

them in the performance of the duties of the Foundation.

(g) Officers

(1) In general

The officers of the Foundation shall be a secretary, elected from among the members of the Board, and any other officers provided for in the constitution and bylaws of the Foundation.

(2) Secretary of Foundation

The secretary shall serve, at the direction of the Board, as its chief operating officer and shall be knowledgeable and experienced in matters relating to education in general and education of American Indians in particular.

(3) Election

The manner of election, term of office, and duties of the officers shall be as provided in the constitution and bylaws of the Foundation.

(h) Powers

The Foundation—

(1) shall adopt a constitution and bylaws for the management of its property and the regulation of its affairs, which may be amended;

(2) may adopt and alter a corporate seal;

(3) may make contracts, subject to the limitations of this chapter;

(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

(5) may sue and be sued; and

(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

(i) Principal office

The principal office of the Foundation shall be in the District of Columbia. However, the activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

(j) Service of process

The Foundation shall comply with the law on service of process of each State in which it is incorporated and of each State in which the Foundation carries on activities.

(k) Liability of officers and agents

The Foundation shall be liable for the acts of its officers and agents acting within the scope of their authority. Members of the Board are personally liable only for gross negligence in the performance of their duties.

(l) Restrictions

(1) Limitation on spending

Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation may not exceed 10 percent of the sum of—

(A) the amounts transferred to the Foundation under subsection (m) of this section during the preceding fiscal year; and

(B) donations received from private sources during the preceding fiscal year.

(2) Appointment and hiring

The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

(3) Status

Members of the Board, and the officers, employees, and agents of the Foundation are not, by reason of their association with the Foundation, officers, employees, or agents of the United States.

(m) Transfer of donated funds

The Secretary may transfer to the Foundation funds held by the Department of the Interior under section 5341 of this title, if the transfer or use of such funds is not prohibited by any term under which the funds were donated.

(n) Audits

The Foundation shall comply with the audit requirements set forth in section 10101 of title 36, as if it were a corporation in part B of subtitle II of that title.

(Pub. L. 93-638, title VIII, §801, formerly title V, §501, as added Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2936; amended Pub. L. 108-267, §1(a),(b)(2), July 2, 2004, 118 Stat. 797; renumbered title VIII, §801, Pub. L. 111-211, title II, §231(d)(1), (2), July 29, 2010, 124 Stat. 2278.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (h)(3), was in the original “this Act”, meaning Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, known as the Indian Self-Determination and Education Assistance Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 458ddd of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2004—Pub. L. 108-267, §1(b)(2), substituted “National Fund for Excellence in American Indian Education” for “American Indian Education Foundation” in section catchline.

Subsec. (a). Pub. L. 108-267, §1(a), substituted “a foundation to be known as the ‘National Fund for Excellence in American Indian Education’ (hereinafter referred to as the ‘Foundation’)” for “the American Indian Education Foundation”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “American Indian Education Foundation Act of 2000”, see section 1301 of Pub. L. 106-568, set out as a Short Title of 2000 Amendment note under section 5301 of this title.

§ 5422. Administrative services and support

(a) Provision of support by Secretary

Subject to subsection (b) of this section, during the 5-year period beginning on the date that the Foundation is established, the Secretary—

(1) may provide personnel, facilities, and other administrative support services to the Foundation;

(2) may provide funds to reimburse the travel expenses of the members of the Board under section 5421 of this title; and

(3) shall require and accept reimbursements from the Foundation for any—

(A) services provided under paragraph (1); and

(B) funds provided under paragraph (2).

(b) Reimbursements

Reimbursements accepted under subsection (a)(3) of this section shall be deposited in the Treasury to the credit of the appropriations then current and chargeable for the cost of providing services described in subsection (a)(1) of this section and the travel expenses described in subsection (a)(2) of this section.

(c) Continuation of certain services

Notwithstanding any other provision of this section, the Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) of this section, on a space available, reimbursable cost basis.

(Pub. L. 93-638, title VIII, §802, formerly title V, §502, as added Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2938; renumbered title VIII, §802, and amended Pub. L. 111-211, title II, §231(d), July 29, 2010, 124 Stat. 2278.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 458ddd-1 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111-211, §231(d)(3), substituted reference to section 5421 of this title for reference to former section 458bbb of this title.

§ 5423. Definitions

For the purposes of this subchapter—

(1) the term “Bureau funded school” has the meaning given that term in title XI of the Education Amendments of 1978 [25 U.S.C. 2000 et seq.];

(2) the term “Foundation” means the Foundation established by the Secretary pursuant to section 5421 of this title; and

(3) the term “Secretary” means the Secretary of the Interior.

(Pub. L. 93-638, title VIII, §803, formerly title V, §503, as added Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2938; renumbered title VIII, §803, and amended Pub. L. 111-211, title II, §231(d), July 29, 2010, 124 Stat. 2278.)

Editorial Notes

REFERENCES IN TEXT

The Education Amendments of 1978, referred to in par. (1), is Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143. Title XI of the Act is classified principally to chapter 22 (§2000 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of Title 20, Education, and Tables.

CODIFICATION

Section was formerly classified to section 458ddd-2 of this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2010—Par. (2). Pub. L. 111-211, §231(d)(3), substituted reference to section 5421 of this title for reference to former section 458bbb of this title.

CHAPTER 47—CONVEYANCE OF SUBMARGINAL LAND

Sec. 5501.	Submarginal lands of United States held in trust for specified Indian tribes.
5502.	Designation of tribes.
5503.	Submarginal lands of United States held in trust for Stockbridge Munsee Indian Community.
5504.	Existing rights of possession, contract, interest, etc.
5505.	Gross receipts from conveyed lands.
5506.	Tax exemption for conveyed lands and gross receipts; distribution of gross receipts to tribal members.

§ 5501. Submarginal lands of United States held in trust for specified Indian tribes

(a) Declaration; addition to reservations

Except as hereinafter provided, all of the right, title, and interest of the United States of America in all of the land, and the improvements now thereon, that was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the use or benefit of the Indian tribes identified in section 5502(a) of this title, together with all minerals underlying any such land whether acquired pursuant to such Acts or otherwise owned by the United States, are hereby declared to be held by the United States in trust for each of said tribes, and (except in the case of the Cherokee Nation) shall be a part of the reservations heretofore established for each of said tribes.

(b) Imposition of conditions on conveyed lands; lands excepted from conveying authority

The property conveyed by this chapter shall be subject to the appropriation or disposition of any of the lands, or interests therein, within the Pine Ridge Indian Reservation, South Dakota, as authorized by sections 441j to 441o of title 16, and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311): *Provided*, That this chapter shall not convey the title to any part of the lands or any interest therein that prior to October 17, 1975, have been included in the authorized water resources development projects in the Missouri River Basin as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), as amended and supplemented: *Provided further*, That such