

ka Native Culture and Arts Development no less than 4 months prior to their expiration. The authority delegated by this memorandum may be further redelegated within the Institute.

The delegation of authority to the Secretary of the Interior by memorandum of June 22, 1988, is hereby rescinded.

This memorandum shall be published in the Federal Register.

GEORGE BUSH.

#### § 4413. Executive Board

##### (a) Composition

The Board shall have an Executive Board composed of—

- (1) the chairman of the Board;
- (2) the vice chairman of the Board;
- (3) the secretary of the Board;
- (4) the treasurer of the Board; and
- (5) an at-large member of the Board elected by the Board at its initial meeting.

##### (b) Vacancies

In the case of any vacancy which occurs in the position of at-large member before the expiration of such member's term, the Board shall elect a replacement to complete that term.

##### (c) Meetings

The Executive Board shall hold not more than 4 regular meetings per calendar year. Special meetings may be held upon the call of the chairman or 3 members of the Executive Board.

##### (d) Quorum

A majority of the Executive Board shall constitute a quorum.

##### (e) Powers

The Executive Board may hold and use all the powers of the Board, subject to the approval of the Board.

(Pub. L. 99-498, title XV, § 1506, Oct. 17, 1986, 100 Stat. 1603.)

#### § 4414. General powers of Board

##### (a) In general

In carrying out the provisions of this chapter, the Board shall have the power, consistent with the provisions of this chapter—

- (1) to adopt, use, and alter a corporate seal;
- (2) to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contract<sup>1</sup> without regard to section 3324 of title 31;
- (3) any other provision of law to the contrary notwithstanding, to enter into joint development ventures with public or private commercial or noncommercial entities for development of facilities to meet the plan required under section 4426 of this title, if the ventures are related to and further the mission of the Institute;
- (4) to sue and be sued in its corporate name and to complain and defend in any court of competent jurisdiction;
- (5) to represent itself, or to contract for representation, in all judicial, legal, and other proceedings;

(6) with the approval of the agency concerned, to make use of services, facilities, and property of any board, commission, independent establishment, or executive agency or department of the executive branch in carrying out the provisions of this chapter and to pay for such use (such payments to be credited to the applicable appropriation that incurred the expense);

(7) to use the United States mails on the same terms and conditions as the executive departments of the United States Government;

(8) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5 and to accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5;

(9) to solicit, accept, and dispose of gifts, bequests, devises of money, securities, and other properties of whatever character, for the benefit of the Institute;

(10) to receive grants from, and enter into contracts and other arrangements with, Federal, State, or local governments, public and private agencies, organizations, institutions, and individuals;

(11) to acquire, hold, maintain, use, operate, and dispose of such real property, including improvements thereon, personal property, equipment, and other items, as may be necessary to enable the Board to carry out the purpose of this chapter;

(12) to the extent not already provided by law, to obtain insurance to cover all activities of the Institute, including coverage relating to property and liability, or make other provisions against losses;

(13) to use any funds or property received by the Institute to carry out the purpose of this chapter, including the authority to designate on an annual basis a portion, not to exceed 10 percent, of the funds appropriated pursuant to section 4451 of this title for investment, without regard to any other provision of law regarding investment or disposition of federally appropriated funds, on a short-term basis for the purpose of maximizing yield and liquidity of such funds; and

(14) to exercise all other lawful powers necessarily or reasonably related to the establishment of the Institute in order to carry out the provisions of this chapter and the exercise of the powers, purposes, functions, duties, and authorized activities of the Institute.

##### (b) Accounting for non-Federal funds

Any funds received by, or under the control of, the Institute that are not Federal funds shall be accounted for separately from Federal funds.

##### (c) Interest and investments

Interest and earnings on amounts received by the Institute pursuant to section 4451 of this title invested under subsection (a)(12)<sup>2</sup> shall be the property of the Institute and shall be expended to carry out this chapter. The Board shall be held to a reasonable and prudent stand-

<sup>1</sup> So in original. Probably should be "contracts".

