

**§ 4419. Nonprofit and nonpolitical nature of Institute**

**(a) Stock**

The Institute shall have no power to issue any shares of stock or to declare or pay any dividends.

**(b) Nonprofit nature**

No part of the income or assets of the Institute shall inure to the benefit of any director, officer, employee, or any other individual except as salary or reasonable compensation for services.

**(c) Nonpolitical nature**

The Institute may not contribute to, or otherwise support, any political party or candidate for elective public office.

(Pub. L. 99-498, title XV, § 1512, Oct. 17, 1986, 100 Stat. 1607.)

**§ 4420. Tax status; tort liability**

**(a) Tax status**

The Institute and the franchise, capital, reserves, income, and property of the Institute shall be exempt from all taxation now or hereafter imposed by the United States, by any Indian tribe, or by any State or political subdivision thereof.

**(b) Tort liability**

(1) The Institute shall be subject to liability relating to tort claims only to the extent a Federal agency is subject to such liability under chapter 171 of title 28.

(2) For purposes of chapter 171 of title 28, the Institute shall be treated as a Federal agency (within the meaning of section 2671 of such title).

(3) For purposes of chapter 171 of title 28, the President of the Institute shall be deemed the head of the Agency.

(Pub. L. 99-498, title XV, § 1513, Oct. 17, 1986, 100 Stat. 1608; Pub. L. 100-446, title II, Sept. 27, 1988, 102 Stat. 1818.)

AMENDMENTS

1988—Pub. L. 100-446 inserted “; tort liability” in section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

**§ 4421. Transfer of functions**

**(a) Institute of American Indian Arts**

There are hereby transferred to the Institute of American Indian and Alaska Native Culture and Art Development, and such Institute shall perform, the functions of the Institute of American Indian Arts established by the Secretary in 1962.

**(b) Certain matters relating to transferred functions**

(1) Subject to subsection (d) of this section, all personnel, liabilities, contracts, real property (including the collections of the museum located on the site known as the “Santa Fe Indian School” but not the museum building), personal property, assets, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily

in connection with any function transferred under the provisions of this chapter (regardless of the administrative entity providing the services on the date before the transfer) shall be transferred to the Institute.

(2) Personnel engaged in functions transferred by this chapter shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions, except that such transfer shall be without reduction in classification or compensation for one year after such transfer.

**(c) References in other laws**

All laws and regulations relating to the Institute of American Indian Arts established by the Secretary in 1962 shall, insofar as such laws and regulations are appropriate, and not inconsistent with the provisions of this chapter, remain in full force and effect and apply with respect to the Institute. All references in any other Federal law to the Institute of American Indian Arts, or any officer transferred to the Institute of American Indian and Alaska Native Culture and Arts Development under subsection (b) of this section, shall be deemed to refer to the Institute of American Indian and Alaska Native Culture and Arts Development or an officer of the Institute of American Indian and Alaska Native Culture and Arts Development.

**(d) Forgiveness of amounts owed; hold harmless**

(1) Subject to paragraph (2)—

(A) the Institute shall be responsible for all obligations of the Institute incurred after June 2, 1988, and

(B) the Secretary shall be responsible for all obligations of the Institute incurred on or before June 2, 1988, including those which accrued by reason of any statutory, contractual, or other reason prior to June 2, 1988, which became payable within two years of June 2, 1988.

(2) With respect to all programs of the Federal Government, in whatever form or from whatever source derived, the Institute shall only be held responsible for actions and requirements, either administrative, regulatory, or statutory in nature, for events which occurred after July 1, 1988, including the submission of reports, audits, and other required information. The United States may not seek any monetary damages or repayment for the commission of events, or omission to comply with either administrative or regulatory requirements, for any action which occurred prior to June 2, 1988.

(Pub. L. 99-498, title XV, § 1514, Oct. 17, 1986, 100 Stat. 1608; Pub. L. 100-153, § 8, Nov. 5, 1987, 101 Stat. 887; Pub. L. 100-297, title V, § 5406(d), Apr. 28, 1988, 102 Stat. 418; Pub. L. 101-644, title V, § 503, Nov. 29, 1990, 104 Stat. 4669; Pub. L. 102-325, title XIII, § 1331(f), July 23, 1992, 106 Stat. 807.)

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-325, § 1331(f)(1), substituted “Subject to subsection (d) of this section, all personnel” for “All personnel”.

Subsec. (d)(2). Pub. L. 102-325, § 1331(f)(2), substituted “monetary damages” for “monetary damage”.

1990—Subsec. (d). Pub. L. 101-644, § 503, added subsec. (d) and struck out former subsec. (d) which read as follows: “Unless the Board provides otherwise, the Secretary of the Interior shall, until October 1, 1989, pro-

vide such technical and support assistance to the Institute as the Secretary determines reasonable or necessary to assist the Institute. Such assistance shall include audit, accounting, computer services, and building and maintenance services.”

