

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