

§ 4363. Financial and program audit by Secretary

Funds appropriated in this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts to the National Technical Institute for the Deaf, and Gallaudet University shall be subject to financial and program audit by the Secretary of Education and the Secretary may withhold all or any portion of these appropriations if he determines that an institution has not cooperated fully in the conduct of such audits.

(Pub. L. 102-394, title III, §301, Oct. 6, 1992, 106 Stat. 1819.)

CODIFICATION

Section is from the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1993, and was not enacted as part of the Education of the Deaf Act of 1986 which comprises this chapter, and contained additional provisions relating to the American Printing House for the Blind and Howard University, which are set out as sections 106a and 130a of this title, respectively.

CHAPTER 56—AMERICAN INDIAN, ALASKA NATIVE, AND NATIVE HAWAIIAN CULTURE AND ART DEVELOPMENT

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§ 4401. Findings

The Congress finds that—

(1) Indian art and culture and Native Hawaiian art and culture have contributed greatly to the artistic and cultural richness of the Nation;

(2) Indian art and culture and Native Hawaiian art and culture occupy a unique position in American history as being our only native art form and cultural heritage;

(3) the enhancement and preservation of this Nation's native art and culture has a fun-

damental positive influence on the American people;

(4) although the encouragement and support of Indian and Native Hawaiian arts and crafts are primarily a matter for private, local, and Indian and Native Hawaiian initiative, it is also an appropriate matter of concern to the Federal Government;

(5) it is appropriate and necessary for the Federal Government to support research and scholarship in Indian art and culture and Native Hawaiian art and culture and to complement programs for the advancement of such art and culture by tribal, private, and public agencies and organizations;

(6) current Federal initiatives in the area of Indian art and culture and Native Hawaiian art and culture are fragmented and inadequate; and

(7) in order to coordinate the Federal Government's effort to preserve, support, revitalize, and disseminate Indian art and culture and Native Hawaiian art and culture, it is desirable to establish—

(A) a national Institute of American Indian and Alaska Native Culture and Arts Development, and

(B) a program for Native Hawaiian culture and arts development.

(Pub. L. 99-498, title XV, §1502, Oct. 17, 1986, 100 Stat. 1600.)

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-239, title VII, §721, May 4, 1994, 108 Stat. 606, provided that: "This title [probably should be "subtitle" meaning subtitle C [§§ 721, 722] of title VII of Pub. L. 103-239, amending section 4441 of this title] may be cited as the 'Alaska Native Culture and Arts Development Act'."

SHORT TITLE

Pub. L. 99-498, title XV, §1501, Oct. 17, 1986, 100 Stat. 1600, provided that: "This title [enacting this chapter] may be cited as the 'American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act'."

§ 4402. Definitions

For the purpose of this chapter—

(1) The term "Indian art and culture" includes (but is not limited to) the traditional and contemporary expressions of Indian language, history, visual and performing arts, and crafts.

(2) The term "Native Hawaiian art and culture" includes the traditional and contemporary expressions of Native Hawaiian language, history, visual and performing arts, and crafts.

(3) The term "Institute" means the Institute of American Indian and Alaska Native Culture and Arts Development established by this chapter.

(4) The term "Indian" means any person who is a member of an Indian tribe.

(5) The term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.]), which is rec-

ognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians.

(6) The term “Native Hawaiian” means any descendent of a person who, prior to 1778, was a native of the Hawaiian Islands.

(7) The term “Secretary” means the Secretary of the Interior.

(8) The term “Board” means the Board of Trustees of the Institute established under this chapter.

(Pub. L. 99-498, title XV, § 1503, Oct. 17, 1986, 100 Stat. 1600.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (5), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

SUBCHAPTER I—AMERICAN INDIANS AND ALASKA NATIVES

§ 4411. Establishment of Institute

(a) In general

There is hereby established a corporation to be known as the “Institute of American Indian and Alaska Native Culture and Arts Development”, which shall be under the direction and control of a Board of Trustees established under section 4412 of this title.

