

106TH CONGRESS
1ST SESSION

S. 1658

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 1999

Mr. DASCHLE introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

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,*

3 **SECTION 1. FINDINGS.**

4 Congress finds that—

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

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

1 (3) the establishment of a Sioux Nation Tribal
2 Supreme Court will promote economic development
3 on reservations of the Sioux Nation and provide in-
4 vestors that contribute to that development a greater
5 degree of certainty and confidence by—

6 (A) reconciling conflicting tribal laws; and

7 (B) strengthening tribal court systems;

8 (4) the reservations of the Sioux Nation—

9 (A) contain the poorest counties in the
10 United States; and

11 (B) lack adequate tools to promote eco-
12 nomic development and the creation of jobs;
13 and

14 (5) the establishment of a Native American
15 Economic Development Council will assist in pro-
16 moting economic growth and reducing poverty on
17 reservations of the Sioux Nation by—

18 (A) coordinating economic development ef-
19 forts;

20 (B) centralizing expertise concerning Fed-
21 eral assistance; and

22 (C) facilitating the raising of funds from
23 private donations to meet matching require-
24 ments under certain Federal assistance pro-
25 grams.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given that term in section 4(e) of
5 the Indian Self-Determination and Education Assist-
6 ance Act (25 U.S.C. 450b(e)).

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (3) SIOUX NATION.—The term “Sioux Nation”
10 means the Indian tribes comprising the Sioux Na-
11 tion.

12 **TITLE I—RECONCILIATION**
13 **CENTER**

14 **SEC. 101. RECONCILIATION CENTER.**

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

20 (b) PURPOSES.—The purposes of Reconciliation
21 Place shall be as follows:

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

24 (A) displaying and interpreting the history,
25 art, and culture of Indian tribes for Indians
26 and non-Indians; and

1 (B) providing an accessible repository
2 for—

3 (i) the history of Indian tribes; and

4 (ii) the family history of members of
5 Indian tribes.

6 (2) To provide for the interpretation of the en-
7 counters between Lewis and Clark and the Sioux
8 Nation.

9 (3) To house the Sioux Nation Tribal Supreme
10 Court.

11 (4) To house the Native American Economic
12 Development Council.

13 (c) GRANT.—

14 (1) IN GENERAL.—The Secretary of Housing
15 and Urban Development shall offer to award a grant
16 to the Wakpa Sica Historical Society of Fort Pierre,
17 South Dakota, for the construction of Reconciliation
18 Place.

19 (2) GRANT AGREEMENT.—

20 (A) IN GENERAL.—As a condition to re-
21 ceiving the grant under this subsection, the ap-
22 propriate official of the Wakpa Sica Historical
23 Society shall enter into a grant agreement with
24 the Secretary of Housing and Urban Develop-
25 ment.

1 (B) CONSULTATION.—Before entering into
2 a grant agreement under this paragraph, the
3 Secretary of Housing and Urban Development
4 shall consult with the Secretary concerning the
5 contents of the agreement.

6 (C) DUTIES OF THE WAKPA SICA HISTOR-
7 ICAL SOCIETY.—The grant agreement under
8 this paragraph shall specify the duties of the
9 Wakpa Sica Historical Society under this sec-
10 tion and arrangements for the maintenance of
11 Reconciliation Place.

12 (3) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the De-
14 partment of Housing and Urban Development
15 \$17,258,441, to be used for the grant under this
16 section.

17 **SEC. 102. SIOUX NATION TRIBAL COURT.**

18 (a) IN GENERAL.—To ensure the development and
19 operation of the Sioux Nation Tribal Supreme Court, the
20 Attorney General of the United States shall provide such
21 technical and financial assistance to the Sioux Nation as
22 is necessary.

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

1 **TITLE II—NATIVE AMERICAN**
2 **ECONOMIC DEVELOPMENT**
3 **COUNCIL**

4 **SEC. 201. ESTABLISHMENT OF NATIVE AMERICAN ECO-**
5 **NOMIC DEVELOPMENT COUNCIL.**

6 (a) ESTABLISHMENT.—There is established the Na-
7 tive American Economic Development Council (in this title
8 referred to as the “Council”). The Council shall be a char-
9 itable and nonprofit corporation and shall not be consid-
10 ered to be an agency or establishment of the United
11 States.

