

## REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (j)(2), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

The General Schedule, referred to in subsec. (j)(2), is set out under section 5332 of Title 5.

## AMENDMENTS

1994—Subsec. (m)(1). Pub. L. 103-437 substituted “Committee on Indian” for “Select Committee on Indian” and “Natural Resources” for “Interior and Insular Affairs”.

## CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

### § 3506. Tribal government energy assistance program

#### (a) Financial assistance

The Secretary may grant financial assistance to Indian tribal governments, or private sector persons working in cooperation with Indian tribal governments, to carry out projects to evaluate the feasibility of, develop options for, and encourage the adoption of energy efficiency and renewable energy projects on Indian reservations. Such grants may include the costs of technical assistance in resource assessment, feasibility analysis, technology transfer, and the resolution of other technical, financial, or management issues identified by the applicants for such grants.

#### (b) Conditions

Any applicant for financial assistance under this section must evidence coordination and cooperation with, and support from, local educational institutions and the affected local energy institutions.

#### (c) Considerations

In determining the amount of financial assistance to be provided for a proposed project, the Secretary shall consider—

- (1) the extent of involvement of local educational institutions and local energy institutions;
- (2) the ease and costs of operation and maintenance of any project contemplated as a part of the project;
- (3) whether the measure will contribute significantly to the development, or the quality of the environment, of the affected Indian reservations; and
- (4) any other factors which the Secretary may determine to be relevant to a particular project.

#### (d) Cost-share

With the exception of grants awarded for the purpose of feasibility studies, the Secretary shall require at least 20 percent of the costs of any project under this section to be provided from non-Federal sources, unless the grant recipient is a for-profit private sector institution, in which case the Secretary shall require at least 50 percent of the costs of any project to be provided from non-Federal sources.

#### (e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary for the development and implementation of the program established by this section.

(Pub. L. 102-486, title XXVI, § 2606, Oct. 24, 1992, 106 Stat. 3118.)

## CHAPTER 38—INDIAN TRIBAL JUSTICE SUPPORT

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3612.	Survey of tribal judicial systems. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Local conditions.</li> <li>(c) Consultation with Indian tribes.</li> </ol>
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### SUBCHAPTER II—AUTHORIZATIONS OF APPROPRIATIONS

3621.	Tribal justice systems. <ol style="list-style-type: none"> <li>(a) Office.</li> <li>(b) Base support funding for tribal justice systems.</li> <li>(c) Administrative expenses for Office.</li> <li>(d) Administrative expenses for tribal judicial conferences.</li> <li>(e) Survey.</li> <li>(f) Indian priority system.</li> <li>(g) Allocation of funds.</li> <li>(h) No offset.</li> </ol>
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### SUBCHAPTER III—DISCLAIMERS

3631.	Tribal authority.
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### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3652 of this title.

### § 3601. Findings

The Congress finds and declares that—

- (1) there is a government-to-government relationship between the United States and each Indian tribe;
- (2) the United States has a trust responsibility to each tribal government that includes the protection of the sovereignty of each tribal government;
- (3) Congress, through statutes, treaties, and the exercise of administrative authorities, has recognized the self-determination, self-reliance, and inherent sovereignty of Indian tribes;
- (4) Indian tribes possess the inherent authority to establish their own form of government, including tribal justice systems;
- (5) tribal justice systems are an essential part of tribal governments and serve as impor-

tant forums for ensuring public health and safety and the political integrity of tribal governments;

(6) Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for the adjudication of disputes affecting personal and property rights;

(7) traditional tribal justice practices are essential to the maintenance of the culture and identity of Indian tribes and to the goals of this chapter;

(8) tribal justice systems are inadequately funded, and the lack of adequate funding impairs their operation; and

(9) tribal government involvement in and commitment to improving tribal justice systems is essential to the accomplishment of the goals of this chapter.

(Pub. L. 103-176, § 2, Dec. 3, 1993, 107 Stat. 2004.)

#### SHORT TITLE

Section 1 of Pub. L. 103-176 provided that: "This Act [enacting this chapter] may be cited as the 'Indian Tribal Justice Act.'"

### § 3602. Definitions

For purposes of this chapter:

(1) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) The term "Courts of Indian Offenses" means the courts established pursuant to part 11 of title 25, Code of Federal Regulations.

(3) The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice under its inherent authority or the authority of the United States and which is recognized as eligible for the special programs and services provided by the United States to Indian tribes because of their status as Indians.

(4) The term "judicial personnel" means any judge, magistrate, court counselor, court clerk, court administrator, bailiff, probation officer, officer of the court, dispute resolution facilitator, or other official, employee, or volunteer within the tribal justice system.

(5) The term "Office" means the Office of Tribal Justice Support within the Bureau of Indian Affairs.

(6) The term "Secretary" means the Secretary of the Interior.

(7) The term "tribal organization" means any organization defined in section 450b(l) of this title.

(8) The term "tribal justice system" means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal 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. 103-176, § 3, Dec. 3, 1993, 107 Stat. 2004.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2205 of this title.

## SUBCHAPTER I—TRIBAL JUSTICE SYSTEMS

### § 3611. Office of Tribal Justice Support

#### (a) Establishment

There is hereby established within the Bureau the Office of Tribal Justice Support. The purpose of the Office shall be to further the development, operation, and enhancement of tribal justice systems and Courts of Indian Offenses.

#### (b) Transfer of existing functions and personnel

All functions performed before December 3, 1993, by the Branch of Judicial Services of the Bureau and all personnel assigned to such Branch as of December 3, 1993, are hereby transferred to the Office of Tribal Justice Support. Any reference in any law, regulation, executive order, reorganization plan, or delegation of authority to the Branch of Judicial Services is deemed to be a reference to the Office of Tribal Justice Support.

#### (c) Functions

In addition to the functions transferred to the Office pursuant to subsection (b) of this section, the Office shall perform the following functions:

(1) Provide funds to Indian tribes and tribal organizations for the development, enhancement, and continuing operation of tribal justice systems.

(2) Provide technical assistance and training, including programs of continuing education and training for personnel of Courts of Indian Offenses.

(3) Study and conduct research concerning the operation of tribal justice systems.

(4) Promote cooperation and coordination among tribal justice systems and the Federal and State judiciary systems.

(5) Oversee the continuing operations of the Courts of Indian Offenses.

(6) Provide funds to Indian tribes and tribal organizations for the continuation and enhancement of traditional tribal judicial practices.

#### (d) No imposition of standards

Nothing in this chapter shall be deemed or construed to authorize the Office to impose justice standards on Indian tribes.

#### (e) Assistance to tribes

(1) The Office shall provide technical assistance and training to any Indian tribe or tribal organization upon request. Technical assistance and training shall include (but not be limited to) assistance for the development of—

(A) tribal codes and rules of procedure;

(B) tribal court administrative procedures and court records management systems;

(C) methods of reducing case delays;

(D) methods of alternative dispute resolution;

(E) tribal standards for judicial administration and conduct; and

(F) long-range plans for the enhancement of tribal justice systems.

(2) Technical assistance and training provided pursuant to paragraph (1) may be provided through direct services, by contract with independent entities, or through grants to Indian tribes or tribal organizations.