

of the Board from among the members of the Board appointed pursuant to subsection (a)(1)(A). Such Chairman and Vice Chairman so designated shall serve for 12 calendar months. Thereafter, the Chairman and Vice Chairman shall be elected from among the members of the Board appointed pursuant to subsection (a)(1)(A) and shall serve for terms of 2 years. In the case of a vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the Board appointed pursuant to subsection (a)(1)(A), and the member filling such vacancy shall serve for the remainder of the unexpired term.

**(f) Quorum**

Unless otherwise provided by the bylaws of the Institute, a majority of the members appointed under subsection (a)(1)(A) shall constitute a quorum.

**(g) Powers**

The Board is authorized—

- (1) to formulate the policy of the Institute;
- (2) to direct the management of the Institute; and
- (3) to make such bylaws and rules as it deems necessary for the administration of its functions under this chapter, including the organization and procedures of the Board.

**(h) Compensation**

Members of the Board appointed pursuant to subsection (a)(1)(A) shall, for each day they are engaged in the performance of the duties under this chapter, receive compensation at the rate of \$125 per day, including traveltime. All members of the Board, while so serving away from their homes or regular places of business, shall be allowed travel expenses (including per diem in lieu of subsistence), as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

**(i) Appointment exception for continuity**

(1) In order to maintain the stability and continuity of the Board, the Board shall have the power to recommend the continuation of members on the Board pursuant to the provisions of this subsection. When the Board makes such a recommendation, the Chairman of the Board shall transmit the recommendation to the President no later than 75 days prior to the expiration of the term of the member.

(2) If the President has not transmitted to the Senate a nomination to fill the position of a member covered by such a recommendation within 60 days from the date that the member's term expires, the member shall be deemed to have been reappointed for another full term to the Board, with all the appropriate rights and responsibilities.

(3) This subsection shall not be construed to permit less than 7 members of the Board to be Indians. If an extension of a term under paragraph (2) would result in less than 7 members being Indians, the term of the member covered by paragraph (2) shall be deemed to expire 60 days after the date upon which it would have been deemed to expire without the operation of this subsection, except that the provisions of subsection (b)(4), relating to continuation of

service pending replacement, shall continue to apply.

(Pub. L. 99-498, title XV, § 1505, Oct. 17, 1986, 100 Stat. 1601; Pub. L. 102-325, title XIII, § 1331(a), July 23, 1992, 106 Stat. 805; Pub. L. 112-166, § 2(ee), Aug. 10, 2012, 126 Stat. 1290.)

AMENDMENTS

2012—Subsec. (a)(1)(A). Pub. L. 112-166 struck out “by and with the advice and consent of the Senate” after “United States”.

1992—Subsec. (a)(1)(A). Pub. L. 102-325, § 1331(a)(1), substituted “Subject to the provisions of subsection (i), the voting” for “The voting” and inserted before period at end “, and diverse fields of expertise, including finance, law, fine arts, and higher education administration”.

Subsec. (a)(3), (4). Pub. L. 102-325, § 1331(a)(2), (3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (i). Pub. L. 102-325, § 1331(a)(4), added subsec. (i) and struck out former subsec. (i) which read as follows: “(i) REVIEW BY SECRETARY OF THE INTERIOR.—For so long as any employee of the Institute is covered under title 5, the Board (acting by majority vote) shall submit final decisions relating to personnel to the Secretary of the Interior. Each such decision shall become final 30 days after the date of its receipt by the Secretary unless the Secretary disapproves of such decision. The Secretary may only disapprove a decision of the Board for just cause.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

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.

DELEGATION OF AUTHORITY

Memorandum of President of the United States, Feb. 22, 1991, 56 F.R. 8099, provided:

Memorandum for the Chairman of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development

By the authority vested in me as President of the United States by section 301 of Title 3 of the United States Code, I hereby delegate to the Chairman of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the responsibility under section 1505(a)(2)(B) of P.L. 99-498 (20 U.S.C. 4412(a)(2)(B)) to publish in the Federal Register an announcement of the expiration of the terms of the presidentially appointed members of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development no less than 4 months prior to their expiration. The authority delegated by this memorandum may be further redelegated within the Institute.

