

percent of the outstanding capital stock or other beneficial interest in such legal entity; and

“(B) ‘person’ means a natural person, partnership, association, other unincorporated body, or corporation.”

Subsec. (h)(3). Pub. L. 102-325, § 1554(c)(2), substituted at end “individual, except such Institute or legal entity may accept such a gift or contribution to—” for “individual.” and added subpars. (A) and (B).

1990—Subsec. (b)(9), (10). Pub. L. 101-520, § 319(a)(1), redesignated par. (10) as (9) and struck out former par. (9) which read as follows: “recommend to the Congress the establishment of a United States Medal of Peace to be awarded under such procedures as the Congress may determine, except that no person associated with the Institute may receive the United States Medal of Peace; and”.

Subsecs. (c) to (o). Pub. L. 101-520, § 319(a)(2), (3), added subsec. (c) and redesignated former subsecs. (c) to (n) as (d) to (o), respectively.

1988—Subsec. (b)(3). Pub. L. 100-418 made technical amendment to directory language of Pub. L. 100-50, see 1987 Amendment note below.

1987—Subsec. (b)(3). Pub. L. 100-50, as amended by Pub. L. 100-418, inserted “establish a Jeannette Rankin Research Program on Peace to” before “conduct research”.

#### CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

#### 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 Title 20, Education.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of Title 20, Education.

#### TRANSFER OF FUNCTIONS

United States Arms Control and Disarmament Agency abolished and functions transferred to Secretary of State, see sections 6511 and 6512 of this title.

### § 4605. Board of Directors

#### (a) Vested powers

The powers of the Institute shall be vested in a Board of Directors unless otherwise specified in this chapter.

#### (b) Membership

The Board shall consist of fifteen voting members as follows:

(1) The Secretary of State (or if the Secretary so designates, another officer of the Department of State who was appointed with the advice and consent of the Senate).

(2) The Secretary of Defense (or if the Secretary so designates, another officer of the De-

partment of Defense who was appointed with the advice and consent of the Senate).

(3) The president of the National Defense University (or if the president so designates, the vice president of the National Defense University).

(4) Twelve individuals appointed by the President, by and with the advice and consent of the Senate.

#### (c) Political affiliation

Not more than eight voting members of the Board (including members described in paragraphs (1) through (4) of subsection (b) of this section) may be members of the same political party.

#### (d) Qualifications

(1) Each individual appointed to the Board under subsection (b)(4) of this section shall have appropriate practical or academic experience in peace and conflict resolution efforts of the United States.

(2) Officers and employees of the United States Government may not be appointed to the Board under subsection (b)(4) of this section.

#### (e) Term of office: commencement and termination, interim and remainder service, limitation

(1) Members of the Board appointed under subsection (b)(4) of this section shall be appointed to four year terms, except that—

(A) the term of six of the members initially appointed shall be two years, as designated by the President at the time of their nomination;

(B) a member may continue to serve until his or her successor is appointed; and

(C) a member appointed to replace a member whose term has not expired shall be appointed to serve the remainder of that term.

(2) The terms of the members of the Board initially appointed under subsection (b)(4) of this section shall begin on January 20, 1985, and subsequent terms shall begin upon the expiration of the preceding term, regardless of when a member is appointed to fill that term.

(3) The President may not nominate an individual for appointment to the Board under subsection (b)(4) of this section prior to January 20, 1985, but shall submit the names of eleven nominees for initial Board membership under subsection (b)(4) of this section not later than ninety days after that date. If the Senate rejects such a nomination or if such a nomination is withdrawn, the President shall submit the name of a new nominee within fifteen days.

(4) An individual appointed as a member of the Board under subsection (b)(4) of this section may not be appointed to more than two terms on the Board.

(5) The term of a member of the Board shall not commence until the member is confirmed by the Senate and sworn in as a member of the Board.

#### (f) Removal from office

A member of the Board appointed under subsection (b)(4) of this section may be removed by the President—

(1) in consultation with the Board, for conviction of a felony, malfeasance in office, per-

sistent neglect of duties, or inability to discharge duties;

(2) upon the recommendation of eight voting members of the Board; or

(3) upon the recommendation of a majority of the members of the Committee on Foreign Affairs and the Committee on Education and Labor of the House of Representatives and a majority of the members of the Committee on Foreign Relations and the Committee on Labor and Human Resources of the Senate.

