

Editorial Notes

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.)

Editorial Notes

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 chapter 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.)

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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.)

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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—

- (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