

**TITLE 22 - FOREIGN RELATIONS AND INTERCOURSE**  
**CHAPTER 7 - INTERNATIONAL BUREAUS, CONGRESSES, ETC.**  
**SUBCHAPTER XXI - INTER-AMERICAN FOUNDATION**

**§ 290f. Inter-American Foundation**

**(a) Establishment**

There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the “Foundation”).

**(b) Congressional declaration of purpose**

The future of freedom, security, and economic development in the Western Hemisphere rests on the realization that man is the foundation of all human progress. It is the purpose of this section to provide support for developmental activities designed to achieve conditions in the Western Hemisphere under which the dignity and the worth of each human person will be respected and under which all men will be afforded the opportunity to develop their potential, to seek through gainful and productive work the fulfillment of their aspirations for a better life, and to live in justice and peace. To this end, it shall be the purpose of the Foundation, primarily in cooperation with private, regional, and international organizations, to—

- (1) strengthen the bonds of friendship and understanding among the peoples of this hemisphere;
- (2) support self-help efforts designed to enlarge the opportunities for individual development;
- (3) stimulate and assist effective and ever wider participation of the people in the development process;
- (4) encourage the establishment and growth of democratic institutions, private and governmental, appropriate to the requirements of the individual sovereign nations of this hemisphere.

In pursuing these purposes, the Foundation shall place primary emphasis on the enlargement of educational opportunities at all levels, the production of food and the development of agriculture, and the improvement of environmental conditions relating to health, maternal and child care, family planning, housing, free trade union development, and other social and economic needs of the people.

**(c) Programs and projects to achieve purposes**

The Foundation shall carry out the purposes set forth in subsection (b) of this section primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

**(d) Coordination of activities with national and international agencies**

In carrying out its functions under this section, the Foundation shall, to the maximum extent possible, coordinate its undertakings with the developmental activities in the Western Hemisphere of the various organs of the Organization of American States, the United States Government, international organizations, and other entities engaged in promoting social and economic development of Latin America.

**(e) Powers and functions**

The Foundation, as a corporation—

- (1) shall have perpetual succession unless sooner dissolved by an Act of Congress;
- (2) may adopt, alter, and use a corporate seal, which shall be judicially noticed;
- (3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

- (4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed \$10,000 in any fiscal year), allowed and paid;
- (5) may, as necessary for the transaction of the business of the Foundation, employ and fix the compensation of not to exceed one hundred persons at any one time;
- (6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;
- (7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;
- (8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;
- (9) may accept money, funds, property, and services of every kind by gift, devise,<sup>1</sup> bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;
- (10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and
- (11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

**(f) Disposal of assets on liquidation**

Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

**(g) Board of directors; number, term, and appointment**

The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of nine members appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. Six members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among the following: officers or employees of agencies of the United States concerned with inter-American affairs, the United States Executive Director of the Inter-American Development Bank, or the Alternate Executive Director of the Inter-American Development Bank. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment. All individuals appointed to the Board shall possess an understanding of and sensitivity to community level development processes. No more than 5 members of the Board may be members of any one political party.

**(h) Reimbursement of expenses**

Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, while engaged in their duties on behalf of the corporation.

**(i) Board; authority**

The Board shall direct the exercise of all the powers of the Foundation.

**(j) Rules and regulations; quorum of the Board**

The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

**(k) Authority of the Board to appoint committees**

In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

**(l) President of Foundation: appointment and compensation; employment of experts and consultants**

(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5.

**(m) Establishment of Council; consultation by the Board; reimbursement of expenses of members of the Council**

In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning developmental activities in the Western Hemisphere. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5 for travel and other expenses incurred by them in the performance of their functions under this subsection.

**(n) Nonprofit nature of the Foundation; conflict of interests**

The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or organization in which he is directly or indirectly interested.

**(o) Personnel; service in foreign governments or agencies**

When approved by the Foundation, in furtherance of its purpose, the officers and employees of the Foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

**(p) Service of employees of other agencies in the Foundation; rights and privileges**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

**(q) Establishment of principal and branch offices**

The Foundation shall maintain its principal office in the metropolitan Washington, D.C., area. The Foundation may establish agencies, branch offices, or other offices in any place or places outside the United States in which the Foundation may carry on all or any of its operations and business.