A recommendation made in accordance with paragraph (2) may be made only pursuant to action taken at a meeting of the Board, which may be closed pursuant to the procedures of subsection (h)(3) of this section. Only members who are present may vote. A record of the vote shall be maintained. The President shall be informed immediately by the Board of the recommendation.

**(g) Conflict of interests**

No member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly and financially benefits the member or pertains specifically to any public body or any private or non-profit firm or organization with which the member is then formally associated or has been formally associated within a period of two years, except that this subsection shall not be construed to prohibit an ex officio member of the Board from participation in actions of the Board which pertain specifically to the public body of which that member is an officer.

**(h) Meetings; Chairman; Vice Chairman; quorum; notice in Federal Register; closure**

Meetings of the Board shall be conducted as follows:

(1) The President shall stipulate by name the nominee who shall be the first Chairman of the Board. The first Chairman shall serve for a term of three years. Thereafter, the Board shall elect a Chairman every three years from among the directors appointed by the President under subsection (b)(4) of this section and may elect a Vice Chairman if so provided by the Institute's bylaws.

(2) The Board shall meet at least semiannually, at any time pursuant to the call of the Chairman or as requested in writing to the Chairman by at least five members of the Board. A majority of the members of the Board shall constitute a quorum for any Board meeting.

(3) All meetings of the Board shall be open to public observation and shall be preceded by reasonable public notice. Notice in the Federal Register shall be deemed to be reasonable public notice for purposes of the preceding sentence. In exceptional circumstances, the Board may close those portions of a meeting, upon a majority vote of its members present and with the vote taken in public session, which are likely to disclose information likely to affect adversely any ongoing peace proceeding or activity or to disclose information or matters exempted from public disclosure pursuant to subsection (c) of section 552b of title 5.

**(i) Compensation**

A director appointed by the President under subsection (b)(4) of this section shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule under section 5332 of title 5 for each day during which the director is engaged in the performance of duties as a member of the Board.

**(j) Travel expenses**

While away from his home or regular place of business in the performance of duties for the Institute, a director shall be allowed travel expenses, including a per diem in lieu of subsistence, not to exceed the expenses allowed persons employed intermittently in Government service under section 5703(b)<sup>1</sup> of title 5.

(Pub. L. 98-525, title XVII, §1706, Oct. 19, 1984, 98 Stat. 2654; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(c)(1), Oct. 21, 1998, 112 Stat. 2681-773; Pub. L. 110-315, title IX, §921(b)(1), Aug. 14, 2008, 122 Stat. 3456.)

REFERENCES IN TEXT

Section 5703 of title 5, referred to in subsec. (j), was amended generally by Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain a subsec. (b).

AMENDMENTS

2008—Pub. L. 110-315, §921(b)(1)(A), substituted “(b)(4)” for “(b)(5)” wherever appearing.

Subsec. (e)(5). Pub. L. 110-315, §921(b)(1)(B), added par. (5).

1998—Subsec. (b)(3). Pub. L. 105-277, §1225(c)(1), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “The Director of the Arms Control and Disarmament Agency (or if the Director so designates, another officer of that Agency who was appointed with the advice and consent of the Senate).”

Subsec. (b)(4), (5). Pub. L. 105-277, §1225(c)(1)(B), (C), redesignated par. (5) as (4) and substituted “Twelve” for “Eleven”. Former par. (4) redesignated (3).

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

Committee on Education and Labor of House of Representatives changed to Committee on Education and the Workforce of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IX, §921(b)(2), Aug. 14, 2008, 122 Stat. 3456, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as if enacted on June 1, 2007, and shall apply to any member of the Board of Directors of the Institute of Peace confirmed by the Senate and sworn in as a member of the Board of Directors on or after such date.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of this title.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General

<sup>1</sup> See References in Text note below.

Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### **§ 4606. Officers and employees**

##### **(a) Appointment, compensation and status of president of Institute and other officers**

The Board shall appoint the president of the Institute and such other officers as the Board determines to be necessary. The president of the Institute shall be a nonvoting ex officio member of the Board. All officers shall serve at the pleasure of the Board. The president shall be appointed for an explicit term of years. Notwithstanding any other provision of law limiting the payment of compensation, the president and other officers appointed by the Board shall be compensated at rates determined by the Board, but no greater than that payable for level I of the Executive Schedule under chapter 53 of title 5.