(b) Succession and amendment of charter

The corporation established under subsection (a) of this section shall have succession until dissolved by Act of Congress. Only the Congress shall have the authority to revise or amend the charter of such corporation.

(Pub. L. 99-498, title XV, § 1504, Oct. 17, 1986, 100 Stat. 1601.)

AVAILABILITY OF FISCAL YEAR 1988 APPROPRIATIONS

Pub. L. 100-202, § 101(g) [title I, § 100], Dec. 22, 1987, 101 Stat. 1329-213, 1329-228, provided: “That notwithstanding any provision of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act [this chapter], the amounts appropriated for fiscal year 1988 for the Bureau of Indian Affairs for the Institute of American Indian Arts shall be available to operate the Institute until the Board of Regents and President of the Institute have been named and had an opportunity to organize, and for use under part A of that Act [this subchapter].”

AVAILABILITY OF APPROPRIATIONS; IMPLEMENTATION OF CHAPTER; INTERIM AUTHORITY OF SECRETARY

Pub. L. 99-500, § 101(h) [title I, § 100], Oct. 18, 1986, 100 Stat. 1783-242, 1783-255, and Pub. L. 99-591, § 101(h) [title I, § 100], Oct. 30, 1986, 100 Stat. 3341-242, 3341-255, provided: “That notwithstanding any provision of the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act [this chapter], the amounts appropriated for fiscal year 1987 for the Bureau of Indian Affairs for the Institute of American Indian Arts shall be available for use under part A of that Act [this subchapter] and—

“(1) that Act shall be implemented in a reasonable period of time and shall be fully implemented by no later than October 1, 1987,

“(2) until the earlier of—

“(A) October 1, 1987, or

“(B) the appointment and confirmation of a majority of the members of the Board of Trustees of

the Institute of American Indian and Alaska Native Culture and Arts Development under section 1505(a)(1)(A) of that Act [20 U.S.C. 4412(a)(1)(A)], the Secretary of the Interior shall have the authority conferred upon such members under that Act, and

“(3) until the earlier of—

“(A) October 1, 1987, or

“(B) the appointment of a President of such Institute under section 1508 of that Act [20 U.S.C. 4415], the Secretary of the Interior shall have the authority conferred upon such members under that Act, and

“(3) [(4)] until the earlier of—

“(A) October 1, 1987, or

“(B) the appointment of a President of such Institute under section 1508 of that Act, the Secretary of the Interior shall have the authority conferred upon the President of such Institute under this [that] Act”.

§ 4412. Board of Trustees

(a) Composition

(1) The Board of Trustees of the Institute shall be composed of 13 voting members and 6 nonvoting members as follows:

(A) Subject to the provisions of subsection (i) of this section, the voting members shall be appointed by the President of the United States, not later than 180 days after October 17, 1986, from among individuals from private life who are Indians, or other individuals, widely recognized in the field of Indian art and culture and who represent diverse political views, and diverse fields of expertise, including finance, law, fine arts, and higher education administration.

(B) The nonvoting members shall consist of—

(i) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives;

(ii) 2 Members of the Senate appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader of the Senate;

(iii) the President of the Institute, ex officio; and

(iv) the president of the student body of the Institute, ex officio.

(2) In making appointments pursuant to paragraph (1)(A), the President of the United States shall—

(A) consult with the Indian tribes and the various organizations of Indians;

(B) publish in the Federal Register an announcement of the expiration of terms no less than 4 months before such expiration;

(C) solicit nominations from Indian tribes and various Indian organizations to fill the vacancies;

(D) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board; and

(E) ensure that a majority of the Board appointed under paragraph (1)(A) are Indians.

(3) The President shall carry out the activities described in subparagraphs (B) and (C) of paragraph (2) through the Board. The Board may