

(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.)

§ 3665a. Office of Tribal Justice**(a) In general**

Not later than 90 days after July 29, 2010, the Attorney General shall establish the Office of Tribal Justice as a component of the Department.

(b) Personnel and funding

The Attorney General shall provide to the Office of Tribal Justice such personnel and funds as are necessary to establish the Office of Tribal Justice as a component of the Department under subsection (a).

(c) Duties

The Office of Tribal Justice shall—

(1) serve as the program and legal policy advisor to the Attorney General with respect to the treaty and trust relationship between the United States and Indian tribes;

(2) serve as the point of contact for federally recognized tribal governments and tribal organizations with respect to questions and comments regarding policies and programs of the Department and issues relating to public safety and justice in Indian country; and

(3) coordinate with other bureaus, agencies, offices, and divisions within the Department of Justice to ensure that each component has an accountable process to ensure meaningful and timely consultation with tribal leaders in the development of regulatory policies and other actions that affect—

(A) the trust responsibility of the United States to Indian tribes;

(B) any tribal treaty provision;

(C) the status of Indian tribes as sovereign governments; or

(D) any other tribal interest.

(Pub. L. 106-559, title I, §106, as added Pub. L. 111-211, title II, §214(a)(2)(B), July 29, 2010, 124 Stat. 2270.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 106 of Pub. L. 106-559 was renumbered section 107 and is classified to section 3666 of this title.

§ 3666. Authorization of appropriations

For purposes of carrying out the activities under this subchapter, there are authorized to be appropriated such sums as are necessary for fiscal years 2011 through 2015.

(Pub. L. 106-559, title I, §107, formerly §106, Dec. 21, 2000, 114 Stat. 2781; renumbered §107 and amended Pub. L. 111-211, title II, §§214(a)(2)(A), 242(b)(3)(A), July 29, 2010, 124 Stat. 2270, 2292.)

Editorial Notes**AMENDMENTS**

2010—Pub. L. 111-211, §242(b)(3)(A), substituted “2011 through 2015” for “2000 through 2004”.

SUBCHAPTER II—INDIAN TRIBAL COURTS**§ 3681. Grants****(a) In general**

The Attorney General may award grants and provide technical assistance to Indian tribes to

enable such tribes to carry out programs to support—

(1) the development, enhancement, and continuing operation of tribal justice systems; and

(2) the development and implementation of—
(A) tribal codes and sentencing guidelines;
(B) inter-tribal courts and appellate systems;

(C) tribal probation services, diversion programs, and alternative sentencing provisions;

(D) tribal juvenile services and multi-disciplinary protocols for child physical and sexual abuse; and

(E) traditional tribal judicial practices, traditional tribal justice systems, and traditional methods of dispute resolution.

(b) Consultation

In carrying out this section, the Attorney General may consult with the Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) Regulations

The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this subchapter.

(d) Authorization of appropriations

For purposes of carrying out the activities under this section, there are authorized to be appropriated such sums as are necessary for fiscal years 2011 through 2015.

(Pub. L. 106-559, title II, §201, Dec. 21, 2000, 114 Stat. 2781; Pub. L. 111-211, title II, §242(b)(3)(B), July 29, 2010, 124 Stat. 2292.)

Editorial Notes**AMENDMENTS**

2010—Subsec. (d). Pub. L. 111-211 substituted “2011 through 2015” for “2000 through 2004”.

§ 3682. Assistant probation officers

To the maximum extent practicable, the chief judge or chief probation or pretrial services officer of each judicial district, in coordination with the Office of Tribal Justice and the Office of Justice Services, shall—

(1) appoint individuals residing in Indian country to serve as probation or pretrial services officers or assistants for purposes of monitoring and providing services to Federal prisoners residing in Indian country; and

(2) provide substance abuse, mental health, and other related treatment services to offenders residing on Indian land.

(Pub. L. 106-559, title II, §203, as added Pub. L. 111-211, title II, §245, July 29, 2010, 124 Stat. 2295.)

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