

106TH CONGRESS
2^D SESSION

S. 1658

AN ACT

To authorize the construction of a Reconciliation Place in
Fort Pierre, South Dakota, 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,*

1 **SECTION 1. FINDINGS.**

2 Congress finds that—

3 (1) there is a continuing need for reconciliation
4 between Indians and non-Indians;

5 (2) the need may be met partially through the
6 promotion of the understanding of the history and
7 culture of Sioux Indian tribes;

8 (3) the establishment of a Sioux Nation Tribal
9 Supreme Court will promote economic development
10 on reservations of the Sioux Nation and provide in-
11 vestors that contribute to that development a greater
12 degree of certainty and confidence by—

13 (A) reconciling conflicting tribal laws; and

14 (B) strengthening tribal court systems;

15 (4) the reservations of the Sioux Nation—

16 (A) contain the poorest counties in the
17 United States; and

18 (B) lack adequate tools to promote eco-
19 nomic development and the creation of jobs;

20 (5) the establishment of a Native American
21 Economic Development Council will assist in pro-
22 moting economic growth and reducing poverty on
23 reservations of the Sioux Nation by—

24 (A) coordinating economic development ef-
25 forts;

1 (B) centralizing expertise concerning Fed-
2 eral assistance; and

3 (C) facilitating the raising of funds from
4 private donations to meet matching require-
5 ments under certain Federal assistance pro-
6 grams;

7 (6) there is a need to enhance and strengthen
8 the capacity of Indian tribal governments and tribal
9 justice systems to address conflicts which impair re-
10 lationships within Indian communities and between
11 Indian and non-Indian communities and individuals;
12 and

13 (7) the establishment of the National Native
14 American Mediation Training Center, with the tech-
15 nical assistance of tribal and Federal agencies, in-
16 cluding the Community Relations Service of the De-
17 partment of Justice, would enhance and strengthen
18 the mediation skills that are useful in reducing ten-
19 sions and resolving conflicts in Indian communities
20 and between Indian and non-Indian communities
21 and individuals.

22 **SEC. 2. DEFINITIONS.**

23 In this Act:

24 (1) INDIAN TRIBE.—The term “Indian tribe”
25 has the meaning given that term in section 4(e) of

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 450b(e)).

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (3) SIOUX NATION.—The term “Sioux Nation”
6 means the Indian tribes comprising the Sioux Na-
7 tion.

8 **TITLE I—RECONCILIATION** 9 **CENTER**

10 **SEC. 101. RECONCILIATION CENTER.**

11 (a) ESTABLISHMENT.—The Secretary of Housing
12 and Urban Development, in cooperation with the Sec-
13 retary, shall establish, in accordance with this section, a
14 reconciliation center, to be known as “Reconciliation
15 Place”.

16 (b) LOCATION.—Notwithstanding any other provision
17 of law, the Secretary shall take into trust for the benefit
18 of the Sioux Nation the parcel of land in Stanley County,
19 South Dakota, that is described as “The Reconciliation
20 Place Addition” that is owned on the date of enactment
21 of this Act by the Wakpa Sica Historical Society, Inc.,
22 for the purpose of establishing and operating The Rec-
23 onciliation Place.

24 (c) PURPOSES.—The purposes of Reconciliation
25 Place shall be as follows:

1 (1) To enhance the knowledge and under-
2 standing of the history of Native Americans by—

3 (A) displaying and interpreting the history,
4 art, and culture of Indian tribes for Indians
5 and non-Indians; and

6 (B) providing an accessible repository
7 for—

8 (i) the history of Indian tribes; and

9 (ii) the family history of members of
10 Indian tribes.

11 (2) To provide for the interpretation of the en-
12 counters between Lewis and Clark and the Sioux
13 Nation.

14 (3) To house the Sioux Nation Tribal Supreme
15 Court.

16 (4) To house the Native American Economic
17 Development Council.