**(r) Exemption from tax**

The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United States, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

**(s) Authorization of appropriations**

(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of \$50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(2) There are authorized to be appropriated \$28,800,000 for fiscal year 1992 and \$31,000,000 for fiscal year 1993 to carry out this section. Amounts appropriated under this paragraph are authorized to remain available until expended.

**(t) Application of chapter 91 of title 31**

The Foundation shall be subject to the provisions of chapter 91 of title 31.

**(u) Interest on funds invested pending disbursement**

When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after August 24, 1982.

**(v) Travel expenses**

Funds made available to the Foundation may be used for the expenses described in section 1345 of title 31 (relating to travel, transportation, and subsistence expenses for meetings).

**(w) Printing expenses**

Funds made available to the Foundation may be used for printing and binding without regard to section 501 of title 44.

**Footnotes**

<sup>1</sup> So in original. Probably should be “devise.”

(Pub. L. 91–175, pt. IV, § 401, Dec. 30, 1969, 83 Stat. 821; Pub. L. 92–226, pt. IV, § 406(2)–(5), Feb. 7, 1972, 86 Stat. 34; Pub. L. 95–105, title V, § 508, Aug. 17, 1977, 91 Stat. 859; Pub. L. 97–241, title V, § 501, Aug. 24, 1982, 96 Stat. 297; Pub. L. 98–164, title X, § 1001, Nov. 22, 1983, 97 Stat. 1051; Pub. L. 99–83, title VII, § 708, Aug. 8, 1985, 99 Stat. 243; Pub. L. 99–529, title II, § 202(e), title IV, § 403(a), Oct. 24, 1986, 100 Stat. 3012, 3019; Pub. L. 101–246, title VI, § 601, Feb. 16, 1990, 104 Stat. 73; Pub. L. 102–138, title I, § 173(a), (b)(1), (c), (d), Oct. 28, 1991, 105 Stat. 679, 680; Pub. L. 110–38, § 1, June 21, 2007, 121 Stat. 230.)

## References in Text

The Foreign Assistance Act of 1961, referred to in subsec. (s)(1), is Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424. Part I of the Foreign Assistance Act of 1961 is classified generally to subchapter I (§ 2151 et seq.) of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§ 2346 et seq.), VI (§ 2348 et seq.), and VIII (§ 2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92–226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa–5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## Codification

Repeal of section by Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586(c)(2)], Nov. 29, 1999, 113 Stat. 1535, 1501A–118, did not become effective pursuant to section 1000 (a)(2) [title V, § 586] of div. B of Pub. L. 106–113, formerly set out as an Abolition of the Inter-American Foundation note below.

In subsec. (t), “chapter 91 of title 31” substituted for “the Government Corporation Control Act [31 U.S.C. 841 et seq.]” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

## Amendments

2007—Subsec. (g). Pub. L. 110–38 amended third sentence generally. Prior to amendment, third sentence read as follows: “Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with inter-American affairs.”

1991—Subsec. (g). Pub. L. 102–138, § 173(b)(1), inserted provision at end that all individuals appointed to the Board possess an understanding of and sensitivity to community level development processes and that no more than 5 members of the Board be of any one political party.

Subsec. (q). Pub. L. 102–138, § 173(c), amended subsec. (q) generally. Prior to amendment, subsec. (q) read as follows: “The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.”

Subsec. (s)(2). Pub. L. 102–138, § 173(a), amended first sentence generally, substituting present provisions for provisions authorizing appropriations of \$16,932,000 for fiscal year 1990 and \$25,000,000 for fiscal year 1991.

Subsecs. (v), (w). Pub. L. 102–138, § 173(d), added subsecs. (v) and (w).

1990—Subsec. (s)(2). Pub. L. 101–246 amended first sentence generally, substituting “\$16,932,000 for the fiscal year 1990 and \$25,000,000 for the fiscal year 1991” for “\$11,969,000 for fiscal year 1986 and \$12,969,000 for fiscal year 1987 (not less than \$1,000,000 of which shall be for Haiti)”.

1986—Subsec. (g). Pub. L. 99–529, § 403(a), substituted “nine members” for “seven members” and “Six members” for “Four members”.

