

who is subject to subchapter III of chapter 83 of title 5 may elect to continue to be subject to such subchapter, and any such individual who is subject to chapter 84 of such title may elect to continue to be subject to such chapter.

(2) Any individual who makes an election under paragraph (1) to continue to be subject to subchapter III of chapter 83 of title 5 or chapter 84 of such title shall, so long as continually employed by the Institute without a break in service subject to such subchapter or such chapter 84, as the case may be, continue to be treated as an employee subject to such subchapter or such chapter 84, as the case may be. Employment by the Institute without a break of continuity in service shall be considered to be employment by the United States Government for the purpose of such subchapter or such chapter 84, as the case may be. The Institute shall be responsible for making the contributions required to be made by an employing agency under such subchapter or such chapter 84, as the case may be.

**(h) Collective bargaining**

The Institute shall be considered an agency for the purpose of chapter 71 of title 5.

**(i) Workmen's compensation**

Employees of the Institute shall receive compensation for work injuries and illnesses in accordance with chapter 81 of title 5.

(Pub. L. 99-498, title XV, §1509, Oct. 17, 1986, 100 Stat. 1604; Pub. L. 100-297, title V, §5406(a), Apr. 28, 1988, 102 Stat. 417; Pub. L. 102-325, title XIII, §1331(c), July 23, 1992, 106 Stat. 806; Pub. L. 103-382, title III, §386(a), Oct. 20, 1994, 108 Stat. 4020.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b)(2), is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1994—Subsec. (f). Pub. L. 103-382 amended heading and text of subsec. (f) generally. Prior to amendment, text read as follows: "This section shall apply to any individual appointed after October 17, 1986, for employment in the Institute. Except as provided in subsections (d) and (g) of this section, the enactment of this chapter shall not affect—

"(1) the continued employment of any individual employed immediately before October 17, 1986, or

"(2) such individual's right to receive the compensation attached to such position."

1992—Subsec. (b)(2). Pub. L. 102-325 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The President of the Institute shall fix the basic compensation for officers and employees of the Institute at rates comparable to the rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5 applies."

1988—Subsec. (g)(1). Pub. L. 100-297 substituted "On June 30, 1989" for "At the end of the 2-year period beginning on the date referred to in section 4421(f) of this title".

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.

**§ 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