

106TH CONGRESS  
2D SESSION

# S. 2052

To establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2000

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

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## A BILL

To establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to community, business, and the economic development of Native American communities.

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. TITLE.**

4 The Act may be cited as the “Indian Tribal Develop-  
5 ment Consolidated Funding Act of 2000”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-  
8 ings:

1           (1) A unique legal and political relationship ex-  
2       ists between the United States and Indian tribes  
3       that is reflected in article I, clause 3 of the Constitu-  
4       tion of the United States, various treaties, Federal  
5       statutes, Supreme Court decisions, executive agree-  
6       ments, and course of dealing.

7           (2) Despite the infusion of substantial Federal  
8       dollars into Native American communities over sev-  
9       eral decades, the majority of Native Americans re-  
10      main mired in poverty, unemployment, and despair.

11          (3) The efforts of the United States to foster  
12      community, economic, and business development in  
13      Native American communities have been hampered  
14      by fragmentation of authority, responsibility and  
15      performance and by lack of timeliness and coordina-  
16      tion in resources and decision-making.

17          (4) The effectiveness of Federal and tribal ef-  
18      forts to generate employment opportunities and  
19      bring value-added activities and economic growth to  
20      Native American communities depends on coopera-  
21      tive arrangements among the various Federal agen-  
22      cies and Indian tribes.

23      (b) PURPOSES.—It is the purpose of this Act to—

1           (1) enable Indian tribes and tribal organiza-  
2           tions to use available Federal assistance more effec-  
3           tively and efficiently;

4           (2) adapt and target such assistance more read-  
5           ily to particular needs through wider use of projects  
6           that are supported by more than 1 executive agency,  
7           assistance program, or appropriation of the Federal  
8           Government;

9           (3) encourage Federal-tribal arrangements  
10          under which Indian tribes and tribal organizations  
11          may more effectively and efficiently combine Federal  
12          and tribal resources to support economic develop-  
13          ment projects;

14          (4) promote the coordination of Native Amer-  
15          ican economic programs to maximize the benefits of  
16          these programs to encourage a more consolidated,  
17          national policy for economic development; and

18          (5) establish a demonstration project to aid In-  
19          dian tribes in obtaining Federal resources and in  
20          more efficiently administering these resources for  
21          the furtherance of tribal self-governance and self-de-  
22          termination.

23 **SEC. 3. DEFINITIONS.**

24          In this title:

1           (1) APPLICANT.—The term “applicant” means  
2           an Indian tribe or tribal organization applying for  
3           assistance for a community, economic, or business  
4           development project, including facilities to improve  
5           the environment, housing, roads, community facili-  
6           ties, business and industrial facilities, transpor-  
7           tation, roads and highway, and community facilities.

8           (2) ASSISTANCE.—The term “assistance”  
9           means the transfer of anything of value for a public  
10          purpose or support or stimulation that is—

11                (A) authorized by a law of the United  
12                States; and

13                (B) provided by the Federal Government  
14                through grant or contractual arrangements, in-  
15                cluding technical assistance programs providing  
16                assistance by loan, loan guarantee, or insur-  
17                ance.

18          (3) ASSISTANCE PROGRAM.—The term “assist-  
19          ance program” means any program of the Federal  
20          Government that provides assistance for which In-  
21          dian tribes or tribal organizations are eligible.

22          (4) INDIAN TRIBE.—The term “Indian tribe”  
23          has the meaning given such term in section 4(e) of  
24          the Indian Self-Determination and Education Assist-  
25          ance Act (25 U.S.C. 450b(e)).

1           (5) PROJECT.—The term “project” means an  
 2           undertaking that includes components that con-  
 3           tribute materially to carrying out 1 purpose or close-  
 4           ly-related purposes that are proposed or approved  
 5           for assistance under more than 1 Federal Govern-  
 6           ment program.

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

9           (7) TRIBAL ORGANIZATION.—The term “tribal  
 10          organization” has the meaning given such term in  
 11          section 4(l) of the Indian Self-Determination and  
 12          Education Assistance Act (25 U.S.C. 450b(l)).

13 **SEC. 4. LEAD AGENCY.**

14          The lead agency for purposes of carrying out this Act  
 15          shall be the Department of the Interior.

16 **SEC. 5. SELECTION OF PARTICIPATING TRIBES.**

17          (a) PARTICIPANTS.—

18               (1) IN GENERAL.—The Secretary may select  
 19               not to exceed 24 Indian tribes in each fiscal year  
 20               from the applicant pool described in subsection (b)  
 21               to participate in the projects carried out under this  
 22               Act.

23               (2) CONSORTIA.—Two or more Indian tribes  
 24               that are otherwise eligible to participate in a pro-  
 25               gram or activity to which this Act applies may form

1 a consortium to participate as a single Indian tribe  
2 under paragraph (1).

