§ 4412. Board of Trustees

(a) Composition

(1) The Board of Trustees of the Institute shall be composed of 13 voting members and 6 nonvoting members as follows:

(A) Subject to the provisions of subsection (i) of this section, the voting members shall be appointed by the President of the United States by and with the advice and consent of the Senate, not later than 180 days after October 17, 1986, from among individuals from private life who are Indians, or other individuals, widely recognized in the field of Indian art and culture and who represent diverse political views, and diverse fields of expertise, including finance, law, fine arts, and higher education administration.

(B) The nonvoting members shall consist of—

(i) 2 Members of the House of Representatives appointed by the Speaker of the House of Representatives in consultation with the Minority Leader of the House of Representatives;  
(ii) 2 Members of the Senate appointed by the President pro tempore of the Senate, upon the recommendation of the Majority Leader and the Minority Leader of the Senate;  
(iii) the President of the Institute, ex officio; and  
(iv) the president of the student body of the Institute, ex officio.

(2) In making appointments pursuant to paragraph (1)(A), the President of the United States shall—

(A) consult with the Indian tribes and the various organizations of Indians;  
(B) publish in the Federal Register an announcement of the expiration of terms no less than 4 months before such expiration;  
(C) solicit nominations from Indian tribes and various Indian organizations to fill the vacancies;  
(D) give due consideration to the appointment of individuals who will provide appropriate regional and tribal representation on the Board; and  
(E) ensure that a majority of the Board appointed under paragraph (1)(A) are Indians.

(3) The President shall carry out the activities described in subparagraphs (B) and (C) of paragraph (2) through the Board. The Board may make recommendations based upon the nominations received, may make recommendations of its own, and may review and make comments to the President or the President’s appointed staff on individuals being considered by the President for whom no nominations have been received.

(4) Members of Congress appointed under this section, or their designees, shall be entitled to attend all meetings of the Board and to provide advice to the Board on any matter relating to the Institute.

(b) Terms of office

(1) Except as otherwise provided in this section, members shall be appointed for terms of office of 6 years.

(2) The terms of office on the Board for the Members of the House of Representatives and of the Senate shall expire at the end of the congressional term of office during which such Member or Senator was appointed to the Board.

(3) Of the members of the Board first appointed under subsection (a)(1)(A) of this section—

(A) 4 shall be appointed for terms of office of 2 years;
(B) 4 shall be appointed for terms of office of 4 years; and
(C) 5 shall be appointed for terms of office of 6 years,
as determined by the drawing of lots during the first meeting of the Board.

(4) No member of the Board appointed under subsection (a)(1)(A) of this section shall be eligible
to serve in excess of 2 consecutive terms, but may continue to serve until such member’s successor
is appointed.

(c) Vacancies
Any member of the Board appointed under subsection (a) of this section to fill a vacancy occurring
before the expiration of the term to which such member’s predecessor was appointed shall be appointed
for the remainder of such term. If the vacancy occurs prior to the expiration of the term of a member
of the Board appointed under subsection (a)(1)(B) of this section, a replacement shall be appointed in
the same manner in which the original appointment was made.

(d) Removal
No member of the Board may be removed during the term of office of such member except for just
and sufficient cause.

(e) Chairman and Vice Chairman
The President of the United States shall designate the initial Chairman and Vice Chairman of the Board
from among the members of the Board appointed pursuant to subsection (a)(1)(A) of this section. Such Chairman and Vice Chairman so designated shall serve for 12 calendar months. Thereafter,
the Chairman and Vice Chairman shall be elected from among the members of the Board appointed
pursuant to subsection (a)(1)(A) of this section and shall serve for terms of 2 years. In the case of a
vacancy in the office of Chairman or Vice Chairman, such vacancy shall be filled by the members of the
Board appointed pursuant to subsection (a)(1)(A) of this section, and the member filling such vacancy
shall serve for the remainder of the unexpired term.

(f) Quorum
Unless otherwise provided by the bylaws of the Institute, a majority of the members appointed under
subsection (a)(1)(A) of this section shall constitute a quorum.

(g) Powers
The Board is authorized—

(1) to formulate the policy of the Institute;
(2) to direct the management of the Institute; and
(3) to make such bylaws and rules as it deems necessary for the administration of its functions
under this chapter, including the organization and procedures of the Board.

(h) Compensation
Members of the Board appointed pursuant to subsection (a)(1)(A) of this section shall, for each day they
are engaged in the performance of the duties under this chapter, receive compensation at the rate of $125
per day, including traveltime. All members of the Board, while so serving away from their homes or
regular places of business, shall be allowed travel expenses (including per diem in lieu of subsistence),
as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(i) Appointment exception for continuity
(1) In order to maintain the stability and continuity of the Board, the Board shall have the power to
recommend the continuation of members on the Board pursuant to the provisions of this subsection.
When the Board makes such a recommendation, the Chairman of the Board shall transmit the
recommendation to the President no later than 75 days prior to the expiration of the term of the
member.
(2) If the President has not transmitted to the Senate a nomination to fill the position of a member covered by such a recommendation within 60 days from the date that the member’s term expires, the member shall be deemed to have been reappointed for another full term to the Board, with all the appropriate rights and responsibilities.

(3) This subsection shall not be construed to permit less than 7 members of the Board to be Indians. If an extension of a term under paragraph (2) would result in less than 7 members being Indians, the term of the member covered by paragraph (2) shall be deemed to expire 60 days after the date upon which it would have been deemed to expire without the operation of this subsection, except that the provisions of subsection (b)(4) of this section, relating to continuation of service pending replacement, shall continue to apply.


Amendments

1992—Subsec. (a)(1)(A). Pub. L. 102–325, § 1331(a)(1), substituted “Subject to the provisions of subsection (i) of this section, the voting” for “The voting” and inserted before period at end “, and diverse fields of expertise, including finance, law, fine arts, and higher education administration”.

Subsec. (a)(3), (4). Pub. L. 102–325, § 1331(a)(2), (3), added par. (3) and redesignated former par. (3) as (4).

Subsec. (i). Pub. L. 102–325, § 1331(a)(4), added subsec. (i) and struck out former subsec. (i) which read as follows: “(i) Review by Secretary of the Interior.—For so long as any employee of the Institute is covered under title 5, the Board (acting by majority vote) shall submit final decisions relating to personnel to the Secretary of the Interior. Each such decision shall become final 30 days after the date of its receipt by the Secretary unless the Secretary disapproves of such decision. The Secretary may only disapprove a decision of the Board for just cause.”

Effective Date of 1992 Amendment


Delegation of Authority

Memorandum of President of the United States, Feb. 22, 1991, 56 F.R. 8099, provided:

Memorandum for the Chairman of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development

By the authority vested in me as President of the United States by section 301 of Title 3 of the United States Code, I hereby delegate to the Chairman of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development the responsibility under section 1505(a)(2)(B) of P.L. 99–498 (20 U.S.C. 4412 (a)(2)(B)) to publish in the Federal Register an announcement of the expiration of the terms of the presidentially appointed members of the Board of Trustees of the Institute of American Indian and Alaska 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.