The delegation of authority to the Secretary of the Interior by memorandum of June 22, 1988, is hereby rescinded.

This memorandum shall be published in the Federal Register.

GEORGE BUSH.

**§ 4413. Executive Board**

**(a) Composition**

The Board shall have an Executive Board composed of—

- (1) the chairman of the Board;

- (2) the vice chairman of the Board;
- (3) the secretary of the Board;
- (4) the treasurer of the Board; and
- (5) an at-large member of the Board elected by the Board at its initial meeting.

**(b) Vacancies**

In the case of any vacancy which occurs in the position of at-large member before the expiration of such member's term, the Board shall elect a replacement to complete that term.

**(c) Meetings**

The Executive Board shall hold not more than 4 regular meetings per calendar year. Special meetings may be held upon the call of the chairman or 3 members of the Executive Board.

**(d) Quorum**

A majority of the Executive Board shall constitute a quorum.

**(e) Powers**

The Executive Board may hold and use all the powers of the Board, subject to the approval of the Board.

(Pub. L. 99-498, title XV, § 1506, Oct. 17, 1986, 100 Stat. 1603.)

**§ 4414. General powers of Board**

**(a) In general**

In carrying out the provisions of this chapter, the Board shall have the power, consistent with the provisions of this chapter—

- (1) to adopt, use, and alter a corporate seal;
- (2) to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contract<sup>1</sup> without regard to section 3324 of title 31;
- (3) any other provision of law to the contrary notwithstanding, to enter into joint development ventures with public or private commercial or noncommercial entities for development of facilities to meet the plan required under section 4426 of this title, if the ventures are related to and further the mission of the Institute;
- (4) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;
- (5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;
- (6) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this chapter and to pay for such use (such payments to be credited to the applicable appropriation that incurred the expense);
- (7) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;
- (8) to obtain the services of experts and consultants in accordance with the provisions of

section 3109 of title 5 and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(9) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(10) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, institutions, and individuals;

(11) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purpose of this chapter;

(12) to the extent not already provided by law, to obtain insurance to cover all activities of the Institute, including coverage relating to property and liability, or make other provisions against losses;

(13) to use any funds or property received by the Institute to carry out the purpose of this chapter, including the authority to designate on an annual basis a portion, not to exceed 10 percent, of the funds appropriated pursuant to section 4451 of this title for investment, without regard to any other provision of law regarding investment or disposition of federally appropriated funds, on a short-term basis for the purpose of maximizing yield and liquidity of such funds; and

(14) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this chapter and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

**(b) Accounting for non-Federal funds**

Any funds received by, or under the control of, the Institute that are not Federal funds shall be accounted for separately from Federal funds.

**(c) Interest and investments**

Interest and earnings on amounts received by the Institute pursuant to section 4451 of this title invested under subsection (a)(12)<sup>2</sup> shall be the property of the Institute and shall be expended to carry out this chapter. The Board shall be held to a reasonable and prudent standard of care, given such information and circumstances as existed when the decision is made, in decisions involving investment of funds under subsection (a)(12).<sup>2</sup>

(Pub. L. 99-498, title XV, § 1507, Oct. 17, 1986, 100 Stat. 1603; Pub. L. 100-297, title V, § 5406(e), Apr. 28, 1988, 102 Stat. 418; Pub. L. 101-644, title V, § 501, Nov. 29, 1990, 104 Stat. 4668; Pub. L. 102-325, title XIII, § 1331(b), July 23, 1992, 106 Stat. 806; Pub. L. 103-208, § 2(l), Dec. 20, 1993, 107 Stat. 2486.)

REFERENCES IN TEXT

Subsection (a)(12), referred to in subsec. (c), was redesignated subsec. (a)(13) of this section, repealed, and

<sup>1</sup> So in original. Probably should be "contracts".

<sup>2</sup> See References in Text note below.