3 (b) APPLICANT POOL.—The applicant pool described  
4 in this subsection shall consist of each Indian tribe that—

5 (1) successfully completes the planning phase  
6 described in subsection (c);

7 (2) has requested participation in a project  
8 under this Act through a resolution or other official  
9 action of the tribal governing body; and

10 (3) has demonstrated, for the 3 fiscal years im-  
11 mediately preceding the fiscal year for which the re-  
12 quested participation is being made, financial sta-  
13 bility and financial management capability as dem-  
14 onstrated by the Indian tribe having no material  
15 audit exceptions in the required annual audit of the  
16 self-determination contracts of the tribe.

17 (c) PLANNING PHASE.—Each Indian tribe seeking to  
18 participate in a project under this Act shall complete a  
19 planning phase that shall include legal and budgetary re-  
20 search and internal tribal government and organizational  
21 preparation. The tribe shall be eligible for a grant under  
22 this section to plan and negotiate participation in a project  
23 under this Act.

1 **SEC. 6. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.**

2 (a) IN GENERAL.—The President, acting through the  
3 heads of the appropriate executive agencies, shall promul-  
4 gate regulations necessary to carry out this Act and to  
5 ensure that this Act is applied and implemented by all ex-  
6 ecutive agencies.

7 (b) SCOPE OF COVERAGE.—The executive agencies  
8 that are included within the scope of this Act shall  
9 include—

10 (1) the Department of Agriculture;

11 (2) the Department of Commerce;

12 (3) the Department of Defense;

13 (4) the Department of Education;

14 (5) the Department of Health and Human  
15 Services;

16 (6) the Department of Housing and Urban De-  
17 velopment;

18 (7) the Department of the Interior;

19 (8) the Department of Labor; and

20 (9) the Environmental Protection Agency.

21 (c) ACTIVITIES.—Notwithstanding any other provi-  
22 sion of law, the head of each executive agency, acting alone  
23 or jointly through an agreement with another executive  
24 agency, may—

1           (1) identify related Federal programs that are  
2           likely to be particularly suitable in providing for the  
3           joint financing of specific kinds of projects;

4           (2) assist in planning and developing projects to  
5           be financed through different Federal programs;

6           (3) with respect to Federal programs or  
7           projects that are identified or developed under para-  
8           graphs (1) or (2), develop and prescribe—

9                   (A) guidelines;

10                   (B) model or illustrative projects;

11                   (C) joint or common application forms;

12           and

13                   (D) other materials or guidance;

14           (4) review administrative program requirements  
15           to identify those requirements that may impede the  
16           joint financing of projects and modify such require-  
17           ment when appropriate;

18           (5) establish common technical and administra-  
19           tive regulations for related Federal programs to as-  
20           sist in providing joint financing to support a specific  
21           project or class of projects; and

22           (6) establish joint or common application proc-  
23           essing and project supervision procedures, including  
24           procedures for designating—



1 (A) a lead agency responsible for proc-  
2 essing applications; and

3 (B) a managing agency responsible for  
4 project supervision.

5 (d) REQUIREMENTS.—In carrying out this Act, the  
6 head of each executive agency shall—

7 (1) take all appropriate actions to carry out this  
8 Act when administering a Federal assistance pro-  
9 gram; and

10 (2) consult and cooperate with the heads of  
11 other executive agencies to carry out this Act in as-  
12 sisting in the administration of Federal assistance  
13 programs of other executive agencies that may be  
14 used to jointly finance projects undertaken by Indian  
15 tribes or tribal organizations.

16 **SEC. 7. PROCEDURES FOR PROCESSING REQUESTS FOR**  
17 **JOINT FINANCING.**

18 In processing an application or request for assistance  
19 for a project to be financed in accordance with this Act  
20 by at least 2 assistance programs, the head of an executive  
21 agency shall take all appropriate actions to ensure that—

22 (1) required reviews and approvals are handled  
23 expeditiously;

24 (2) complete account is taken of special consid-  
25 erations of timing that are made known to the head

1 of the agency involved by the applicant that would  
2 affect the feasibility of a jointly financed project;

3 (3) an applicant is required to deal with a min-  
4 imum number of representatives of the Federal Gov-  
5 ernment;

6 (4) an applicant is promptly informed of a deci-  
7 sion or special problem that could affect the feasi-  
8 bility of providing joint assistance under the applica-  
9 tion; and

10 (5) an applicant is not required to get informa-  
11 tion or assurances from 1 executive agency for a re-  
12 questing executive agency when the requesting agen-  
13 cy makes the information or assurances directly.

14 **SEC. 8. UNIFORM ADMINISTRATIVE PROCEDURES.**

15 (a) IN GENERAL.—To make participation in a project  
16 simpler than would otherwise be possible because of the  
17 application of varying or conflicting technical or adminis-  
18 trative regulations or procedures that are not specifically  
19 required by the statute that authorizes the Federal pro-  
20 gram under which such project is funded, the head of an  
21 executive agency may promulgate uniform regulations con-  
22 cerning inconsistent or conflicting requirements with re-  
23 spect to—

24 (1) the financial administration of the project  
25 including accounting, reporting and auditing, and

1 maintaining a separate bank account, to the extent  
2 consistent with this Act;

3 (2) the timing of payments by the Federal Gov-  
4 ernment for the project when 1 payment schedule or  
5 a combined payment schedule is to be established for  
6 the project;

7 (3) the provision of assistance by grant rather  
8 than procurement contract; and

9 (4) the accountability for, or the disposition of,  
10 records, property, or structures acquired or con-  
11 structed with assistance from the Federal Govern-  
12 ment under the project.

