

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. 5301 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;
- (2) the development, revision, and publication of tribal codes, rules of practice, rules of procedure, and standards of judicial performance and conduct;
- (3) the acquisition, development, and maintenance of a law library and computer assisted legal research capacities;
- (4) training programs and continuing education for tribal judicial personnel;
- (5) the development and operation of records management systems;
- (6) planning for the development, enhancement, and operation of tribal justice systems; and
- (7) 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 justice systems, and traditional methods of dispute resolution.

(Pub. L. 103-176, title I, §104, Dec. 3, 1993, 107 Stat. 2008.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in text, is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, which is classified principally to chapter 46 (§5301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of this title and Tables.

SUBCHAPTER II—AUTHORIZATIONS OF APPROPRIATIONS

§ 3621. Tribal justice systems**(a) Office**

There is authorized to be appropriated to carry out sections 3611 and 3612 of this title, \$7,000,000 for each of fiscal years 2011 through 2015. None of the funds provided under this subsection may be used for the administrative expenses of the Office.

(b) Base support funding for tribal justice systems

There is authorized to be appropriated to carry out section 3613 of this title, \$50,000,000 for each of fiscal years 2011 through 2015.

(c) Administrative expenses for Office

There is authorized to be appropriated, for the administrative expenses of the Office, \$500,000 for each of fiscal years 2011 through 2015.

(d) Administrative expenses for tribal judicial conferences

There is authorized to be appropriated, for the administrative expenses of tribal judicial conferences, \$500,000 for each of fiscal years 2011 through 2015.

(e) Survey

For carrying out the survey under section 3612 of this title, there is authorized to be appropriated, in addition to the amount authorized under subsection (a) of this section, \$400,000.

(f) Indian priority system

Funds appropriated pursuant to the authorizations provided by this section and available for a tribal justice system shall not be subject to the Indian priority system. Nothing in this chapter shall preclude a tribal government from supplementing any funds received under this chapter with funds received from any other source including the Bureau or any other Federal agency.

(g) Allocation of funds

In allocating funds appropriated pursuant to the authorization contained in subsection (a) among the Bureau, Office, tribal governments and Courts of Indian Offenses, the Secretary shall take such actions as may be necessary to ensure that such allocation is carried out in a manner that is fair and equitable to all tribal governments and is proportionate to base support funding under section 3613 of this title received by the Bureau, Office, tribal governments, and Courts of Indian Offenses.

(h) No offset

No Federal agency shall offset funds made available pursuant to this chapter for tribal justice systems against other funds otherwise available for use in connection with tribal justice systems.

(Pub. L. 103-176, title II, §201, Dec. 3, 1993, 107 Stat. 2009; Pub. L. 106-559, title II, §202, Dec. 21, 2000, 114 Stat. 2782; Pub. L. 111-211, title II, §242(a)(2), July 29, 2010, 124 Stat. 2292.)

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-211, §242(a)(2)(A), substituted “sections 3611 and 3612 of this title” for “the provisions of sections 3611 and 3612 of this title” and “fiscal years 2011 through 2015” for “the fiscal years 2000 through 2007”.

Subsec. (b). Pub. L. 111-211, §242(a)(2)(B), substituted “section 3613 of this title” for “the provisions of section 3613 of this title” and “fiscal years 2011 through 2015” for “the fiscal years 2000 through 2007”.

Subsecs. (c), (d). Pub. L. 111-211, §242(a)(2)(C), (D), substituted “fiscal years 2011 through 2015” for “the fiscal years 2000 through 2007”.

2000—Subsecs. (a) to (d). Pub. L. 106-559 substituted “2000 through 2007” for “1994, 1995, 1996, 1997, 1998, 1999, and 2000”.

