, United States Code, except that

10 leave earned or accrued under regulations
11 prescribed under this section shall not be
12 so liquidated.

13 (ii) SICK LEAVE.—Upon termination
14 of employment with the university, any

15 sick leave remaining to the credit of an in-
16 dividual within the purview of this section
17 shall be creditable for civil service retire-

18 ment purposes in accordance with section
19 8339(m) of title 5, United States Code, ex-

20 cept that leave earned or accrued under
21 regulations prescribed under this section
22 shall not be so creditable.
23 (C) TRANSFER OF REMAINING LEAVE

24 UPON TRANSFER, PROMOTION, OR REEMPLOY-

25 MENT.—In the case of any university employee

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1 who is transferred, promoted, or reappointed,
2 without a break in service of 3 days or longer,

3 to a position in the Federal Government (or the
4 government of the District of Columbia) under

5 a different leave system, any remaining leave to
6 the credit of that individual earned or credited
7 under the regulations prescribed under this sec-
8 tion shall be transferred to such individual’s

9 credit in the employing agency on an adjusted

10 basis in accordance with regulations which shall
11 be prescribed by the Office of Personnel Man-
12 agement.

13 (4) WORK-STUDY.—Nothing in this section
14 shall be considered to apply with respect to a work-

15 study student, as defined by the president of the
16 university in writing.
17 SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

18 The Secretary shall, to the maximum extent consist-
19 ent with applicable law and subject to the availability of

20 appropriations therefor, delegate to the president of the
21 university procurement and contracting authority with re-
22 spect to the conduct of the administrative functions of the

23 university.

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1 SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

2 There are authorized to be appropriated for fiscal
3 year 1997, and for each fiscal year thereafter—
4 (1) the amount of funds made available by ap-

5 propriations as operations funding for the adminis-
6 tration of the university for fiscal year 1996; and

7 (2) such additional sums as may be necessary
8 for the operation of the university pursuant to this

9 Act.
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