

REFERENCES IN TEXT

Section 314 of Pub. L. 101-512, referred to in subsec. (a), is section 314 of Pub. L. 101-512, as amended, which is set out as a note under section 450f of this title.

§ 458aaa-16. Regulations**(a) In general****(1) Promulgation**

Not later than 90 days after August 18, 2000, the Secretary shall initiate procedures under subchapter III of chapter 5 of title 5 to negotiate and promulgate such regulations as are necessary to carry out this part.

(2) Publication of proposed regulations

Proposed regulations to implement this part shall be published in the Federal Register by the Secretary no later than 1 year after August 18, 2000.

(3) Expiration of authority

The authority to promulgate regulations under paragraph (1) shall expire 21 months after August 18, 2000.

(b) Committee**(1) In general**

A negotiated rulemaking committee established pursuant to section 565 of title 5 to carry out this section shall have as its members only Federal and tribal government representatives, a majority of whom shall be nominated by and be representatives of Indian tribes with funding agreements under this subchapter.

(2) Requirements

The committee shall confer with, and accommodate participation by, representatives of Indian tribes, inter-tribal consortia, tribal organizations, and individual tribal members.

(c) Adaptation of procedures

The Secretary shall adapt the negotiated rulemaking procedures to the unique context of self-governance and the government-to-government relationship between the United States and Indian tribes.

(d) Effect

The lack of promulgated regulations shall not limit the effect of this part.

(e) Effect of circulars, policies, manuals, guidances, and rules

Unless expressly agreed to by the participating Indian tribe in the compact or funding agreement, the participating Indian tribe shall not be subject to any agency circular, policy, manual, guidance, or rule adopted by the Indian Health Service, except for the eligibility provisions of section 450j(g) of this title and regulations promulgated under this section.

(Pub. L. 93-638, title V, §517, as added Pub. L. 106-260, §4, Aug. 18, 2000, 114 Stat. 730.)

§ 458aaa-17. Appeals

In any appeal (including civil actions) involving decisions made by the Secretary under this part, the Secretary shall have the burden of proof of demonstrating by clear and convincing evidence—

(1) the validity of the grounds for the decision made; and

(2) that the decision is fully consistent with provisions and policies of this part.

(Pub. L. 93-638, title V, §518, as added Pub. L. 106-260, §4, Aug. 18, 2000, 114 Stat. 730.)

§ 458aaa-18. Authorization of appropriations**(a) In general**

There are authorized to be appropriated such sums as may be necessary to carry out this part.

(b) Availability of appropriations

Notwithstanding any other provision of this subchapter, the provision of funds under this subchapter shall be subject to the availability of appropriations and the Secretary is not required to reduce funding for programs, projects, or activities serving a tribe in order to make funds available to another tribe or tribal organization under this subchapter.

(Pub. L. 93-638, title V, §519, as added Pub. L. 106-260, §4, Aug. 18, 2000, 114 Stat. 731.)

PART F—TRANSFERRED

CODIFICATION

This part was formerly comprised of title V of Pub. L. 93-638, as added by Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2936, which was redesignated title VIII by Pub. L. 111-211, title II, §231(d)(1), July 29, 2010, 124 Stat. 2278, and transferred to part H (§458ddd et seq.) of this subchapter. Title V of Pub. L. 93-638, as added by Pub. L. 106-260, §4, Aug. 18, 2000, 114 Stat. 712, is classified to part E (§458aaa et seq.) of this subchapter.

§ 458bbb to 458bbb-2. Transferred

CODIFICATION

Section 458bbb, Pub. L. 93-638, 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, was renumbered section 801 of Pub. L. 93-638 and transferred to section 458ddd of this title.

Section 458bbb-1, Pub. L. 93-638, title V, §502, as added Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2938, was renumbered section 802 of Pub. L. 93-638 and transferred to section 458ddd-1 of this title.

Section 458bbb-2, Pub. L. 93-638, title V, §503, as added Pub. L. 106-568, title XIII, §1302, Dec. 27, 2000, 114 Stat. 2938, was renumbered section 803 of Pub. L. 93-638 and transferred to section 458ddd-2 of this title.

PART G—INDIAN LAW ENFORCEMENT

FOUNDATION

§ 458ccc. Definitions

In this part:

(1) Board

The term “Board” means the Board of Directors of the Foundation.

(2) Bureau

The term “Bureau” means the Office of Justice Services of the Bureau of Indian Affairs.

(3) Committee

The term “Committee” means the Committee for the Establishment of the Indian Law Enforcement Foundation established under section 458ccc-1(e)(1) of this title.

(4) Foundation

The term “Foundation” means the Indian Law Enforcement Foundation established under section 458ccc-1 of this title.

(5) Secretary

The term “Secretary” means the Secretary of the Interior.

(Pub. L. 93-638, title VII, §701, as added Pub. L. 111-211, title II, §231(c), July 29, 2010, 124 Stat. 2274.)

§ 458ccc-1. Indian Law Enforcement Foundation**(a) Establishment****(1) In general**

As soon as practicable after July 29, 2010, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this part, a foundation, to be known as the “Indian Law Enforcement Foundation”.

(2) Funding determinations

No funds, gift, property, or other item of value (including any interest accrued on such an item) acquired by the Foundation shall—

(A) be taken into consideration for purposes of determining Federal appropriations relating to the provision of public safety or justice services to Indians; or

(B) otherwise limit, diminish, or affect the Federal responsibility for the provision of public safety or justice services to Indians.

(b) Nature of corporation

The Foundation—

(1) shall be a charitable and nonprofit federally chartered corporation; and

(2) shall not be an agency or instrumentality of the United States.

(c) Place of incorporation and domicile

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

(d) Duties

The Foundation shall—

(1) encourage, accept, and administer, in accordance with the terms of each donation, private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, public safety and justice services in American Indian and Alaska Native communities; and

(2) assist the Office of Justice Services of the Bureau of Indian Affairs and Indian tribal governments in funding and conducting activities and providing education to advance and support the provision of public safety and justice services in American Indian and Alaska Native communities.

(e) Committee for the Establishment of the Indian Law Enforcement Foundation**(1) In general**

The Secretary shall establish a committee, to be known as the “Committee for the Establishment of the Indian Law Enforcement Foundation”, to assist the Secretary in establishing the Foundation.

(2) Duties

Not later than 180 days after July 29, 2010, the Committee shall—

(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the date on which the Board is established;

(C) establish the constitution and initial bylaws of the Foundation;

(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

(f) Board of Directors**(1) In general**

The Board of Directors shall be the governing body of the Foundation.

(2) Powers

The Board may exercise, or provide for the exercise of, the powers of the Foundation.

(3) Selection**(A) In general**

Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

(B) Requirements**(i) Number of members**

The Board shall be composed of not less than 7 members.

(ii) Initial voting members

The initial voting members of the Board—

(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

(II) shall serve for staggered terms.

(iii) Qualification

The members of the Board shall be United States citizens with knowledge or experience regarding public safety and justice in Indian and Alaska Native communities.

(C) Compensation

A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

(g) Officers**(1) In general**

The officers of the Foundation shall be—

(A) a Secretary, elected from among the members of the Board; and

(B) any other officers provided for in the constitution and bylaws of the Foundation.