18 (5) To house the National Native American Me-
19 diation Training Center to train tribal personnel in
20 conflict resolution and alternative dispute resolution.

21 (d) GRANT.—

22 (1) IN GENERAL.—The Secretary of Housing
23 and Urban Development shall offer to award a grant
24 to the Wakpa Sica Historical Society of Fort Pierre,

1 South Dakota, for the construction of Reconciliation
2 Place.

3 (2) GRANT AGREEMENT.—

4 (A) IN GENERAL.—As a condition to re-
5 ceiving the grant under this subsection, the ap-
6 propriate official of the Wakpa Sica Historical
7 Society shall enter into a grant agreement with
8 the Secretary of Housing and Urban Develop-
9 ment.

10 (B) CONSULTATION.—Before entering into
11 a grant agreement under this paragraph, the
12 Secretary of Housing and Urban Development
13 shall consult with the Secretary concerning the
14 contents of the agreement.

15 (C) DUTIES OF THE WAKPA SICA HISTOR-
16 ICAL SOCIETY.—The grant agreement under
17 this paragraph shall specify the duties of the
18 Wakpa Sica Historical Society under this sec-
19 tion and arrangements for the maintenance of
20 Reconciliation Place.

21 (3) AUTHORIZATION OF APPROPRIATIONS.—

22 There are authorized to be appropriated to the De-
23 partment of Housing and Urban Development
24 \$18,258,441, to be used for the grant under this
25 section.

1 **SEC. 102. SIOUX NATION SUPREME COURT AND NATIONAL**
 2 **NATIVE AMERICAN MEDIATION TRAINING**
 3 **CENTER.**

4 (a) IN GENERAL.—To ensure the development and
 5 operation of the Sioux Nation Tribal Supreme Court and
 6 the National Native American Medication Training Cen-
 7 ter, the Attorney General of the United States shall use
 8 available funds to provide technical and financial assist-
 9 ance to the Sioux Nation.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
 11 out this section, there are authorized to be appropriated
 12 to the Department of Justice such sums as are necessary.

13 **TITLE II—NATIVE AMERICAN**
 14 **ECONOMIC DEVELOPMENT**
 15 **COUNCIL**

16 **SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECO-**
 17 **NOMIC DEVELOPMENT COUNCIL.**

18 (a) ESTABLISHMENT.—There is established the Na-
 19 tive American Economic Development Council (in this title
 20 referred to as the “Council”). The Council shall be a char-
 21 itable and nonprofit corporation and shall not be consid-
 22 ered to be an agency or establishment of the United
 23 States.

24 (b) PURPOSES.—The purposes of the Council are—
 25 (1) to encourage, accept, and administer private
 26 gifts of property;

1 (2) to use those gifts as a source of matching
2 funds necessary to receive Federal assistance;

3 (3) to provide members of Indian tribes with
4 the skills and resources necessary for establishing
5 successful businesses;

6 (4) to provide grants and loans to members of
7 Indian tribes to establish or operate small busi-
8 nesses;

9 (5) to provide scholarships for members of In-
10 dian tribes who are students pursuing an education
11 in business or a business-related subject; and

12 (6) to provide technical assistance to Indian
13 tribes and members thereof in obtaining Federal as-
14 sistance.

15 **SEC. 202. BOARD OF DIRECTORS OF THE COUNCIL.**

16 (a) ESTABLISHMENT AND MEMBERSHIP.—

17 (1) IN GENERAL.—The Council shall have a
18 governing Board of Directors (in this title referred
19 to as the “Board”).

20 (2) MEMBERSHIP.—The Board shall consist of
21 11 directors, who shall be appointed by the Sec-
22 retary as follows:

23 (A)(i) 9 members appointed under this
24 paragraph shall represent the 9 reservations of
25 South Dakota.

1 (ii) Each member described in clause (i)
2 shall—

3 (I) represent 1 of the reservations de-
4 scribed in clause (i); and

5 (II) be selected from among nomina-
6 tions submitted by the appropriate Indian
7 tribe.