<sup>2</sup> See References in Text note below.

ard of care, given such information and circumstances as existed when the decision is made, in decisions involving investment of funds under subsection (a)(12).<sup>2</sup>

(Pub. L. 99-498, title XV, § 1507, Oct. 17, 1986, 100 Stat. 1603; Pub. L. 100-297, title V, § 5406(e), Apr. 28, 1988, 102 Stat. 418; Pub. L. 101-644, title V, § 501, Nov. 29, 1990, 104 Stat. 4668; Pub. L. 102-325, title XIII, § 1331(b), July 23, 1992, 106 Stat. 806; Pub. L. 103-208, § 2(l), Dec. 20, 1993, 107 Stat. 2486.)

#### Editorial Notes

##### REFERENCES IN TEXT

Subsection (a)(12), referred to in subsec. (c), was redesignated subsec. (a)(13) of this section, repealed, and a new subsec. (a)(13) added by Pub. L. 102-325, title XIII, § 1331(b)(1)(A), (C), July 23, 1992, 106 Stat. 806, and former subsec. (a)(11) of this section was redesignated subsec. (a)(12).

##### AMENDMENTS

1993—Subsec. (a)(12). Pub. L. 103-208 substituted semicolon for period at end.

1992—Subsec. (a)(2). Pub. L. 102-325, § 1331(b)(1)(B), added par. (2) and struck out former par. (2) which read as follows: “to make agreements and contracts with persons, Indian tribes, and private or governmental entities and to make payments or advance payments under such agreements or contracts without regard to section 3324 of title 31:”.

Subsec. (a)(3) to (12). Pub. L. 102-325, § 1331(b)(1)(A), (B), added par. (3) and redesignated former pars. (3) to (11) as (4) to (12), respectively. Former par. (12) redesignated (13).

Subsec. (a)(13). Pub. L. 102-325, § 1331(b)(1)(C), added par. (13) and struck out former par. (13) which read as follows: “to use any funds or property received by the Institute to carry out the purpose of this chapter; and”.

Pub. L. 102-325, § 1331(b)(1)(A), redesignated par. (12) as (13). Former par. (13) redesignated (14).

Subsec. (14). Pub. L. 102-325, § 1331(b)(1)(A), redesignated par. (13) as (14).

Subsec. (c). Pub. L. 102-325, § 1331(b)(2), substituted “shall be expended” for “may be expended”.

1990—Subsec. (a)(11). Pub. L. 101-644, § 501(b), amended par. (11) generally. Prior to amendment, par. (11) read as follows: “to obtain insurance or make other provisions against losses:”.

Subsec. (c). Pub. L. 101-644, § 501(a), added subsec. (c).  
1988—Pub. L. 100-297 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 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.

#### § 4415. President of Institute

##### (a) Appointment

The Institute shall have a President who shall be appointed by the Board. The President of the

Institute shall serve as the chief executive officer of the Institute. Subject to the direction of the Board and the general supervision of the Chairman of the Board, the President of the Institute shall have the responsibility for carrying out the policies and functions of the Institute and shall have authority over all personnel and activities of the Institute.

##### (b) Compensation

The President of the Institute shall be paid at a rate not to exceed the maximum rate of basic pay payable for grade GS-18 of the General Schedule.

(Pub. L. 99-498, title XV, § 1508, Oct. 17, 1986, 100 Stat. 1604.)

#### Statutory Notes and Related Subsidiaries

##### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### § 4416. Staff of Institute

##### (a) Exemption from civil service

Except as otherwise provided in this section, title 5 shall not apply to the Institute.

##### (b) Appointment and compensation

(1) The President of the Institute, with the approval of the Board, shall have the authority to appoint, fix the compensation of (including health and retirement benefits), and prescribe the duties of, such officers and employees as the President of the Institute deems necessary for the efficient administration of the Institute.

(2) 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 positions, to whom chapter 51 of title 5 applies. If the Board determines that such action is necessary for purposes of recruitment or retention of officers or employees necessary to the functions of the Institute, the Board is authorized, by formal action, to establish a rate of, or a range for, basic compensation that is comparable to the rate of compensation paid to officers or employees having similar duties and responsibilities in other institutions of higher education.

(3)(A) Not later than 180 days after the President of the Institute is appointed, the President of the Institute shall make policies and procedures governing—

- (i) the establishment of positions at the Institute,
- (ii) basic compensation for such positions (including health and retirement benefits),
- (iii) entitlement to compensation,
- (iv) conditions of employment,
- (v) discharge from employment,
- (vi) the leave system, and
- (vii) such other matters as may be appropriate.