

comments and recommendations of the Indian tribes and tribal organizations, to the Secretary, the Committee on Indian Affairs of the Senate, and the Subcommittee on Native American Affairs of the Committee on Natural Resources of the House of Representatives.

(Pub. L. 103-176, title I, §102, Dec. 3, 1993, 107 Stat. 2006.)

CHANGE OF NAME

Subcommittee on Native American Affairs changed to Subcommittee on Native American and Insular Affairs.

§ 3613. Base support funding for tribal justice systems

(a) In general

Pursuant to the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.], the Secretary is authorized (to the extent provided in advance in appropriations Acts) to enter into contracts, grants, or agreements with Indian tribes for the performance of any function of the Office and for the development, enhancement, and continuing operation of tribal justice systems and traditional tribal judicial practices by Indian tribal governments.

(b) Purposes for which financial assistance may be used

Financial assistance provided through contracts, grants, or agreements entered into pursuant to this section may be used for—

- (1) planning for the development, enhancement, and operation of tribal justice systems;
- (2) the employment of tribal court personnel, including tribal court judges, prosecutors, public defenders, appointed defense counsel, guardians ad litem, and court-appointed special advocates for children and juveniles;
- (3) training programs and continuing education for tribal judicial personnel;
- (4) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (5) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (6) the development and operation of records management systems;
- (7) the construction or renovation of facilities for tribal justice systems;
- (8) membership and related expenses for participation in national and regional organizations of tribal justice systems and other professional organizations; and
- (9) the development and operation of other innovative and culturally relevant programs and projects, including (but not limited to) programs and projects for—

- (A) alternative dispute resolution;
- (B) tribal victims assistance or victims services;
- (C) tribal probation services or diversion programs;
- (D) juvenile services and multidisciplinary investigations of child abuse; and
- (E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(c) Formula

(1) Not later than 180 days after December 3, 1993, the Secretary, with the full participation of Indian tribes, shall establish and promulgate by regulation, a formula which establishes base support funding for tribal justice systems in carrying out this section.

(2) The Secretary shall assess caseload and staffing needs for tribal justice systems that take into account unique geographic and demographic conditions. In the assessment of these needs, the Secretary shall work cooperatively with Indian tribes and tribal organizations and shall refer to any data developed as a result of the surveys conducted pursuant to section 3612 of this title and to relevant assessment standards developed by the Judicial Conference of the United States, the National Center for State Courts, the American Bar Association, and appropriate State bar associations.

(3) Factors to be considered in the development of the base support funding formula shall include, but are not limited to—

- (A) the caseload and staffing needs identified under paragraph (2);
- (B) the geographic area and population to be served;
- (C) the volume and complexity of the caseloads;
- (D) the projected number of cases per month;
- (E) the projected number of persons receiving probation services or participating in diversion programs; and
- (F) any special circumstances warranting additional financial assistance.

(4) In developing and administering the formula for base support funding for the tribal judicial systems under this section, the Secretary shall ensure equitable distribution of funds.

(Pub. L. 103-176, title I, §103, Dec. 3, 1993, 107 Stat. 2007; Pub. L. 111-211, title II, §242(a)(1), July 29, 2010, 124 Stat. 2292.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in subsec. (a), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§450 et seq.) of chapter 14 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 450 of this title and Tables.

AMENDMENTS

2010—Subsec. (b)(2). Pub. L. 111-211 added par. (2) and struck out former par. (2) which read as follows: “the employment of judicial personnel;”.

§ 3614. Tribal judicial conferences

The Secretary is authorized to provide funds to tribal judicial conferences, under section 3611 of this title, pursuant to contracts entered into under the authority of the Indian Self-Determination and Education Assistance Act [25 U.S.C. 450 et seq.] for the development, enhancement, and continuing operation of tribal justice systems of Indian tribes which are members of such conference. Funds provided under this section may be used for—

- (1) the employment of judges, magistrates, court counselors, court clerks, court administrators, bailiffs, probation officers, officers of the court, or dispute resolution facilitators;