

110TH CONGRESS
1ST SESSION

H. R. 3351

To adapt the lessons of foreign aid to underdeveloped economies to the provision of Federal economic development assistance to similarly situated remote Native American communities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2007

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To adapt the lessons of foreign aid to underdeveloped economies to the provision of Federal economic development assistance to similarly situated remote Native American communities, 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 “Native American Chal-
5 lenge Demonstration Project Act of 2007”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

1 (1) adapt the lessons of foreign aid to under-
2 developed economies, such as the experience of the
3 Millennium Challenge Corporation, to the provision
4 of Federal economic development assistance to simi-
5 larly situated remote Native American communities;

6 (2) provide Federal economic development as-
7 sistance for Native communities through the Native
8 American Challenge Demonstration Project;

9 (3) administer Federal economic development
10 assistance in a manner that promotes economic
11 growth and the elimination of poverty and strength-
12 ens good governance, entrepreneurship, and invest-
13 ment in Native communities;

14 (4) improve the effectiveness of Federal eco-
15 nomic development assistance by encouraging the in-
16 tegration and coordination of such assistance in Na-
17 tive American communities;

18 (5) promote sustainable economic growth and
19 poverty reduction policies in Native American com-
20 munities in a manner that promotes self-determina-
21 tion and self-sufficiency among remote Native Amer-
22 ican communities while preserving their cultural val-
23 ues; and

1 (6) establish a demonstration project which, if
2 successful, may be broadly applied to other Native
3 American communities in the United States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ELIGIBLE ENTITY.—The term “ eligible en-
7 tity” means—

8 (A) the Association of Village Council
9 Presidents, the Bristol Bay Native Association,
10 and the Alaska Federation of Natives applying
11 jointly;

12 (B) in the State of Hawaii, a consortia of
13 local Native Hawaiian community organizations
14 to be determined by the Secretary in consulta-
15 tion with the Secretary of Interior and the Of-
16 fice of Hawaiian Affairs; and

17 (C) in the contiguous states, up to three
18 organizations to be determined by the Secretary
19 in consultation with the Secretary of the Inte-
20 rior, which organizations may be Indian tribes,
21 consortia of Indian tribes, or nongovernmental
22 entities authorized by one or more Indian
23 tribes.

1 (2) COMPACT.—The term “compact” means a
 2 binding agreement with the United States pursuant
 3 to this Act.

4 (3) ECONOMIC DEVELOPMENT STRATEGY OF
 5 THE ELIGIBLE ENTITY.—The term “economic devel-
 6 opment strategy of the eligible entity” means a
 7 strategy written by the eligible entity and designed
 8 to achieve sustainable economic growth and reduce
 9 poverty over a defined period, developed in consulta-
 10 tion with public and private sector entities as appro-
 11 priate to the geographic area and intended bene-
 12 ficiaries of the compact.

13 (4) INDIAN TRIBE.—The term “Indian tribe”
 14 shall have the meaning given the term in section
 15 4(e) of the Indian Self Determination and Education
 16 Assistance Act (25 U.S.C. 450 et seq.).

17 (5) RENEWAL.—The term “renewal” means the
 18 negotiated extension of a compact.

19 (6) SECRETARY.—The term “Secretary” means
 20 the Secretary of Commerce, Office of the Secretary.

21 **SEC. 4. NATIVE AMERICAN MILLENNIUM CHALLENGE DEM-**
 22 **ONSTRATION PROJECT.**

23 (a) ESTABLISHMENT.—The Secretary shall establish
 24 and implement a demonstration project in the Department
 25 of Commerce.

1 (b) AUTHORIZATION OF ASSISTANCE.—The Sec-
2 retary may provide assistance under this section to an eli-
3 gible entity that enters a compact with the United States
4 pursuant to this Act.

5 (c) FORM OF ASSISTANCE.—Assistance under this
6 section—

7 (1) shall be provided in the form of funding
8 agreements established by the compacts;

9 (2) may not be provided in the form of loans;
10 and

11 (3) may not be used for gaming activities pur-
12 suant to the Indian Gaming Regulatory Act (25
13 USC 2701 et seq.).

14 (d) COORDINATION.—

15 (1) IN GENERAL.—The provision of assistance
16 under this section shall be coordinated with other
17 Federal economic development assistance programs
18 for Native Americans.

19 (2) INTEGRATED FUNDING.—The Secretary, in
20 cooperation with other Secretaries as appropriate,
21 shall, upon execution of a compact with an eligible
22 entity, authorize the eligible entity to coordinate its
23 federally funded economic development assistance
24 programs in a manner that integrates the program
25 services into a single, coordinated program.

1 (3) AGENCIES AND DEPARTMENTS.—The Fed-
2 eral agencies and departments administering eco-
3 nomic development assistance programs for Native
4 Americans are the following:

5 (A) Department of Agriculture.

6 (B) Department of Commerce.

7 (C) Department of Energy.

8 (D) Department of Health and Human
9 Services.

10 (E) Department of Housing and Urban
11 Development.

12 (F) Department of the Interior.

13 (G) Small Business Administration.

14 (H) Such other Federal agencies and in-
15 strumentalities as the Secretary determines ap-
16 propriate.

17 (e) PROGRAMS AFFECTED.—The programs that may
18 be integrated pursuant to this Act shall include any pro-
19 gram under which an Indian tribe is eligible for receipt
20 of funds under a statutory or administrative formula for
21 economic development purposes.

22 (f) WAIVER AUTHORITY.—Upon receipt of the exe-
23 cuted compact, the Secretary shall consult with the eligible
24 entity and the Secretary of each Federal agency or depart-
25 ment providing funds to be used to implement the compact

1 in order to identify any waivers of statutory requirements
2 or applicable regulations, policies, or procedures necessary
3 to enable the eligible entity to implement its compact.

