

**§ 4417. Functions of Institute****(a) Primary functions**

The primary functions of the Institute shall be—

- (1) to provide scholarly study of, and instruction in, Indian art and culture, and
- (2) to establish programs which culminate in the awarding of degrees in the various fields of Indian art and culture.

**(b) Administrative entities**

(1) The Board shall be responsible for establishing the policies and internal organization that relate to the control and monitoring of all subdivisions, administrative entities, and departments of the Institute.

(2) The specific responsibilities of each subdivision, entity, and department of the Institute are solely within the discretion of the Board, or its designee.

(3) The Board shall establish, within the Institute, departments for the study of culture and arts and for research and exchange, and a museum. The Board shall establish the areas of competency for the departments created under this paragraph, which may include (but are not limited to) Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, Literature and Museology and a learning resources center, programs of institutional support and development, research programs, fellowship programs, seminars, publications, scholar-in-residence programs and inter-institutional programs of cooperation at national and international levels.

**(c) Other programs**

In addition to the centers and programs described in subsection (b), the Institute shall develop such programs and centers as the Board determines are necessary to—

- (1) foster research and scholarship in Indian art and culture through—
  - (A) resident programs;
  - (B) cooperative programs; and
  - (C) grant programs;
- (2) complement existing tribal programs for the advancement of Indian art and culture; and
- (3) coordinate efforts to preserve, support, revitalize, and develop evolving forms of Indian art and culture.

(Pub. L. 99-498, title XV, §1510, Oct. 17, 1986, 100 Stat. 1606; Pub. L. 101-644, title V, §502, Nov. 29, 1990, 104 Stat. 4668; Pub. L. 102-325, title XIII, §1331(d), July 23, 1992, 106 Stat. 807.)

## AMENDMENTS

1992—Subsec. (b). Pub. L. 102-325 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “There shall be established within the Institute—

“(1) a Center for Culture and Art Studies to be administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include (but not be limited to) Departments of Arts and Sciences, Visual Arts, Performing Arts, Language, Literature, and Museology;

“(2) a Center for Research and Cultural Exchange, administered by a director (appointed by the President of the Institute, with the approval of the Board), which shall include—

- “(A) a learning resources center;
- “(B) programs of institutional support and development;
- “(C) research programs;
- “(D) fellowship programs;
- “(E) seminars;
- “(F) publications;
- “(G) scholar-in-residence and artist-in-residence programs; and
- “(H) inter-institutional programs of cooperation at national and international levels; and
- “(3) a Museum of American Indian and Alaska Native Arts, which shall be under the direction of the President of the Institute.”

1990—Subsec. (b)(2). Pub. L. 101-644, §502(1), redesignated subpars. (B) to (I) as (A) to (H), respectively, and struck out former subpar. (A) which related to a museum of Indian arts.

Subsec. (b)(3). Pub. L. 101-644, §502(2)–(4), added par. (3).

## 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.

**§ 4418. Indian preference****(a) In general**

Notwithstanding any other provision of Federal or State law, the Institute is authorized to develop a policy or policies for the Institute to extend preference to Indians in—

- (1) admissions to, and enrollment in, programs conducted by the Institute,
- (2) employment by the Institute, and
- (3) contracts, fellowships, and grants awarded by the Institute.

**(b) Hiring preference**

In carrying out section 4416(b)(1) of this title, the President of the Institute shall, to the maximum extent practicable, give preference in hiring to Indians.

(Pub. L. 99-498, title XV, §1511, Oct. 17, 1986, 100 Stat. 1607; Pub. L. 102-325, title XIII, §1331(e), July 23, 1992, 106 Stat. 807.)

## AMENDMENTS

1992—Subsec. (a). Pub. L. 102-325 inserted “develop a policy or policies for the Institute to” after “is authorized to”.

## 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.

**§ 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), 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), 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), 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, provide 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”.