

(8) Tribal justice system

The term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribal authority whether or not they constitute a court of record.

(Pub. L. 106-559, §4, Dec. 21, 2000, 114 Stat. 2779; Pub. L. 111-211, title II, §214(a)(1), July 29, 2010, 124 Stat. 2270.)

Editorial Notes

AMENDMENTS

2010—Pars. (2) to (8). Pub. L. 111-211 added par. (2) and redesignated former pars. (2) to (7) as (3) to (8), respectively.

SUBCHAPTER I—TRAINING AND TECHNICAL ASSISTANCE, CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

§ 3661. Tribal justice training and technical assistance grants

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to national or regional membership organizations and associations whose membership consists of judicial system personnel within tribal justice systems which submit an application to the Attorney General in such form and manner as the Attorney General may prescribe to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems, or other purposes consistent with this chapter.

(Pub. L. 106-559, title I, §101, Dec. 21, 2000, 114 Stat. 2780.)

§ 3662. Tribal civil legal assistance grants

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined under section 501(c)(3) of title 26, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of civil legal assistance (including guardians ad litem and court-appointed special advocates for children and juveniles) to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this chapter.

(Pub. L. 106-559, title I, §102, Dec. 21, 2000, 114 Stat. 2780; Pub. L. 111-211, title II, §242(b)(1), July 29, 2010, 124 Stat. 2292.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-211 inserted “(including guardians ad litem and court-appointed special advocates for children and juveniles)” after “civil legal assistance”.

§ 3663. Tribal criminal assistance grants

Subject to the availability of appropriations, the Attorney General, in consultation with the Office of Tribal Justice, shall award grants to non-profit entities, as defined by section 501(c)(3) of title 26, which provide legal assistance services for Indian tribes, members of Indian tribes, or tribal justice systems pursuant to Federal poverty guidelines that submit an application to the Attorney General in such form and manner as the Attorney General may prescribe for the provision of defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts, and/or other purposes consistent with this chapter. Funding under this subchapter may apply to programs, procedures, or proceedings involving adult criminal actions, juvenile delinquency actions, and/or guardian-ad-litem appointments arising out of criminal or delinquency acts.

(Pub. L. 106-559, title I, §103, Dec. 21, 2000, 114 Stat. 2780; Pub. L. 111-211, title II, §242(b)(2), July 29, 2010, 124 Stat. 2292.)

Editorial Notes

AMENDMENTS

2010—Pub. L. 111-211 substituted “defense counsel services to all defendants in tribal court criminal proceedings and prosecution and judicial services for tribal courts” for “criminal legal assistance to members of Indian tribes and tribal justice systems”.

§ 3664. No offset

No Federal agency shall offset funds made available pursuant to this chapter for Indian tribal court membership organizations or Indian legal services organizations against other funds otherwise available for use in connection with technical or legal assistance to tribal justice systems or members of Indian tribes.

(Pub. L. 106-559, title I, §104, Dec. 21, 2000, 114 Stat. 2781.)

§ 3665. 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 fora;
- (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. 106-559, title I, §105, Dec. 21, 2000, 114 Stat. 2781.)