(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.

(c) Nature of corporation

The Foundation shall be a charitable and nonprofit federally chartered corporation and shall not be an agency or instrumentality of the United States.

(d) Place of incorporation and domicile

The Foundation shall be incorporated and domiciled in the District of Columbia.

(e) Purposes

The purposes of the Foundation shall be—

(1) to encourage, accept, and administer private gifts of real and personal property or any income therefrom or other interest therein for the benefit of, or in support of, the mission of the Office of Indian Education Programs of the Bureau of Indian Affairs (or its successor office);

(2) to undertake and conduct such other activities as will further the educational opportunities of American Indians who attend a Bureau funded school; and

(3) to participate with, and otherwise assist, Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the educational opportunities of American Indians attending Bureau funded schools.

(f) Board of Directors

(1) In general

The Board of Directors shall be the governing body of the Foundation. The Board may exercise, or provide for the exercise of, the powers of the Foundation.

(2) Selection

The number of members of the Board, the manner of their selection (including the filling of vacancies), and their terms of office shall be as provided in the constitution and bylaws of the Foundation. However, the Board shall have at least 11 members, two of whom shall be the Secretary and the Assistant Secretary of the Interior for Indian Affairs, who shall serve as ex officio nonvoting members, and the initial voting members of the Board shall be appointed by the Secretary not later than 6 months after the date that the Foundation is established and shall have staggered terms (as determined by the Secretary).

(3) Qualification

The members of the Board shall be United States citizens who are knowledgeable or experienced in American Indian education and shall, to the extent practicable, represent diverse points of view relating to the education of American Indians.

(4) Compensation

Members of the Board shall not receive compensation for their services as members, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred by 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 subchapter;

(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 451 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.)

REFERENCES IN TEXT

This subchapter, 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 subchapter (§ 450 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

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''.

§ 458ddd–1. 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 458ddd 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.)

AMENDMENTS

2010—Subsec. (a)(2). Pub. L. 111–211, § 231(d)(3), substituted ''section 458ddd'' for ''section 458bbb''.

§ 458ddd–2. Definitions

For the purposes of this part—

(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 458ddd 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.)

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.

AMENDMENTS

2010—Par. (2). Pub. L. 111–211, § 231(d)(3), substituted ''section 458ddd'' for ''section 458bbb''.

[SUBCHAPTER III—RESERVED]

SUBCHAPTER IV—CONVEYANCE OF SUBMARGINAL LAND

§ 459. 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 459a(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,