

the Senate, that when the Senate receives from the House the joint resolution funding the Government until Friday, December 15, the text of which is at the desk, it be considered read a third time and passed, with the motion to reconsider laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL ASSISTANCE ACT OF 2000

Mr. HUTCHINSON. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1508).

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1508) entitled "An Act to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Tribal Justice Technical and Legal Assistance Act of 2000".

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) enhancing 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 established record 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

individuals 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.

(2) INDIAN LANDS.—The term "Indian lands" shall include lands within the definition of "Indian country", as defined in 18 U.S.C. 1151; or "Indian reservations", as defined in section 3(d) of the Indian Financing Act of 1974, 25 U.S.C. 1452(d), or section 4(10) of the Indian Child Welfare Act, 25 U.S.C. 1903(10). 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 only lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of Interior) and are recognized by such Secretary as eligible for trust land status under 25 CFR part 151 (as in effect on the date of enactment of this sentence).

(3) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community 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 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 cir-

cuit 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 for the provision of civil 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 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 for the provision of criminal legal assistance to members of Indian tribes and tribal justice systems, and/or other purposes consistent with this Act. Funding under this title 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.

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 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 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 title.

(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. 3621) is amended—

- (1) in subsection (a), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;
- (2) in subsection (b), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;
- (3) in subsection (c), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”;
- (4) in subsection (d), by striking “1994, 1995, 1996, 1997, 1998, 1999, and 2000” and inserting “2000 through 2007”.

TITLE III—TECHNICAL AMENDMENTS TO ALASKA NATIVE CLAIMS SETTLEMENT ACT**SEC. 301. ALASKA NATIVE VETERANS.**

Section 41 of the Alaska Native Claims Settlement Act (43 U.S.C. 1629g) is amended as follows:

- (1) Subsection (a)(3)(I)(4) is amended by striking “and Reindeer” and inserting “or”.
- (2) Subsection (a)(4)(B) is amended by striking “; and” and inserting “; or”.
- (3) Subsection (b)(1)(B)(i) is amended by striking “June 2, 1971” and inserting “December 31, 1971”.
- (4) Subsection (b)(2) is amended by striking the matter preceding subparagraph (A) and inserting the following:

“(2) The personal representative or special administrator, appointed in an Alaska State court proceeding of the estate of a decedent who was eligible under subsection (b)(1)(A) may, for the benefit of the heirs, select an allotment if the decedent was a veteran who served in South East Asia at any time during the period beginning August 5, 1964, and ending December 31, 1971, and during that period the decedent—”.

SEC. 302. LEVIES ON SETTLEMENT TRUST INTERESTS.

Section 39(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1629e(c)) is amended by adding at the end the following new paragraph:

“(8) A beneficiary’s interest in a settlement trust and the distributions thereon shall be sub-

ject to creditor action (including without limitation, levy attachment, pledge, lien, judgment execution, assignment, and the insolvency and bankruptcy laws) only to the extent that Settlement Common Stock and the distributions thereon are subject to such creditor action under section 7(h) of this Act.”.

TITLE IV—NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH**SEC. 401. ADMINISTRATION OF NATIONAL LEADERSHIP SYMPOSIUM FOR AMERICAN INDIAN, ALASKAN NATIVE, AND NATIVE HAWAIIAN YOUTH.**

(a) *IN GENERAL.*—There are authorized to be appropriated to the Secretary of Education for the Washington Workshops Foundation \$2,200,000 for administration of a national leadership symposium for American Indian, Alaskan Native, and Native Hawaiian youth on the traditions and values of American democracy.

(b) *CONTENT OF SYMPOSIUM.*—The symposium administered under subsection (a) shall—

- (1) be comprised of youth seminar programs which study the workings and practices of American national government in Washington, DC, to be held in conjunction with the opening of the Smithsonian National Museum of the American Indian; and
- (2) envision the participation and enhancement of American Indian, Alaskan Native, and Native Hawaiian youth in the American political process by interfacing in the first-hand operations of the United States Government.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OMNIBUS INDIAN ADVANCEMENT ACT

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5528, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5528) to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

ANCSA HISTORIC SITE AND CEMETERY SELECTIONS

Mr. FEINGOLD. Mr. President, I appreciate the work of my colleague from Colorado, Mr. CAMPBELL, and of my colleague from Hawaii, Mr. INOUE on H.R. 5528, the Omnibus Indian Advancement Act. I am pleased that this measure includes several provisions that will benefit Wisconsin tribes.

However, I have concerns regarding title XV of this measure, which reinstates applications for particular parcels of land that are now part of the Chugach National Forest to be conveyed to the Chugach Alaska Corporation, CAC, the Alaska Native Corporation for the Chugach Region. The provisions included in title XV of H.R. 5528

differ from those included in title II of H.R. 2547 and its companion bill in this body S. 1686. These bills are in the jurisdiction of the Senate Energy Committee. Would the Senator be willing to allow me to engage in discussion with the Senator from Alaska, Mr. MURKOWSKI to clarify a few important points about this legislation?

Mr. CAMPBELL. Mr. President, I am pleased to allow the Senator to clarify aspects of this legislation.

Mr. FEINGOLD. As I understand the legislation, it directs the Secretary of the Interior to reinstate applications for the conveyance of seven parcels of land, now in federal ownership as part of the Chugach National Forest, for a determination of eligibility for conveyance to the CAC as historical places or cemetery sites under section 14(h) of the Alaska Native Claims Settlement Act, ANCSA. Is that correct?

Mr. MURKOWSKI. My colleague from Wisconsin is correct.

Mr. FEINGOLD. Am I also correct in my understanding that five of these parcels covered by these applications are currently within the Nellie Juan College Fjord Wilderness Study Area, WSA, designated by Congress in section 704 of Public Law 96-487, the Alaska National Interest Lands Conservation Act, ANILCA?

Mr. MURKOWSKI. My colleague from Wisconsin is correct, and I am sure my colleague shares my concern that the Secretary of Agriculture has not met the requirement of section 704 of ANILCA that he report to the President and Congress within three years his recommendation as to the suitability and nonsuitability of such lands for wilderness designation. I would also note that the submission of these applications by the CAC pre-dated enactment of ANILCA.

Mr. FEINGOLD. Am I further correct in my understanding that one of these parcels, Coghill Point, is near an area which was determined to be eligible for designation as a wild and scenic river as part of the Chugach National Forest planning process?

Mr. MURKOWSKI. Again, my colleague from Wisconsin is correct, however, the land containing such parcel is not designated as such in the draft forest plan identified by the Forest Service as the preferred alternative.

Mr. FEINGOLD. As the Senator knows, 43 CFR §2653.5 requires that regional corporations that are conveyed cemetery sites or historical places pursuant to section 14(h) of ANCSA agree to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in 43 CFR §2653.11. Is it the case that, if the Secretary of the Interior chooses to act favorably on these conveyance applications, nothing in this act is intended to