4 **SEC. 5. NATIVE AMERICAN CHALLENGE COMPACTS.**

5 (a) COMPACTS.—The Secretary shall develop and rec-
6 ommend procedures for considering proposals for com-
7 pacts submitted by eligible entities. The Secretary may
8 provide assistance to an eligible entity only if the eligible
9 entity enters into an agreement with the United States,
10 to be known as a “Native American Challenge Compact”,
11 that establishes a multi-year plan for achieving develop-
12 ment objectives in furtherance of the purposes of this Act.

13 (b) ELIGIBLE ENTITIES-CRITERIA FOR SELEC-
14 TION.—The Secretary shall develop an application process
15 and criteria for selecting the eligible entities, taking into
16 account—

- 17 (1) the purposes of this Act;
- 18 (2) the economic development strategy of the el-
19 igible entity;
- 20 (3) the remoteness of the reservation or com-
21 munity to be served;
- 22 (4) its general economic status;
- 23 (5) poverty rates; and
- 24 (6) the capacity of the applicant.

1 (c) ASSISTANCE FOR DEVELOPMENT OF A COM-
2 PACT.—To the extent that funds have been appropriated
3 in advance and are available for this section, the Secretary
4 may enter into contracts with or make grants to any eligi-
5 ble entity for the purposes of facilitating the development
6 and implementation of a compact between the United
7 States and the eligible entity.

8 (d) DURATION AND EXTENSION.—The term of an
9 initial compact may not exceed five years. An eligible enti-
10 ty and the United States may enter into one or more sub-
11 sequent compacts in accordance with the requirements of
12 this Act. If a compact is nearing its expiration or has ex-
13 pired, the eligible entity and the United States may re-
14 negotiate or extend the compact for as many periods as
15 the parties agree, with each period not exceeding 10 years.

16 (e) APPLICATION.—The Secretary shall develop and
17 recommend procedures for considering proposals for com-
18 pacts submitted by eligible entities.

19 (f) ELEMENTS.—In furtherance of the economic de-
20 velopment strategy of the eligible entity, the compact shall
21 contain—

22 (1) a description of the specific objectives for
23 sustainable economic development and the reduction
24 of poverty that the eligible entity and the United

1 States expect to achieve during the term of the com-
2 pact;

3 (2) a description of the respective roles and re-
4 sponsibilities of the eligible entity and the United
5 States in the achievement of such objectives;

6 (3) a list and description of regular benchmarks
7 to measure progress toward achieving such objec-
8 tives;

9 (4) an identification of the intended bene-
10 ficiaries, disaggregated by income level, gender, and
11 age, to the maximum extent practical; and

12 (5) a multi-year financial plan to guide the im-
13 plementation of the compact, including the estimated
14 level of funding and other contributions by the
15 United States and the eligible entity, proposed
16 mechanisms to execute the plan, and periodic assess-
17 ments to determine whether the requirements of
18 subparagraphs (1) through (4) are being met.

19 (g) SUSPENSION AND TERMINATION OF ASSIST-
20 ANCE.—

21 (1) IN GENERAL.—The Secretary may suspend
22 or terminate assistance in whole or in part for an
23 entity that has entered a compact with the United
24 States if the Secretary determines that—

1 (A) the entity has failed to adhere to its
2 responsibilities under the compact, or

3 (B) the entity has engaged in a pattern of
4 actions inconsistent with the purposes of this
5 Act.

6 (h) REINSTATEMENT.—The Secretary may reinstate
7 assistance for an entity only if the Secretary determines
8 that the entity has demonstrated a commitment to cor-
9 recting each condition for which assistance was suspended
10 or terminated under subsection (f).

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated to carry out this Act \$20,000,000 for each of fiscal
14 years 2008 through 2012. Any funds authorized but not
15 appropriated may be appropriated in subsequent fiscal
16 years, provided that the cumulative level of funds author-
17 ized to be appropriated for Fiscal Year 2008 through
18 2012 shall not exceed \$100,000,000. Sums appropriated
19 under this section shall remain available until expended.

20 (b) ADMINISTRATIVE FUNDS.—Of the funds made
21 available by this Act, no more than 5 percent may be used
22 by the Secretary for administrative expenses and program
23 oversight.

1 **SEC. 7. PROGRAM ASSESSMENTS AND REPORTS.**

2 (a) REPORTS OF ELIGIBLE ENTITIES.—Not later
3 than March 15, 2008, and annually thereafter, each the
4 eligible entity shall prepare and submit to the Secretary
5 a written report regarding the assistance provided under
6 this Act during the previous fiscal year.

7 (b) REPORT CONTENTS.—A report required under
8 subsection (a) shall include the following:

9 (1) The amount of obligations and expenditures
10 for assistance provided during the prior fiscal year.

11 (2) A description of the programs and activities
12 conducted by the entity in furtherance of its eco-
13 nomic development strategy and the purposes of this
14 Act.

15 (3) An assessment of the effectiveness of the
16 assistance provided and progress made by the entity
17 toward achieving its economic development strategy
18 and the purposes of this Act.

19 (4) Other information the eligible entity con-
20 siders relevant considering the purposes of this Act.

21 (c) TRANSMITTAL TO CONGRESS.—Not later than
22 May 15, 2008, and annually thereafter, the Secretary shall
23 transmit reports required under subsection (a), with such
24 other information the Secretary considers relevant, to the
25 Committee on Energy and Commerce and the Committee
26 on Natural Resources in the House of Representatives,

1 and the Committee on Indian Affairs, the Committee on
2 Commerce, Science, and Transportation, and the Com-
3 mittee on Energy and Natural Resources in the Senate.

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