12 (b) PURPOSES.—The purposes of the Council are—

13 (1) to encourage, accept, and administer private
14 gifts of property;

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

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

20 (4) to provide grants and loans to members of
21 Indian tribes to establish or operate small busi-
22 nesses;

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

1 (6) to provide technical assistance to Indian
2 tribes and members thereof in obtaining Federal as-
3 sistance.

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

5 (a) ESTABLISHMENT AND MEMBERSHIP.—

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

9 (2) MEMBERSHIP.—The Board shall consist of
10 11 directors, who shall be appointed by the Sec-
11 retary as follows:

12 (A)(i) 9 members appointed under this
13 paragraph shall represent the 9 reservations of
14 South Dakota.

15 (ii) Each member described in clause (i)
16 shall—

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

19 (II) be selected from among nomina-
20 tions submitted by the appropriate Indian
21 tribe.

22 (B) 1 member appointed under this para-
23 graph shall be selected from nominations sub-
24 mitted by the Governor of the State of South
25 Dakota.

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

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

7 (b) APPOINTMENTS AND TERMS.—

8 (1) APPOINTMENT.—Not later than December
9 31, 2000, the Secretary shall appoint the directors
10 of the Board under subsection (a)(2).

11 (2) TERMS.—Each director shall serve for a
12 term of 2 years.

13 (3) VACANCIES.—A vacancy on the Board shall
14 be filled not later than 60 days after that vacancy
15 occurs, in the manner in which the original appoint-
16 ment was made.

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

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

21 (d) QUORUM.—A majority of the members of the
22 Board shall constitute a quorum for the transaction of
23 business.

24 (e) MEETINGS.—The Board shall meet at the call of
25 the Chairman at least once a year. If a director misses

1 3 consecutive regularly scheduled meetings, that individual
2 may be removed from the Board by the Secretary and that
3 vacancy filled in accordance with subsection (b).

4 (f) REIMBURSEMENT OF EXPENSES.—Members of
5 the Board shall serve without pay, but may be reimbursed
6 for the actual and necessary traveling and subsistence ex-
7 penses incurred by them in the performance of the duties
8 of the Council.

9 (g) GENERAL POWERS.—

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

12 (A) appointing officers and employees;

13 (B) adopting a constitution and bylaws
14 consistent with the purposes of the Council
15 under this Act; and

16 (C) carrying out such other actions as may
17 be necessary to carry out the purposes of the
18 Council under this Act.

19 (2) EFFECT OF APPOINTMENT.—Appointment
20 to the Board shall not constitute employment by, or
21 the holding of an office of, the United States for the
22 purposes of any Federal law.

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

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

4 (B) Officers and employees of the
5 Council—

6 (i) shall be appointed without regard
7 to the provisions of title 5, United States
8 Code, governing appointments in the com-
9 petitive service; and

10 (ii) may be paid without regard to the
11 provisions of chapter 51 and subchapter
12 III of chapter 53 of such title relating to
13 classification and General Schedule pay
14 rates.

15 (4) SECRETARY OF THE BOARD.—The first offi-
16 cer or employee appointed by the Board shall be the
17 Secretary of the Board. The Secretary of the Board
18 shall—

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

21 (B) be knowledgeable and experienced in
22 matters relating to economic development and
23 Indian affairs.

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

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

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

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

13 (3) unless otherwise required by the instrument
14 of transfer, to sell, donate, lease, invest, reinvest, re-
15 tain, or otherwise dispose of any property or income
16 therefrom;

17 (4) to borrow money and issue bonds, deben-
18 tures, or other debt instruments;

19 (5) to sue and be sued, and complain and de-
20 fend itself in any court of competent jurisdiction, ex-
21 cept that the directors shall not be personally liable,
22 except for gross negligence;

23 (6) to enter into contracts or other arrange-
24 ments with public agencies and private organizations
25 and persons and to make such payments as may be
26 necessary to carry out its function; and

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

3 (b) OTHER POWERS AND OBLIGATIONS.—

4 (1) IN GENERAL.—The Council—

5 (A) shall have perpetual succession;

6 (B) may conduct business throughout the
7 several States, territories, and possessions of
8 the United States and abroad;

9 (C) shall have its principal offices in South
10 Dakota; and

11 (D) shall at all times maintain a des-
12 ignated agent authorized to accept service of
13 process for the Council.