Subsecs. (e), (f). Pub. L. 101-644, §503(1), struck out subsec. (e) which related to completion of transfers, final date of control of Institute by Secretary, payment of unexpended or unobligated funds, and responsibility for subsequently incurred obligations, and subsec. (f) which related to contract with University of New Mexico, terms of contract, and composition of advisory council.

1988—Subsec. (e)(3), (4). Pub. L. 100-297 added pars. (3) and (4).

1987—Subsec. (d). Pub. L. 100-153, §8(1), (2), substituted “Unless the Board provides otherwise” for “During the 2-year period beginning on the date referred to in subsection (f) of this section” and inserted “, until October 1, 1989,” after “Secretary of the Interior shall”.

Subsec. (e). Pub. L. 100-153, §8(3), added subsec. (e) and struck out former subsec. (e) which read as follows: “During the period beginning on October 17, 1986, and ending on the date referred to in subsection (f) of this section, the Advisory Board for Institute of American Indian Arts shall continue to act in an advisory role for the Board and the Institute of American Indian and Alaska Native Culture and Arts Development.”

Subsec. (f). Pub. L. 100-153, §8(3), added subsec. (f) and struck out former subsec. (f) which read as follows: “The provisions of this section (other than subsection (e) of this section) shall take effect on October 1, 1986.”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of this title.

### § 4422. Reports

#### (a) Annual report

The President of the Institute shall submit an annual report to the Congress and to the Board concerning the status of the Institute during the 12 calendar months preceding the date of the report. Such report shall include, among other matters, a detailed statement of all private and public funds, gifts, and other items of a monetary value received by the Institute during such 12-month period and the disposition thereof as well as any recommendations for improving the Institute.

#### (b) Budget proposal

(1) After September 30, 1988 and for each fiscal year thereafter, the Board shall submit a budget proposal to the Congress.

(2) A budget proposal under this subsection shall be submitted not later than April 1 of each calendar year and shall propose a budget for the Institute for the 2 fiscal years succeeding the fiscal year during which such proposal is submitted.

(3) In determining the amount of funds to be appropriated to the Institute on the basis of such proposals, the Congress shall not consider the amount of private fundraising or bequests made on behalf of the Institute during any preceding fiscal year.

(Pub. L. 99-498, title XV, §1515, Oct. 17, 1986, 100 Stat. 1609; Pub. L. 100-297, title V, §5406(f), Apr.

28, 1988, 102 Stat. 418; Pub. L. 102-325, title XIII, §1331(g), July 23, 1992, 106 Stat. 807.)

#### AMENDMENTS

1992—Subsec. (b). Pub. L. 102-325 redesignated pars. (2) to (4) as (1) to (3), respectively, and struck out former par. (1) which read as follows: “Prior to October 1, 1988, the Board shall submit a budget proposal to the Secretary of the Interior. The Secretary shall submit that proposal to the Congress.”

1988—Subsec. (b)(1). Pub. L. 100-297, §5406(f)(1), substituted “Prior to October 1, 1988” for “During the 2-year period beginning on the date referred to in section 4421(f) of this title”.

Subsec. (b)(2). Pub. L. 100-297, §5406(f)(2), substituted “September 30, 1988” for “the period described in paragraph (1)”.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

For effective date and applicability of amendment by Pub. L. 100-297, see section 6303 of Pub. L. 100-297, set out as a note under section 1071 of this title.

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to submitting an annual report to Congress, and provisions in subsec. (b) of this section relating to submitting annual budget proposal to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 201 of House Document No. 103-7.

### § 4423. Headquarters

Santa Fe, New Mexico, shall be maintained as the location for the Institute of Indian and Alaska Native Culture and Arts Development. To facilitate this action and the continuity of programs being provided at the Institute of American Indian Arts, the Board may enter into negotiations with State and local governments for such exchanges or transfers of lands and such other assistance as may be required.

(Pub. L. 99-498, title XV, §1516, Oct. 17, 1986, 100 Stat. 1609; Pub. L. 102-325, title XIII, §1331(h), July 23, 1992, 106 Stat. 807.)

#### AMENDMENTS

1992—Pub. L. 102-325 struck out “The site of the Institute of American Indian Arts, at” before “Santa Fe, New Mexico” and substituted “the Board may enter” for “the Secretary may enter”.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of this title.

### § 4424. Compliance with other Acts

#### (a) In general

The Institute shall comply with the provisions of—

(1) Public Law 95-341 (42 U.S.C. 1996 [1996a]), popularly known as the American Indian Religious Freedom Act,

(2) the Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.), and

(3) the National Historic Preservation Act (16 U.S.C. 470 et seq.).