8 (B) 1 member appointed under this para-
9 graph shall be selected from nominations sub-
10 mitted by the Governor of the State of South
11 Dakota.

12 (C) 1 member appointed under this para-
13 graph shall be selected from nominations sub-
14 mitted by the most senior member of the South
15 Dakota Congressional delegation.

16 (3) CITIZENSHIP.—Each member of the Board
17 shall be a citizen of the United States.

18 (b) APPOINTMENTS AND TERMS.—

19 (1) APPOINTMENT.—Not later than December
20 31, 2000, the Secretary shall appoint the directors
21 of the Board under subsection (a)(2).

22 (2) TERMS.—Each director shall serve for a
23 term of 2 years.

24 (3) VACANCIES.—A vacancy on the Board shall
25 be filled not later than 60 days after that vacancy

1 occurs, in the manner in which the original appoint-
2 ment was made.

3 (4) LIMITATION ON TERMS.—No individual may
4 serve more than 3 consecutive terms as a director.

5 (c) CHAIRMAN.—The Chairman shall be elected by
6 the Board from its members for a term of 2 years.

7 (d) QUORUM.—A majority of the members of the
8 Board shall constitute a quorum for the transaction of
9 business.

10 (e) MEETINGS.—The Board shall meet at the call of
11 the Chairman at least once a year. If a director misses
12 3 consecutive regularly scheduled meetings, that individual
13 may be removed from the Board by the Secretary and that
14 vacancy filled in accordance with subsection (b).

15 (f) REIMBURSEMENT OF EXPENSES.—Members of
16 the Board shall serve without pay, but may be reimbursed
17 for the actual and necessary traveling and subsistence ex-
18 penses incurred by them in the performance of the duties
19 of the Council.

20 (g) GENERAL POWERS.—

21 (1) POWERS.—The Board may complete the or-
22 ganization of the Council by—

23 (A) appointing officers and employees;

1 (B) adopting a constitution and bylaws
2 consistent with the purposes of the Council
3 under this Act; and

4 (C) carrying out such other actions as may
5 be necessary to carry out the purposes of the
6 Council under this Act.

7 (2) EFFECT OF APPOINTMENT.—Appointment
8 to the Board shall not constitute employment by, or
9 the holding of an office of, the United States for the
10 purposes of any Federal law.

11 (3) LIMITATIONS.—The following limitations
12 shall apply with respect to the appointment of offi-
13 cers and employees of the Council:

14 (A) Officers and employees may not be ap-
15 pointed until the Council has sufficient funds to
16 pay them for their service.

17 (B) Officers and employees of the
18 Council—

19 (i) shall be appointed without regard
20 to the provisions of title 5, United States
21 Code, governing appointments in the com-
22 petitive service; and

23 (ii) may be paid without regard to the
24 provisions of chapter 51 and subchapter
25 III of chapter 53 of such title relating to

1 classification and General Schedule pay
2 rates.

3 (4) SECRETARY OF THE BOARD.—The first offi-
4 cer or employee appointed by the Board shall be the
5 Secretary of the Board. The Secretary of the Board
6 shall—

7 (A) serve, at the direction of the Board, as
8 its chief operating officer; and

9 (B) be knowledgeable and experienced in
10 matters relating to economic development and
11 Indian affairs.

12 **SEC. 203. POWERS AND OBLIGATIONS OF THE COUNCIL.**

13 (a) CORPORATE POWERS.—To carry out its purposes
14 under section 201(b), the Council shall have, in addition
15 to the powers otherwise given it under this Act, the usual
16 powers of a corporation acting as a trustee in South Da-
17 kota, including the power—

18 (1) to accept, receive, solicit, hold, administer,
19 and use any gift, devise, or bequest, either absolutely
20 or in trust, of real or personal property or any in-
21 come therefrom or other interest therein;

22 (2) to acquire by purchase or exchange any real
23 or personal property or interest therein;

