

nominated by and be representatives of Indian tribes with funding agreements under this chapter.

(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 rule-making 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 subchapter.

(e) Effect of circulars, policies, manuals, guidelines, 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 5324(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.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), 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 chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 458aaa-16 of this title prior to editorial reclassification and renumbering as this section.

§ 5398. Appeals

In any appeal (including civil actions) involving decisions made by the Secretary under this subchapter, 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 subchapter.

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

CODIFICATION

Section was formerly classified to section 458aaa-17 of this title prior to editorial reclassification and renumbering as this section.

§ 5399. Authorization of appropriations

(a) In general

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

(b) Availability of appropriations

Notwithstanding any other provision of this chapter, the provision of funds under this chap-

ter 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 chapter.

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

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), 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 chapter. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 458aaa-18 of this title prior to editorial reclassification and renumbering as this section.

SUBCHAPTER VI—INDIAN LAW ENFORCEMENT FOUNDATION

§ 5411. Definitions

In this subchapter:

(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 5412(e)(1) of this title.

(4) Foundation

The term "Foundation" means the Indian Law Enforcement Foundation established under section 5412 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.)

CODIFICATION

Section was formerly classified to section 458ccc of this title prior to editorial reclassification and renumbering as this section.

§ 5412. 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 subchapter, 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—