

INDIAN TRIBAL JUSTICE TECHNICAL AND LEGAL  
ASSISTANCE ACT OF 1999

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SEPTEMBER 6, 2000.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

REPORT

[To accompany S. 1508]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 1508) to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 1508 is to provide technical and legal assistance to tribal justice systems and members of Indian tribes, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

S. 1508, the proposed Indian Tribal Justice Technical and Legal Assistance Act of 1999, authorizes the Attorney General to award grants to national or regional tribal justice system personnel organizations or non-profit entities which provide legal assistance for tribes and tribal members to provide training and technical assistance for the development, enrichment, enhancement of tribal justice systems or other purposes consistent with this proposal.

This legislation also authorizes the Attorney General to award grants and provide technical assistance to Indian tribes to enable them to carry out programs to support their tribal justice systems as part of the joint Department of Justice/Department of the Interior Law Enforcement Initiative in Indian Country, and reauthorizes the Indian Tribal Justice Act for fiscal years 2000 through 2007. Section 103 authorizes the Attorney General to make grants

to nonprofit entities which provide criminal legal assistance services for Indian tribes, members of Indian tribes or tribal justice systems, subject to the availability of appropriations and in consultation with the Office of Tribal Justice. The Committee is aware that several Indian Legal Services programs of the Legal Services Corporation provide criminal defender services. In instances where such nonprofit entities have declined to provide or are not able to provide criminal legal assistance services for Indian tribes, members of Indian tribes or tribal justice systems, or have arranged for the appropriate tribal government to provide those services, the Committee expects that the Attorney General will make grant awards to tribal governments and other eligible entities, subject to the availability of appropriations. Finally, there are authorized to be appropriated such sums as are necessary to carry out the provisions of Title I of S. 1508 (which affect the Department of Justice) for fiscal years 2000 through 2004.

For additional information, see Senate Report 106–219.

#### COMMITTEE ACTION

S. 1508 was introduced on August 5, 1999, by Senator Ben Nighthorse Campbell (R–CO).

The bill was passed by the Senate on November 19, 1999, by unanimous consent. In the House of Representatives, the bill was referred to the Committee on Resources and additionally to the Committee on the Judiciary. On June 28, 2000, the Resources Committee met to mark up the bill. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 6, 2000.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1508, the Indian Tribal Justice Technical and Legal Assistance Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Lanette J. Keith.

Sincerely,

BARRY B. ANDERSON  
(For Dan L. Crippen, Director).

Enclosure.

*S. 1508—Indian Tribal Justice Technical and Legal Assistance Act of 1999*

Summary: S. 1508 would authorize funding for programs that support tribal justice systems. The act would authorize the appropriation of \$464 million over the 2000–2007 period, including \$58 million already authorized for 2000, for the Secretary of the Interior to carry out certain provisions of the Indian Tribal Justice Act. S. 1508 also would authorize the Attorney General to make grants to organizations through 2004 to develop and strengthen tribal justice systems. CBO estimates this effort would cost about \$5 million annually, assuming appropriation of the necessary funds. In 2000, neither the Department of the Interior (DOI) nor the Department of Justice (DOJ) received appropriated funds to implement these programs.

Based on information from DOI and DOJ, CBO estimates that implementing S. 1508 would cost \$287 million over the 2001–2005 period, assuming appropriation of the authorized amounts for each of fiscal years 2001 through 2005. The act would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1508 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 1508 is shown in the following table. The cost of this legislation fall within budget functions 450 (community and regional development) and 750 (administration of justice).

	By fiscal year, in millions of dollars—				
	2001	2002	2003	2004	2005
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	63	63	63	63	58
Estimated Outlays .....	46	59	61	63	58

Basis of estimate: For this estimate, CBO assumes that S. 1508 will be enacted near the start of fiscal year 2001 and that the authorized amounts will be provided for each year. Estimates of outlays are based on historical spending patterns for similar programs.

S. 1508 would authorize the appropriation of \$58 million a year for fiscal years 2000 through 2007 for the Secretary of the Interior to establish and operate the Office of Tribal Justice Support. Under current law, \$58 million is already authorized in 2000 for this work, but no funds have been appropriated thus far. The purpose of the office would be to develop, operate, and enhance tribal justice systems and traditional judicial practices of tribal governments. Based on information from DOI, CBO estimates that implementing this provision would cost \$267 million over the 2001–2005 period, assuming appropriation of the authorized amount for each year.

S. 1508 also would authorize the Attorney General to make grants to organizations representing personnel of tribal judicial systems and to nonprofit organizations providing legal services to tribes. The Attorney General would provide grants and technical assistance to tribes to assist them in developing and operating tribal justice systems and related programs. This provision would authorize the appropriation of such sums as are necessary through 2004. Based on information from DOJ, CBO estimates that implementing these provisions would require an annual appropriation of \$5 million, and would result in spending of \$20 million over the 2001–2005 period.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1508 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On October 25, 1999, CBO transmitted a cost estimate for S. 1508, the Indian Tribal Justice and Legal Assistance Act of 1999, as ordered reported by the Senate Committee on Indian Affairs on October 13, 1999. The estimates differ because CBO now assumes a later enactment date for this legislation.

Estimate prepared by: Lanette J. Keith.

Estimate approved by: Robert A. Sunshine, Assistant Director for Budget Analysis.

#### COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill,