CONGRESSIONAL RECORD—SENATE 30885

SEC. 205. CONSTRUCTION OF MEMORIAL.

(a) GRANT.—

(1) IN GENERAL.—The Secretary may award a grant to the State of New Mexico to provide up to 50 percent of the total cost of construction of the Memorial.

(2) NON-FEDERAL SHARE.—The non-Federal share of construction costs for the Memorial shall include funds previously expended by the State for the planning and design of the Memorial, and funds previously expended by non-Federal entities for the production of a brochure relating to the Memorial.

(b) REQUIREMENTS.—To be eligible to receive a grant under this section, the State shall—

(1) submit to the Secretary a proposal that—

(A) provides assurances that the Memorial will comply with all applicable laws, including building codes and regulations; and

(B) includes such other information and assurances as the Secretary may require; and

(2) enter into a Memorandum of Understanding with the Secretary that shall include—

(A) a timetable for the completion of construction and the opening of the Memorial;

(B) assurances that construction contracts will be competitively awarded;

(C) assurances that the State or Village of Fort Sumner will make sufficient land available for the Memorial;

(D) the specifications of the Memorial, which shall comply with all applicable Federal, State, and local building codes and laws;

(E) arrangements for the operation and maintenance of the Memorial upon completion of construction;

(F) a description of Memorial collections and educational programming;

(G) a plan for the design of exhibits including the collections to be exhibited, security, preservation, protection, environmental controls, and presentations in accordance with professional standards;

(H) an agreement with the Navajo Nation and the Mescalero Tribe relative to the design and location of the Memorial; and

(I) a financing plan developed by the State that outlines the long-term management of the Memorial, including—

(i) the acceptance and use of funds derived from public and private sources to minimize the use of appropriated or borrowed funds;

(ii) the payment of the operating costs of the Memorial through the assessment of fees or other income generated by the Memorial; and

(iii) a strategy for achieving financial self-sufficiency with respect to the Memorial by not later than 5 years after the date of enactment of this Act;

(iv) a description of the business activities that would be permitted at the Memorial and appropriate vendor standards that would apply.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $1,000,000 for each of fiscal years 2000 and 2002.

(b) CARRYOVER.—Any funds made available under section 304(b), or any other provision of this Act, shall remain available for use by the Secretary through September 30, 2002 for the purposes for which those funds were made available.
TITLE I—TRAINING AND TECHNICAL ASSISTANCE; CIVIL AND CRIMINAL LEGAL ASSISTANCE GRANTS

SEC. 101. 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 non-profit entities, as defined under section 501(c)(3) of the Internal Revenue Code, that 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 legal assistance services for Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 102. 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 the Internal Revenue Code, that 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 legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 103. 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 under section 501(c)(3) of the Internal Revenue Code, that 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 legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 104. NO OFFSET.

No Federal grant shall offset funds made available pursuant to this Act 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.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act 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 its 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 tribal traditional dispute resolution fora;

(5) imply that any tribal justice system is an instrumentality of the government of the United States; or

(6) diminish the trust responsibility of the United States to Indian tribal governments and tribal judicial systems.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For purposes of carrying out the activities under this title, there are authorized to be appropriated such sums as are necessary for fiscal years 2000 through 2004.

TITLe II—INDIAN TRIBAL COURTS

SEC. 201. 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 programs, diversion programs, and alternative sentencing programs;

(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 [Louis Agassi] Office of Tribal Justice and any other appropriate tribal or Federal officials.

(c) REPORT.—The Attorney General may promulgate such regulations and guidelines as may be necessary to carry out this title.

(d) APPOINTMENT 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 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3621) is amended—


Ms. COLLINS. I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1508), as amended, was read the third time and passed, as follows:

S. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Indian Tribal Justice Technical and Legal Assistance Act of 1999.”

SEC. 2. 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 adjudication of disputes affecting personal and property rights on Native lands;

(7) the development of 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 essential role 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 individual Indians and tribal courts is an essential element in the development of strong tribal court systems.

SEC. 3. PURPOSES.

The purposes of this Act 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.

(5) to assist in the development of tribal judicial systems by supplementing prior Congressional efforts such as the Indian Tribal Justice Act (Public Law 103-176).

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) ATTORNEY GENERAL.—The term “Attorney General” means the Attorney General of the United States.


For purposes of the preceding sentence, such section 3(d) of the Indian Financing Act shall be applied by treating the term
“former Indian reservations in Oklahoma” as including any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native entity, which administers justice or plans to administer 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) JUDICIAL PERSONNEL.—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 judicial system.

(5) NON-PROFIT ENTITIES.—The term “non-profit entity” or “non-profit entities” has the meaning given that term in section 501(c)(3) of the Internal Revenue Code.

(6) OFFICE OF TRIBAL JUSTICE.—The term “Office of Tribal Justice” means the Office of Tribal Justice in the United States Department of Justice.

(7) TRIBAL JUSTICE SYSTEM.—The term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial body, including, but not limited to, traditional methods and fora for dispute resolution, tribal 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.

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

SEC. 101. 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 Act.

SEC. 102. 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 the Internal Revenue Code, 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 to provide legal assistance services to members of Indian tribes and tribal justice systems, or other purposes consistent with this Act.

SEC. 103. 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 the Internal Revenue Code, 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 to provide legal assistance services to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 104. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act 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.

SEC. 105. TRIBAL AUTHORITY.

Nothing in this Act 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.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

For fiscal years 2000 through 2004, there are authorized to be appropriated such sums as are necessary for the fiscal years 2000 through 2004.

TITLE II—INDIAN TRIBAL COURTS

SEC. 201. 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 section.

(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 2000 through 2004.

SEC. 202. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3701) is amended—


SEC. 203. AUTHORITY TO GRANT FUNDING.

The Attorney General may award grants and provide technical assistance as defined in section 601(c)(3) of the Internal Revenue Code, 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 to provide legal assistance services to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act.

SEC. 204. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act 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.

SEC. 205. TRIBAL AUTHORITY.

Nothing in this Act 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.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

For the fiscal years 2000 through 2004, there are authorized to be appropriated such sums as are necessary for the fiscal years 2000 through 2004.

TITLE III—INDIAN TRIBAL COURTS

SEC. 301. 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 section.

(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 2000 through 2004.

SEC. 302. TRIBAL JUSTICE SYSTEMS.

Section 201 of the Indian Tribal Justice Act (25 U.S.C. 3701) is amended—


SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

For the fiscal years 2000 through 2004, there are authorized to be appropriated such sums as are necessary for the fiscal years 2000 through 2004.

SEC. 304. NO OFFSET.

No Federal agency shall offset funds made available pursuant to this Act 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.

SEC. 305. TRIBAL AUTHORITY.

Nothing in this Act 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.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

For the fiscal years 2000 through 2004, there are authorized to be appropriated such sums as are necessary for the fiscal years 2000 through 2004.