

105TH CONGRESS
1ST SESSION

S. 754

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for direct assistance to Indian tribes for juvenile justice and delinquency prevention programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 1997

Mr. CAMPBELL (for himself, Mr. INOUE, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for direct assistance to Indian tribes for juvenile justice and delinquency prevention programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Juvenile Justice
5 and Delinquency Prevention Improvement Act”.

1 **SEC. 2. AMENDMENTS TO THE JUVENILE JUSTICE AND DE-**
 2 **LINQUENCY PREVENTION ACT OF 1974.**

3 (a) DEFINITIONS.—Section 103 of the Juvenile Jus-
 4 tice and Delinquency Prevention Act of 1974 (42 U.S.C.
 5 5603) is amended—

6 (1) in paragraph (8), by striking “an Indian
 7 tribe which performs law enforcement functions as
 8 determined by the Secretary of the Interior,”;

9 (2) in paragraph (9)—

10 (A) by striking “States or units of general
 11 local government” and inserting “States, units
 12 of general local government, or Indian tribes”;
 13 and

14 (B) by striking “States or units” and in-
 15 serting “States, units, or Indian tribes”;

16 (3) in paragraph (11), by striking “any State,
 17 unit of local government, combination of such States
 18 or units” and inserting “any State, unit of general
 19 local government, Indian tribe, combination of 1 or
 20 more States, units of general local government, or
 21 Indian tribes”;

22 (4) by striking paragraph (18) and inserting
 23 the following:

24 “(18) the term ‘Indian tribe’ means any Indian
 25 tribe, band, nation, or other organized group or com-
 26 munity, including any Alaska Native village or re-

1 regional or village corporation as defined in or estab-
 2 lished pursuant to the Alaska Native Claims Settle-
 3 ment Act (43 U.S.C. 1601 et seq.), that is recog-
 4 nized as eligible for the special programs and serv-
 5 ices provided by the United States to Indians be-
 6 cause of their status as Indians;” and

7 (5) in paragraph (22), by inserting “Indian
 8 tribe,” after “unit of local government,”.

9 (b) TECHNICAL AMENDMENT.—Part B of title II of
 10 the Juvenile Justice and Delinquency Prevention Act of
 11 1974 (42 U.S.C. 5611 et seq.) is amended by striking the
 12 heading and inserting the following:

13 “PART B—FEDERAL ASSISTANCE FOR STATE AND
 14 LOCAL PROGRAMS AND PROGRAMS FOR INDIAN TRIBES
 15 “Subpart I—Federal Assistance for State and Local
 16 Programs”.

17 (c) ELIMINATION OF PASS-THROUGH FOR INDIAN
 18 TRIBES.—Section 223(a) of the Juvenile Justice and De-
 19 linquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is
 20 amended—

21 (1) in paragraph (4), by inserting “and Indian
 22 tribes” after “units of general local government”;

23 (2) in paragraph (5)—

24 (A) in subparagraph (A), by striking the
 25 semicolon at the end and inserting “, except

1 that with respect to any cooperative program
 2 conducted with an Indian tribe, the participa-
 3 tion of the Indian tribe shall be funded from
 4 the amounts made available under subpart II of
 5 this part; and”;

6 (B) in subparagraph (B), by striking
 7 “and” at the end; and

8 (C) by striking subparagraph (C);
 9 (3) in paragraph (6)—

10 (A) by inserting “(A)” before “provide
 11 that”;

12 (B) by striking “programs funded under
 13 this part” and inserting “programs funded
 14 under this subpart”;

15 (C) by striking the semicolon at the end
 16 and inserting “; and”; and

17 (D) by adding at the end the following:

18 “(B) with respect to any case in which an In-
 19 dian tribe participates in a cooperative program
 20 under paragraph (5)(A), provide that the appro-
 21 priate official of the governing body of an Indian
 22 tribe assign responsibility for the preparation and
 23 administration of the Indian tribe’s part of the ap-
 24 plicable State plan, or for the supervision of the

1 preparation and administration of the Indian tribe's
2 part of the State plan;”;

3 (4) in paragraph (24), by striking “and” at the
4 end;

5 (5) in paragraph (25), by striking the period at
6 the end and inserting a semicolon; and

7 (6) by adding at the end the following:

8 “(26) provide assurance that, in carrying out
9 the plan under this section, the State will take ap-
10 propriate action to improve—

11 “(A) communication between the State and
12 units of general local government and Indian
13 tribes;

14 “(B) cooperation between the State and
15 units of general local government and Indian
16 tribes; and

17 “(C) intergovernmental relationships be-
18 tween the State and units of general local gov-
19 ernment and Indian tribes; and

20 “(27) provide, as appropriate, a description and
21 analysis of any disproportionate representation in
22 the juvenile justice system of Native Americans (as
23 that term is defined in section 16(10) of the Na-
24 tional Museum of the American Indian Act (20
25 U.S.C. 80q-14(10))) including, if appropriate, any

1 disproportionate representation of Alaska Natives
 2 (within the meaning of the Alaska Native Claims
 3 Settlement Act (43 U.S.C. 1601 et seq.) from—

4 “(A) urban populations; and

5 “(B) populations that are not, as of the
 6 date of development of the plan, recognized as
 7 eligible for the special programs and services
 8 provided by the United States to Indians be-
 9 cause of their status as Indians.”.