Subsec. (s)(2). Pub. L. 99–529, § 202(e), substituted “\$12,969,000 for fiscal year 1987 (not less than \$1,000,000 of which shall be for Haiti)” for “\$11,969,000 for fiscal year 1987”.

1985—Subsec. (s)(2). Pub. L. 99–83 substituted provisions authorizing appropriations of \$11,969,000 for each of fiscal years 1986 and 1987, for provisions authorizing appropriations of \$16,000,000 for each of fiscal years 1984 and 1985.

1983—Subsec. (s)(2). Pub. L. 98–164 substituted “\$16,000,000 for the fiscal year 1984 and \$16,000,000 for the fiscal year 1985” for “\$12,000,000 for the fiscal year 1982 and \$12,800,000 for the fiscal year 1983”.

1982—Subsec. (h). Pub. L. 97–241, § 501(b), substituted “travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5” for “actual and necessary expenses not in excess of \$50 per day, and for transportation expenses”.

Subsec. (s)(2). Pub. L. 97–241, § 501(a), substituted “\$12,000,000 for the fiscal year 1982 and \$12,800,000 for the fiscal year 1983” for “\$25,000,000 for each of the fiscal years 1979 and 1980”.

Subsec. (u). Pub. L. 97–241, § 501(c), added subsec. (u).

1977—Subsec. (s). Pub. L. 95–105 designated existing provisions as par. (1) and added par. (2).

1972—Pub. L. 92–226, § 406(3), substituted “Foundation” for “Institute” wherever appearing in subsecs. (b) to (g), (i), (j) to (r), and (t).

Subsec. (a). Pub. L. 92–226, § 406(2), substituted “Inter-American Foundation” and “Foundation” for “Inter-American Social Development Institute” and “Institute”.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 8, 2008 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Subsec. (e)(4). Pub. L. 92–226, § 406(4), inserted “, including expenses for representation (not to exceed \$10,000 in any fiscal year),”.

Subsec. (l). Pub. L. 92–226, § 406(5), designated existing provisions as par. (1), substituted “Foundation” for “Institute” and “President” for “Executive Director” in two places, and added par. (2).

### **Effective Date of 1986 Amendment**

Section 403(b) of Pub. L. 99–529 provided that: “The amendments made by subsection (a) [amending this section] shall take effect 120 days after the date of enactment of this Act [Oct. 24, 1986].”

### **Effective Date of 1985 Amendment**

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of this title.

### **Short Title**

Part IV of Pub. L. 91–175, Dec. 30, 1969, 83 Stat. 821, as amended by Pub. L. 92–226, pt. IV, § 406(1), Feb. 7, 1972, 86 Stat. 34, which enacted this section, designated as the “Inter-American Foundation Act”.

### **Abolition of Inter-American Foundation**

Pub. L. 106–113, div. B, § 1000(a)(2) [title V, § 586], Nov. 29, 1999, 113 Stat. 1535, 1501A–117, as amended by Pub. L. 106–429, § 101(a) [title V, § 591], Nov. 6, 2000, 114 Stat. 1900, 1900A–59, authorized the President, during fiscal years 2000 and 2001, to abolish the Inter-American Foundation, provided for the termination and transfer of functions of the Foundation, disposition of funds, and responsibilities and authorities of the Director of the Office of Management and Budget to take actions necessary to wind-up the affairs of the Foundation, required the Director to certify to Congress the discharge of the Director’s responsibilities, directed the repeal of sections 290f and 2182a (d) of this title and the amendment of section 290h of this title and section 36 of Pub. L. 93–189 (22 U.S.C. 1942 note ), effective on the date of transmittal to Congress of the Director’s certification, and provided that section 1000 (a)(2) [title V, § 586] of Pub. L. 106–113 would only be effective upon the effective date of the abolition of the Foundation. The President did not exercise his authority to abolish the Inter-American Foundation during fiscal years 2000 and 2001.

### **Transition Rule for Board Appointments**

Section 173(b)(2) of Pub. L. 102–138 provided that: “The requirements established by the amendment made by paragraph (1) [amending this section] do not affect appointments made to the Board of the Inter-American Foundation before the date of enactment of this Act [Oct. 28, 1991].”