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.