(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

(1) In general

The principal office of the Foundation shall be located in the District of Columbia.

(2) Activities; offices

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 the Foundation is incorporated and of each State in which the Foundation carries on activities.

(k) Liability of officers, employees, and agents

(1) In general

The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of the authority of the officers, employees, and agents.

(2) Personal liability

A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

(*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 shall not exceed the percentage described in paragraph (2) of the sum of—

(A) the amounts transferred to the Foundation under subsection (n) during the preceding fiscal year; and

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

(2) Percentages

The percentages referred to in paragraph (1) are—

(A) for the first 2 fiscal years described in that paragraph, 25 percent;

(B) for the following fiscal year, 20 percent; and

(C) for each fiscal year thereafter, 15 percent.

(3) Appointment and hiring

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

(4) Status

A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

(m) Audits

The Foundation shall comply with section 10101 of title 36 as if the Foundation were a corporation under part B of subtitle II of that title.

(n) Funding

For each of fiscal years 2011 through 2015, out of any unobligated amounts available to the Secretary, the Secretary may use to carry out this section not more than $500,000.

(Pub. L. 93–638, title VII, § 702, as added Pub. L. 111–211, title II, § 231(c), July 29, 2010, 124 Stat. 2274.)

§ 458ccc–2. Administrative services and support

(a) Provision of support by Secretary

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

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

(2) may provide funds for initial operating costs and to reimburse the travel expenses of the members of the Board; and

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

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

(B) funds provided under paragraph (2).

(b) Reimbursement

Reimbursements accepted under subsection (a)(3)—

(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

(c) Continuation of certain services

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) if the facilities and services are—

(1) available; and

(2) provided on reimbursable cost basis.

(Pub. L. 93–638, title VII, § 703, as added Pub. L. 111–211, title II, § 231(c), July 29, 2010, 124 Stat. 2277.)

PART H—NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION

CODIFICATION

This part is comprised of title VIII, formerly title V, of Pub. L. 93–638, which was formerly classified to part F (§ 458bbb et seq.) of this subchapter prior to redesignation by Pub. L. 111–211, title II, § 231(d)(1), July 29, 2010, 124 Stat. 2278.

§ 458ddd. National Fund for Excellence in American Indian Education

(a) In general

As soon as practicable after December 27, 2000, the Secretary of the Interior shall establish, under the laws of the District of Columbia and in accordance with this part, a foundation to be known as the ''National Fund for Excellence in American Indian Education'' (hereinafter referred to as the ''Foundation'').

(b) Perpetual existence

Except as otherwise provided, the Foundation shall have perpetual existence.