##### **(b) Authorization of activities**

Subject to the provisions of section 4604(h)(3) of this title, the Board shall authorize the president and any other officials or employees it designates to receive and disburse public moneys, obtain and make grants, enter into contracts, establish and collect fees, and undertake all other activities necessary for the efficient and proper functioning of the Institute.

##### **(c) Appointment, compensation and status of personnel**

The president, subject to Institute's bylaws and general policies established by the Board, may appoint, fix the compensation of, and remove such employees of the Institute as the president determines necessary to carry out the purposes of the Institute. In determining employee rates of compensation, the president shall be governed by the provisions of title 5 relating to classification and General Schedule pay rates.

##### **(d) Assignment of Federal officers or employees to the Institute**

(1) The president may request the assignment of any Federal officer or employee to the Institute by an appropriate department, agency, or congressional official or Member of Congress and may enter into an agreement for such assignment, if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the department, agency, or congressional staff of such officer or employee.

(2) The Secretary of State, the Secretary of Defense, and the Director of Central Intelligence each may assign officers and employees of his respective department or agency, on a rotating basis to be determined by the Board, to the Institute if the affected officer or employee agrees to such assignment and such assignment causes no prejudice to the salary, benefits, status, or advancement within the respective department or agency of such officer or employee.

##### **(e) Dual compensation restriction**

No officer or full-time employee of the Institute may receive any salary or other compensa-

tion for services from any source other than the Institute during the officer's or employee's period of employment by the Institute, except as authorized by the Board.

##### **(f) Federal employment status only for stated purposes**

(1) Officers and employees of the Institute shall not be considered officers and employees of the Federal Government except for purposes of the provisions of title 28, which relate to Federal tort claims liability, and the provisions of title 5, which relate to compensation and benefits, including the following provisions: chapter 51 (relating to classification); subchapters I and III of chapter 53 (relating to pay rates); subchapter I of chapter 81 (relating to compensation for work injuries); chapter 83 (relating to civil service retirement); chapter 87 (relating to life insurance); and chapter 89 (relating to health insurance). The Institute shall make contributions at the same rates applicable to agencies of the Federal Government under the provisions of title 5 referred to in this section.

(2) The Institute shall not make long-term commitments to employees that are inconsistent with rules and regulations applicable to Federal employees.

##### **(g) Distributions prohibited during life or upon dissolution or liquidation of Institute or legal entity; compensation for services or expenses**

No part of the financial resources, income, or assets of the Institute or of any legal entity created by the Institute shall inure to any agent, employee, officer, or director or be distributable to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this section may be construed to prevent the payment of reasonable compensation for services or expenses to the directors, officers, employees, and agents of the Institute in amounts approved in accordance with the provisions of this chapter.

##### **(h) Loans prohibition; joint and several liability**

The Institute shall not make loans to its directors, officers, employees, or agents, or to any legal entity created by the Institute. A director, officer, employee, or agent who votes for or assents to the making of a loan or who participates in the making of a loan shall be jointly and severally liable to the Institute for the amount of the loan until repayment thereof.

(Pub. L. 98-525, title XVII, §1707, Oct. 19, 1984, 98 Stat. 2656; Pub. L. 100-569, title III, §301(b), Oct. 31, 1988, 102 Stat. 2864; Pub. L. 101-520, title III, §319(c), Nov. 5, 1990, 104 Stat. 2285; Pub. L. 105-277, div. G, subdiv. A, title XII, §1225(c)(2), Oct. 21, 1998, 112 Stat. 2681-773.)

#### REFERENCES IN TEXT

Level I of the Executive Schedule, referred to in subsec. (a), is set out in section 5312 of Title 5, Government Organization and Employees.

The provisions of title 5 relating to classification and General Schedule pay rates, referred to in subsec. (c), are set out in chapter 51 (§5101 et seq.) and subchapter III (§5331 et seq.) of chapter 53 of Title 5.

#### AMENDMENTS

1998—Subsec. (d)(2). Pub. L. 105-277, which directed the amendment of par. (2) by striking out “, Director