10 (d) FEDERAL ASSISTANCE FOR PROGRAMS FOR IN-
 11 DIAN TRIBES.—Part B of title II of the Juvenile Justice
 12 and Delinquency Prevention Act of 1974 (42 U.S.C. 5611
 13 et seq.) is amended by adding at the end the following:

14 **“Subpart II—Federal Assistance for Programs for**
 15 **Indian Tribes**

16 **“SEC. 221. ESTABLISHMENT OF PROGRAM.**

17 “(a) IN GENERAL.—The Administrator shall, by reg-
 18 ulation, establish a program to provide direct grants to
 19 Indian tribes in accordance with this section. Each grant
 20 made under this section to an Indian tribe shall be used
 21 by the governing body of the Indian tribe—

22 “(1) for planning, establishing, operating, co-
 23 ordinating, and evaluating projects for achieving
 24 compliance with the requirements specified in para-
 25 graphs (12)(A), (13), and (14) of section 223, and

1 otherwise meeting any applicable requirements of
2 this Act; and

3 “(2) for otherwise conducting activities to pro-
4 mote the improvement of the juvenile justice system
5 of that Indian tribe.

6 “(b) PLANS.—As part of an application for a grant
7 under this section, an Indian tribe shall submit a plan for
8 conducting activities described in subsection (a). The plan
9 shall—

10 “(1) provide evidence that the Indian tribe per-
11 forms law enforcement functions (as determined by
12 the Secretary of the Interior);

13 “(2) identify the juvenile justice and delin-
14 quency problems and juvenile delinquency prevention
15 needs to be addressed by activities conducted by the
16 Indian tribe in the area under the jurisdiction of the
17 Indian tribe with assistance provided by the grant;

18 “(3) provide for fiscal control and accounting
19 procedures that—

20 “(A) are necessary to ensure the prudent
21 use, proper disbursement, and accounting of
22 funds received under this subchapter; and

23 “(B) are consistent with the requirements
24 of section 232; and

1 “(4) contain such other information, and be
 2 subject to such additional requirements, as the Ad-
 3 ministrator may reasonably prescribe to ensure the
 4 effectiveness of the grant program under this sub-
 5 part.

6 “(c) FACTORS FOR CONSIDERATION.—In awarding
 7 grants under this section, the Administrator shall con-
 8 sider—

9 “(1) the resources that are available to each ap-
 10 plicant that will assist, and be coordinated with, the
 11 overall juvenile justice system of the Indian tribe;
 12 and

13 “(2) for each Indian tribe that receives assist-
 14 ance under such a grant—

15 “(A) the relative population of individuals
 16 under the age of 18; and

17 “(B) who will be served by the assistance
 18 provided by the grant.

19 “(d) GRANT AWARDS.—

20 “(1) IN GENERAL.—

21 “(A) COMPETITIVE AWARDS.—Except as
 22 provided in paragraph (2), the Administrator
 23 shall annually award grants under this section
 24 on a competitive basis. The Administrator shall
 25 enter into a grant agreement with each grant

1 recipient under this section that specifies the
2 terms and conditions of the grant.

3 “(B) PERIOD OF GRANT.—The period of a
4 grant awarded under this section shall be 1
5 year.

6 “(2) EXCEPTION.—In any case in which the
7 Administrator determines that a grant recipient
8 under this section has performed satisfactorily dur-
9 ing the preceding year in accordance with an appli-
10 cable grant agreement, the Administrator may—

11 “(A) waive the requirement that the recipi-
12 ent be subject to the competitive award process
13 described in paragraph (1); and

14 “(B) renew the grant for an additional
15 grant period (as specified in paragraph (1)(B)).

16 “(3) MODIFICATIONS OF PROCESSES.—The Ad-
17 ministrator may prescribe requirements to provide
18 for appropriate modifications to the plan preparation
19 and application process specified in this section for
20 an application for a renewal grant under this sub-
21 section.

22 **“SEC. 232. REPORTING REQUIREMENT.**

23 “Each Indian tribe that receives a grant under sec-
24 tion 231 is subject to the fiscal accountability provisions
25 of section 5(f)(1) of the Indian Self-Determination and

1 Education Assistance Act (25 U.S.C. 450c(f)(1)), relating
2 to the submission of a single-agency audit report required
3 by chapter 75 of title 31, United States Code.

4 **“SEC. 233. TECHNICAL ASSISTANCE.**

5 “The Administrator shall establish a program to pro-
6 vide technical assistance to assist Indian tribes in carrying
7 out the activities described in section 231(a).

8 **“SEC. 234. COORDINATION WITH STATE ADVISORY GROUPS.**

9 “In carrying out the programs under this subpart,
10 the Administrator shall, not later than 180 days after the
11 end of the fiscal year during which the Indian Juvenile
12 Justice and Delinquency Prevention Improvement Act is
13 enacted, and annually thereafter, issue a report to each
14 advisory group established under a State plan under sec-
15 tion 223(a)(3) that includes information relating to each
16 grant awarded under section 231, including the amount
17 of the grant.

18 **“SEC. 235. RULE OF CONSTRUCTION.**

19 “Nothing in this subpart may be construed to affect
20 in any manner the jurisdiction of an Indian tribe with re-
21 spect to land or persons in Alaska.

1 **“SEC. 236. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to the De-
3 partment of Justice to carry out this subpart,
4 \$10,000,000 for each of fiscal years 1998 through 2001.”.

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