24 (3) unless otherwise required by the instrument
25 of transfer, to sell, donate, lease, invest, reinvest, re-

1 tain, or otherwise dispose of any property or income
2 therefrom;

3 (4) to borrow money and issue bonds, debentures,
4 or other debt instruments;

5 (5) to sue and be sued, and complain and defend
6 itself in any court of competent jurisdiction, except
7 that the directors shall not be personally liable,
8 except for gross negligence;

9 (6) to enter into contracts or other arrangements
10 with public agencies and private organizations
11 and persons and to make such payments as may be
12 necessary to carry out its function; and

13 (7) to carry out any action that is necessary
14 and proper to carry out the purposes of the Council.

15 (b) OTHER POWERS AND OBLIGATIONS.—

16 (1) IN GENERAL.—The Council—

17 (A) shall have perpetual succession;

18 (B) may conduct business throughout the
19 several States, territories, and possessions of
20 the United States and abroad;

21 (C) shall have its principal offices in South
22 Dakota; and

23 (D) shall at all times maintain a des-
24 ignated agent authorized to accept service of
25 process for the Council.

1 (2) SERVICE OF NOTICE.—The serving of notice
2 to, or service of process upon, the agent required
3 under paragraph (1)(D), or mailed to the business
4 address of such agent, shall be deemed as service
5 upon or notice to the Council.

6 (c) SEAL.—The Council shall have an official seal se-
7 lected by the Board, which shall be judicially noticed.

8 (d) CERTAIN INTERESTS.—If any current or future
9 interest of a gift under subsection (a)(1) is for the benefit
10 of the Council, the Council may accept the gift under such
11 subsection, even if that gift is encumbered, restricted, or
12 subject to beneficial interests of 1 or more private persons.

13 **SEC. 204. ADMINISTRATIVE SERVICES AND SUPPORT.**

14 (a) PROVISION OF SERVICES.—The Secretary may
15 provide personnel, facilities, and other administrative serv-
16 ices to the Council, including reimbursement of expenses
17 under section 202, not to exceed then current Federal
18 Government per diem rates, for a period ending not later
19 than 5 years after the date of enactment of this Act.

20 (b) REIMBURSEMENT.—

21 (1) IN GENERAL.—The Council may reimburse
22 the Secretary for any administrative service provided
23 under subsection (a). The Secretary shall deposit
24 any reimbursement received under this subsection
25 into the Treasury to the credit of the appropriations

1 then current and chargeable for the cost of providing
2 such services.

3 (2) CONTINUATION OF CERTAIN ASSISTANCE.—

4 Notwithstanding any other provision of this section,
5 the Secretary is authorized to continue to provide fa-
6 cilities, and necessary support services for such fa-
7 cilities, to the Council after the date specified in
8 subsection (a), on a space available, reimbursable
9 cost basis.

10 **SEC. 205. VOLUNTEER STATUS.**

11 (a) IN GENERAL.—Notwithstanding any other provi-
12 sion of law, the Secretary may accept, without regard to
13 the civil service classification laws, rules, or regulations,
14 the services of the Council, the Board, and the officers
15 and employees of the Board, without compensation from
16 the Secretary, as volunteers in the performance of the
17 functions authorized under this Act.

18 (b) INCIDENTAL EXPENSES.—The Secretary is au-
19 thorized to provide for incidental expenses, including
20 transportation, lodging, and subsistence to the officers and
21 employees serving as volunteers under subsection (a).

1 **SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION**
2 **OF ATTORNEY GENERAL FOR EQUITABLE RE-**
3 **LIEF.**

4 (a) **AUDITS.**—The Council shall be subject to audit-
5 ing and reporting requirements under section 10101 of
6 title 36, United States Code, in the same manner as is
7 a corporation under part B of that title.

8 (b) **REPORT.**—As soon as practicable after the end
9 of each fiscal year, the Council shall transmit to Congress
10 a report of its proceedings and activities during such year,
11 including a full and complete statement of its receipts, ex-
12 penditures, and investments.

