

- (4) the facilities, including detention facilities, and program resources available;
- (5) funding levels and personnel staffing requirements for the tribal justice system; and
- (6) the training and technical assistance needs of the tribal justice system.

**(c) Consultation with Indian tribes**

The non-Federal entity shall actively consult with Indian tribes and tribal organizations in the development and conduct of the surveys, including updates thereof, under this section. Indian tribes and tribal organizations shall have the opportunity to review and make recommendations regarding the findings of the survey, including updates thereof, prior to final publication of the survey or any update thereof. After Indian tribes and tribal organizations have reviewed and commented on the results of the survey, or any update thereof, the non-Federal entity shall report its findings, together with the 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.)

**Editorial Notes**

CHANGE OF NAME

Subcommittee on Native American Affairs changed to Subcommittee for Indigenous Peoples of the United States.

**§ 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. 5301 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.)

**Editorial Notes**

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, 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.

#### 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.)

#### Editorial Notes

##### 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.)

#### Editorial Notes

##### 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 sec-