13 (b) REVIEW.—In making the processing of applica-  
14 tions for assistance under a project simpler under this Act,  
15 the head of an executive agency may provide for review  
16 of proposals for a project by a single panel, board, or com-  
17 mittee where reviews by separate panels, boards, or com-  
18 mittees are not specifically required by the statute that  
19 authorizes the Federal program under which such project  
20 is funded.

21 **SEC. 9. DELEGATION OF SUPERVISION OF ASSISTANCE.**

22 Pursuant to regulations established to implement this  
23 Act, the head of an executive agency may delegate or oth-  
24 erwise enter into an arrangement to have another execu-  
25 tive agency carry out or supervise a project or class or

1 projects jointly financed in accordance with this Act. Such  
2 a delegation—

3 (1) shall be made under conditions ensuring  
4 that the duties and powers delegated are exercised  
5 consistent with Federal law; and

6 (2) may not be made in a manner that relieves  
7 the head of an executive agency of responsibility for  
8 the proper and efficient management of a project for  
9 which the agency provides assistance.

10 **SEC. 10. JOINT ASSISTANCE FUNDS AND PROJECT FACILI-**  
11 **TATION.**

12 (a) JOINT ASSISTANCE FUND.—In providing support  
13 for a project in accordance with this Act, the head of an  
14 executive agency may provide for the establishment by the  
15 applicant of a joint assistance fund to ensure that  
16 amounts received from more than 1 Federal assistance  
17 program or appropriation are more effectively adminis-  
18 tered.

19 (b) AGREEMENT.—A joint assistance fund may only  
20 be established under subsection (a) in accordance with an  
21 agreement by the executive agencies involved concerning  
22 the responsibilities of each such agency. Such an agree-  
23 ment shall—

24 (1) ensure the availability of necessary informa-  
25 tion to the executive agencies and Congress;

1           (2) provide that the agency administering the  
2       fund is responsible and accountable by program and  
3       appropriation for the amounts provided for the pur-  
4       poses of each account in the fund; and

5           (3) include procedures for returning an excess  
6       amount in the fund to participating executive agen-  
7       cies under the applicable appropriation (an excess  
8       amount of an expired appropriation lapses from the  
9       fund).

10 **SEC. 11. FINANCIAL MANAGEMENT, ACCOUNTABILITY AND**  
11 **AUDITS.**

12       (a) SINGLE AUDIT ACT.—Recipients of funding pro-  
13       vided in accordance with this Act shall be subject to the  
14       provisions of chapter 75 of title 31, United States Code.

15       (b) RECORDS.—With respect to each project financed  
16       through an account in a joint management fund estab-  
17       lished under section 10, the recipient of amounts from the  
18       fund shall maintain records as required by the head of  
19       the executive agencies responsible for administering the  
20       fund. Such records shall include—

21           (1) the amount and disposition by the recipient  
22       of assistance received under each Federal assistance  
23       program and appropriation;

24           (2) the total cost of the project for which such  
25       assistance was given or used;

1           (3) that part of the cost of the project provided  
2           from other sources; and

3           (4) other records that will make it easier to  
4           conduct an audit of the project.

5           (c) AVAILABILITY.—Records of a recipient related to  
6           an amount received from a joint management fund under  
7           this Act shall be made available to the head of the execu-  
8           tive agency responsible for administering the fund and the  
9           Comptroller General for inspection and audit.

10   **SEC. 12. TECHNICAL ASSISTANCE AND PERSONNEL TRAIN-**  
11                           **ING.**

12           Amounts available for technical assistance and per-  
13           sonnel training under any Federal assistance program  
14           shall be available for technical assistance and training  
15           under a project approved for joint financing under this  
16           Act where a portion of such financing involves such Fed-  
17           eral assistance program and another assistance program.

18   **SEC. 13. JOINT FINANCING FOR FEDERAL-TRIBAL AS-**  
19                           **SISTED PROJECTS.**

20           Under regulations promulgated under this Act, the  
21           head of an executive agency may enter into an agreement  
22           with a State to extend the benefits of this Act to a project  
23           that involves assistance from at least 1 executive agency  
24           and at least 1 tribal agency or instrumentality. The agree-

1 ment may include arrangements to process requests or ad-  
2 minister assistance on a joint basis.

3 **SEC. 14. REPORT TO CONGRESS.**

4 Not later than 1 year after the date of enactment  
5 of this Act, the President shall prepare and submit to Con-  
6 gress a report concerning the actions taken under this Act  
7 together with recommendations for the continuation of  
8 this Act or proposed amendments thereto. Such report  
9 shall include a detailed evaluation of the operation of this  
10 Act, including information on the benefits and costs of  
11 jointly financed projects that accrue to participating In-  
12 dian tribes and tribal organizations.

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