13 (c) **RELIEF WITH RESPECT TO CERTAIN COUNCIL**
14 **ACTS OR FAILURE TO ACT.**—If the Council—

15 (1) engages in, or threatens to engage in, any
16 act, practice, or policy that is inconsistent with the
17 purposes of the Council under section 201(b); or

18 (2) refuses, fails, or neglects to discharge the
19 obligations of the Council under this Act, or threat-
20 ens to do so;

21 then the Attorney General of the United States may peti-
22 tion in the United States District Court for the District
23 of Columbia for such equitable relief as may be necessary
24 or appropriate.

1 **SEC. 207. UNITED STATES RELEASE FROM LIABILITY.**

2 The United States shall not be liable for any debts,
3 defaults, acts, or omissions of the Council. The full faith
4 and credit of the United States shall not extend to any
5 obligation of the Council.

6 **SEC. 208. GRANTS TO COUNCIL; TECHNICAL ASSISTANCE.**

7 (a) GRANTS.—

8 (1) IN GENERAL.—Not less frequently than an-
9 nually, the Secretary shall award a grant to the
10 Council, to be used to carry out the purposes speci-
11 fied in section 201(b) in accordance with this sec-
12 tion.

13 (2) GRANT AGREEMENTS.—As a condition to
14 receiving a grant under this section, the secretary of
15 the Board, with the approval of the Board, shall
16 enter into an agreement with the Secretary that
17 specifies the duties of the Council in carrying out
18 the grant and the information that is required to be
19 included in the agreement under paragraphs (3) and
20 (4).

21 (3) MATCHING REQUIREMENTS.—Each agree-
22 ment entered into under paragraph (2) shall specify
23 that the Federal share of a grant under this section
24 shall be 80 percent of the cost of the activities fund-
25 ed under the grant. No amount may be made avail-
26 able to the Council for a grant under this section,

1 unless the Council has raised an amount from pri-
2 vate persons and State and local government agen-
3 cies equivalent to the non-Federal share of the
4 grant.

5 (4) PROHIBITION ON THE USE OF FEDERAL
6 FUNDS FOR ADMINISTRATIVE EXPENSES.—Each
7 agreement entered into under paragraph (2) shall
8 specify that a reasonable amount of the Federal
9 funds made available to the Council (under the
10 grant that is the subject of the agreement or other-
11 wise), but in no event more than 15 percent of such
12 funds, may be used by the Council for administrative
13 expenses of the Council, including salaries, travel
14 and transportation expenses, and other overhead ex-
15 penses.

16 (b) TECHNICAL ASSISTANCE.—

17 (1) IN GENERAL.—Each agency head listed in
18 paragraph (2) shall provide to the Council such tech-
19 nical assistance as may be necessary for the Council
20 to carry out the purposes specified in section 201(b).

21 (2) AGENCY HEADS.—The agency heads listed
22 in this paragraph are as follows:

23 (A) The Secretary of Housing and Urban
24 Development.

25 (B) The Secretary of the Interior.

1 (C) The Commissioner of Indian Affairs.

2 (D) The Assistant Secretary for Economic
3 Development of the Department of Commerce.

4 (E) The Administrator of the Small Busi-
5 ness Administration.

6 (F) The Administrator of the Rural Devel-
7 opment Administration.

8 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

9 (a) AUTHORIZATION.—There are authorized to be ap-
10 propriated to the Department of the Interior, \$10,000,000
11 for each of fiscal years 2002, 2003, 2004, 2005, and 2006,
12 to be used in accordance with section 208.

13 (b) ADDITIONAL AUTHORIZATION.—The amounts
14 authorized to be appropriated under this section are in
15 addition to any amounts provided or available to the Coun-
16 cil under any other provision of Federal law.

Passed the Senate September 26 (legislative day,
September 22), 2000.

Attest:

Secretary.

106TH CONGRESS
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To authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

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