



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 146

WASHINGTON, MONDAY, DECEMBER 11, 2000

No. 152

## Senate

(Legislative day of Friday, September 22, 2000)

The Senate met at 5:34 p.m. on the expiration of the recess, and was called to order by the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we believe in You, we love our Nation, and we know we are called to unity. Today we pray very specifically for the resolution of the Presidential election; with the same intensity we intercede for this Senate. Bless the Senators of both parties. We join with millions of Americans in praying that You will give them the courage to keep working until the issues are resolved, the determination to find answers, and the desire to give as well as take in negotiation. You are ready to help those who confess their dependence on You for wisdom to find workable solutions and creative compromises. When we humbly ask for Your guidance together, You open the channels of communication and give us the inspiration to negotiate. We thank You in advance for the answer to this prayer. In the name of our Lord. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TIM HUTCHINSON, a Senator from the State of Arkansas, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 11, 2000.

TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER G. FITZGERALD, a Senator from the State of Illinois, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with the time to be equally divided in the usual form.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

### DEATH OF REPRESENTATIVE JULIAN C. DIXON OF CALIFORNIA

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 387 submitted by Senators LOTT and DASCHLE.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 387) relative to the death of Representative Julian C. Dixon, of California.

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

Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a remarkable public servant who has been taken from us all too quickly.

The sudden loss of Representative JULIAN DIXON has shocked and saddened us all. Without a doubt, JULIAN served California's Thirty-Second District with passion and distinction. He was a man of the highest integrity and credibility and his departure is a terrible loss to all of us.

He was a gentleman in every sense of the word who was willing to work across partisan lines to improve the lives of his constituents and so many Americans.

I was privileged as a member of the Senate Appropriations to work with JULIAN DIXON, who was a member of the House Appropriations Committee.

In this role, JULIAN always put California's needs first. He helped aid small businesses in Southern California who had been hurt by military base closures and defense downsizing. He also was a champion of the Los Angeles Metro Subway and the Alameda Corridor, an underground connection between the port of Los Angeles and the major east-west rail lines.

He also consistently fought to maintain our Nation's commitment to civil rights and to increase the economic upward mobility of the people of the Thirty-Second District.

JULIAN was also a leader through his role on the Appropriations Committee to secure funds to rebuild after the 1992 Los Angeles riots, the 1994 Northridge earthquake, and to improve public transportation throughout Los Angeles.

JULIAN DIXON served in Congress for 22 years, first being elected in 1978. He completed his undergraduate studies at California State University in Los Angeles and attended Southwestern

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S11755

School of Law. He served in the United States Army, practiced law in Los Angeles and then was elected to the California State Assembly in 1972.

He was also Chair of the Congressional Black Caucus and worked tirelessly to establish a memorial to Dr. Martin Luther King, Jr. here in our Nation's Capital.

In 1999, JULIAN became an active participant in protecting America's national security through his role as ranking Democrat on the Select Intelligence Committee.

JULIAN DIXON was a man of principle and fairness whose grace and humility will be sorely missed.

My thoughts and prayers are with his wife Betty and the entire Dixon family during this very difficult time.

Put simply, this Nation owes much to JULIAN DIXON and the United States Congress was truly made a much better place because of his service.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 387) was agreed to, as follows:

#### S. RES. 387

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Julian C. Dixon, late a Representative from the State of California.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns or recesses today, it stand adjourned or recessed as a further mark of respect to the memory of the deceased Representative.

#### ORDER OF PROCEDURE

Mr. HUTCHINSON. Mr. President, I ask unanimous consent, notwithstanding the recess or adjournment of 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 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 for the provision of civil legal assistance to members of Indian tribes and