SUBCHAPTER III—DISCLAIMERS

§ 3631. Tribal authority

Nothing in this chapter shall be construed to—

- (1) encroach upon or diminish in any way the inherent sovereign authority of each tribal government to determine the role of the tribal justice system within the tribal government or to enact and enforce tribal laws;
- (2) diminish in any way the authority of tribal governments to appoint personnel;
- (3) impair the rights of each tribal government to determine the nature of its own legal system or the appointment of authority within the tribal government;
- (4) alter in any way any tribal traditional dispute resolution forum;
- (5) imply that any tribal justice system is an instrumentality of the United States; or
- (6) diminish the trust responsibility of the United States to Indian tribal governments and tribal justice systems of such governments.

(Pub. L. 103-176, title III, §301, Dec. 3, 1993, 107 Stat. 2009.)

CHAPTER 38A—INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE

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- 3651. Findings.
- 3652. Purposes.
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SUBCHAPTER I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

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SUBCHAPTER II—INDIAN TRIBAL COURTS

- 3681. Grants.
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§ 3651. Findings

The Congress finds and declares that—

- (1) there is a government-to-government relationship between the United States and Indian tribes;
- (2) Indian tribes are sovereign entities and are responsible for exercising governmental authority over Indian lands;
- (3) the rate of violent crime committed in Indian country is approximately twice the rate of violent crime committed in the United States as a whole;
- (4) in any community, a high rate of violent crime is a major obstacle to investment, job creation and economic growth;
- (5) tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring the health and safety and the political integrity of tribal governments;
- (6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the most appropriate forums for the adjudica-

tion of disputes affecting personal and property rights on Native lands;

- (7) enhancing tribal court systems and improving access to those systems serves the dual Federal goals of tribal political self-determination and economic self-sufficiency;
- (8) there is both inadequate funding and an inadequate coordinating mechanism to meet the technical and legal assistance needs of tribal justice systems and this lack of adequate technical and legal assistance funding impairs their operation;
- (9) tribal court membership organizations have served a critical role in providing training and technical assistance for development and enhancement of tribal justice systems;
- (10) Indian legal services programs, as funded partially through the Legal Services Corporation, have an established record of providing cost effective legal assistance to Indian people in tribal court forums, and also contribute significantly to the development of tribal courts and tribal jurisprudence; and
- (11) the provision of adequate technical assistance to tribal courts and legal assistance to both individuals and tribal courts is an essential element in the development of strong tribal court systems.

(Pub. L. 106-559, §2, Dec. 21, 2000, 114 Stat. 2778.)

SHORT TITLE

Pub. L. 106-559, §1, Dec. 21, 2000, 114 Stat. 2778, provided that: "This Act [enacting this chapter and amending section 3621 of this title and sections 1629e and 1629g of Title 43, Public Lands] may be cited as the 'Indian Tribal Justice Technical and Legal Assistance Act of 2000'."

AVAILABILITY OF FUNDS FOR COURTS OR LAW ENFORCEMENT OFFICERS OF CERTAIN TRIBES OR VILLAGES

Pub. L. 108-199, div. B, title I, §112(a)(1), Jan. 23, 2004, 118 Stat. 62, which prohibited use of funds provided in div. B of Pub. L. 108-199 or on or after Jan. 23, 2004, for courts or law enforcement officers for a tribe or village in which fewer than 25 Native members live in the village year round or that is located within certain areas, was repealed by Pub. L. 111-211, title II, §247(e)(1), July 29, 2010, 124 Stat. 2297.

§ 3652. Purposes

The purposes of this chapter are as follows:

- (1) to carry out the responsibility of the United States to Indian tribes and members of Indian tribes by ensuring access to quality technical and legal assistance.
- (2) To strengthen and improve the capacity of tribal court systems that address civil and criminal causes of action under the jurisdiction of Indian tribes.
- (3) To strengthen tribal governments and the economies of Indian tribes through the enhancement and, where appropriate, development of tribal court systems for the administration of justice in Indian country by providing technical and legal assistance services.
- (4) To encourage collaborative efforts between national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems; non-profit entities which provide legal assistance services for Indian tribes, members of Indian tribes, and/or tribal justice systems.