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

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

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

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

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

8 (b) REIMBURSEMENT.—

9 (1) IN GENERAL.—The Council may reimburse
10 the Secretary for any administrative service provided
11 under subsection (a). The Secretary shall deposit
12 any reimbursement received under this subsection
13 into the Treasury to the credit of the appropriations
14 then current and chargeable for the cost of providing
15 such services.

16 (2) CONTINUATION OF CERTAIN ASSISTANCE.—
17 Notwithstanding any other provision of this section,
18 the Secretary is authorized to continue to provide fa-
19 cilities, and necessary support services for such fa-
20 cilities, to the Council after the date specified in
21 subsection (a), on a space available, reimbursable
22 cost basis.

23 **SEC. 205. VOLUNTEER STATUS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, the Secretary may accept, without regard to
26 the civil service classification laws, rules, or regulations,

1 the services of the Council, the Board, and the officers
 2 and employees of the Board, without compensation from
 3 the Secretary, as volunteers in the performance of the
 4 functions authorized under this Act.

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

9 **SEC. 206. AUDITS, REPORT REQUIREMENTS, AND PETITION**
 10 **OF ATTORNEY GENERAL FOR EQUITABLE RE-**
 11 **LIEF.**

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

16 (b) REPORT.—As soon as practicable after the end
 17 of each fiscal year, the Council shall transmit to Congress
 18 a report of its proceedings and activities during such year,
 19 including a full and complete statement of its receipts, ex-
 20 penditures, and investments.

21 (c) RELIEF WITH RESPECT TO CERTAIN COUNCIL
 22 ACTS OR FAILURE TO ACT.—If the Council—

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

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

4 then the Attorney General of the United States may peti-
5 tion in the United States District Court for the District
6 of Columbia for such equitable relief as may be necessary
7 or appropriate.

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

9 The United States shall not be liable for any debts,
10 defaults, acts, or omissions of the Council. The full faith
11 and credit of the United States shall not extend to any
12 obligation of the Council.

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

14 (a) GRANTS.—

15 (1) IN GENERAL.—Not less frequently than an-
16 nually, the Secretary shall award a grant to the
17 Council, to be used to carry out the purposes speci-
18 fied in section 201(b) in accordance with this sec-
19 tion.

20 (2) GRANT AGREEMENTS.—As a condition to
21 receiving a grant under this section, the secretary of
22 the Board, with the approval of the Board, shall
23 enter into an agreement with the Secretary that
24 specifies the duties of the Council in carrying out
25 the grant and the information that is required to be

1 included in the agreement under paragraphs (3) and
2 (4).

3 (3) MATCHING REQUIREMENTS.—Each agree-
4 ment entered into under paragraph (2) shall specify
5 that the Federal share of a grant under this section
6 shall be 80 percent of the cost of the activities fund-
7 ed under the grant. No amount may be made avail-
8 able to the Council for a grant under this section,
9 unless the Council has raised an amount from pri-
10 vate persons and State and local government agen-
11 cies equivalent to the non-Federal share of the
12 grant.

13 (4) PROHIBITION ON THE USE OF FEDERAL
14 FUNDS FOR ADMINISTRATIVE EXPENSES.—Each
15 agreement entered into under paragraph (2) shall
16 specify that no Federal funds made available to the
17 Council (under the grant that is the subject of the
18 agreement or otherwise) may be used by the Council
19 for administrative expenses of the Council, including
20 salaries, travel and transportation expenses, and
21 other overhead expenses.

22 (b) TECHNICAL ASSISTANCE.—

23 (1) IN GENERAL.—Each agency head listed in
24 paragraph (2) shall provide to the Council such tech-

1 nical assistance as may be necessary for the Council
2 to carry out the purposes specified in section 201(b).

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

5 (A) The Secretary of Housing and Urban
6 Development.

7 (B) The Secretary of the Interior.

8 (C) The Commissioner of Indian Affairs.

9 (D) The Assistant Secretary for Economic
10 Development of the Department of Commerce.

11 (E) The Administrator of the Small Busi-
12 ness Administration.

13 (F) The Administrator of the Rural Devel-
14 opment Administration.

15 **SEC. 209. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AUTHORIZATION.—There are authorized to be ap-
17 propriated to the Department of the Interior, \$10,000,000
18 for each of fiscal years 2000, 2001, 2002, 2003, and 2004,
19 to be used in accordance with section 208.

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

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