

115TH CONGRESS
1ST SESSION

H. R. 4506

To provide incentives to encourage tribal job creation and economic activity,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 30, 2017

Mrs. TORRES (for herself, Mr. COLE, Mrs. RADEWAGEN, Mr. KIND, Mr. O'HALLERAN, Ms. JACKSON LEE, and Mr. GRIJALVA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide incentives to encourage tribal job creation and
economic activity, 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 “Jobs for Tribes Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Native American Business Development, Trade Promotion, and Tourism Act of 2000.
- Sec. 104. Buy Indian Act.
- Sec. 105. Native American Programs Act of 1974.

TITLE II—NATIVE AMERICAN BUSINESS INCUBATORS PROGRAM ACT

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. Establishment of program.
- Sec. 205. Regulations.
- Sec. 206. Schools to business incubator pipeline.
- Sec. 207. Agency partnerships.
- Sec. 208. Authorizations of appropriations.

TITLE III—INDIGENOUS PEOPLES EXCHANGE AND ECONOMIC COOPERATION ACT

- Sec. 301. Short title.
- Sec. 302. Statement of policy.
- Sec. 303. Definitions.
- Sec. 304. Strategy.
- Sec. 305. United States assistance to support indigenous peoples.

1 **TITLE I—INDIAN ECONOMIC** 2 **ENHANCEMENT ACT OF 2017**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Indian Community
5 Economic Enhancement Act of 2017”.

6 **SEC. 102. FINDINGS.**

7 Congress finds that—

- 8 (1)(A) to bring industry and economic develop-
- 9 ment to Indian communities, Indian tribes must
- 10 overcome a number of barriers, including—
- 11 (i) geographical location;
- 12 (ii) lack of infrastructure or capacity;

1 (iii) lack of sufficient collateral and capital;

2 and

3 (iv) regulatory bureaucracy relating to—

4 (I) development; and

5 (II) access to services provided by the

6 Federal Government; and

7 (B) the barriers described in subparagraph (A)

8 often add to the cost of doing business in Indian

9 communities;

10 (2) Indian tribes—

11 (A) enact laws and exercise sovereign gov-

12 ernmental powers;

13 (B) determine policy for the benefit of trib-

14 al members; and

15 (C) produce goods and services for con-

16 sumers;

17 (3) the Federal Government has—

18 (A) an important government-to-govern-

19 ment relationship with Indian tribes; and

20 (B) a role in facilitating healthy and sus-

21 tainable tribal economies;

22 (4) the input of Indian tribes in developing

23 Federal policy and programs leads to more meaning-

24 ful and effective measures to assist Indian tribes and

25 Indian entrepreneurs in building tribal economies;

1 (5)(A) many components of tribal infrastruc-
2 ture need significant repair or replacement; and

3 (B) access to private capital for projects in In-
4 dian communities—

5 (i) may not be available; or

6 (ii) may come at a higher cost than such
7 access for other projects;

8 (6)(A) Federal capital improvement programs,
9 such as those that facilitate tax-exempt bond financ-
10 ing and loan guarantees, are tools that help improve
11 or replace crumbling infrastructure;

12 (B) lack of parity in treatment of an Indian
13 tribe as a governmental entity under Federal tax
14 and certain other regulatory laws impedes, in part,
15 the ability of Indian tribes to raise capital through
16 issuance of tax exempt debt, invest as an accredited
17 investor, and benefit from other investment incen-
18 tives accorded to State and local governmental enti-
19 ties; and

20 (C) as a result of the disparity in treatment of
21 Indian tribes described in subparagraph (B), inves-
22 tors may avoid financing, or demand a premium to
23 finance, projects in Indian communities, making the
24 projects more costly or inaccessible;

1 (7) there are a number of Federal loan guar-
2 antee programs available to facilitate financing of
3 business, energy, economic, housing, and community
4 development projects in Indian communities, and
5 those programs may support public-private partner-
6 ships for infrastructure development, but improve-
7 ments and support are needed for those programs
8 specific to Indian communities to facilitate more ef-
9 fectively private financing for infrastructure and
10 other urgent development needs; and

11 (8)(A) most real property held by Indian tribes
12 is trust or restricted land that essentially cannot be
13 held as collateral; and

14 (B) while creative solutions, such as leasehold
15 mortgages, have been developed in response to the
16 problem identified in subparagraph (A), some solu-
17 tions remain subject to review and approval by the
18 Bureau of Indian Affairs, adding additional costs
19 and delay to tribal projects.

20 **SEC. 103. NATIVE AMERICAN BUSINESS DEVELOPMENT,**
21 **TRADE PROMOTION, AND TOURISM ACT OF**
22 **2000.**

23 (a) FINDINGS; PURPOSES.—Section 2 of the Native
24 American Business Development, Trade Promotion, and

1 Tourism Act of 2000 (25 U.S.C. 4301) is amended by
2 adding at the end the following:

3 “(c) APPLICABILITY TO INDIAN-OWNED BUSI-
4 NESSES.—The findings and purposes in subsections (a)
5 and (b) shall apply to any Indian-owned business gov-
6 erned—

7 “(1) by tribal laws regulating trade or com-
8 merce on Indian lands; or

9 “(2) pursuant to section 5 of the Act of August
10 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C.
11 261).”.

12 (b) DEFINITIONS.—Section 3 of the Native American
13 Business Development, Trade Promotion, and Tourism
14 Act of 2000 (25 U.S.C. 4302) is amended—

15 (1) by redesignating paragraphs (1) through
16 (6) and paragraphs (7) through (9), as paragraphs
17 (2) through (7) and paragraphs (9) through (11),
18 respectively;

19 (2) by inserting before paragraph (2) (as redes-
20 ignated by paragraph (1)) the following:

21 “(1) DIRECTOR.—The term ‘Director’ means
22 the Director of Native American Business Develop-
23 ment appointed pursuant to section 4(a)(2).”; and

24 (3) by inserting after paragraph (7) (as redesign-
25 nated by paragraph (1)) the following:

1 “(8) OFFICE.—The term ‘Office’ means the Of-
 2 fice of Native American Business Development es-
 3 tablished by section 4(a)(1).”.

4 (c) OFFICE OF NATIVE AMERICAN BUSINESS DEVEL-
 5 OPMENT.—Section 4 of the Native American Business De-
 6 velopment, Trade Promotion, and Tourism Act of 2000
 7 (25 U.S.C. 4303) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) by striking “Department of Com-
 11 merce” and inserting “Office of the Sec-
 12 retary”; and

13 (ii) by striking “(referred to in this
 14 Act as the ‘Office’);” and

15 (B) in paragraph (2), in the first sentence,
 16 by striking “(referred to in this Act as the ‘Di-
 17 rector’)”; and

18 (2) by adding at the end the following:

19 “(c) DUTIES OF DIRECTOR.—

20 “(1) IN GENERAL.—The Director shall serve
 21 as—

22 “(A) the program and policy advisor to the
 23 Secretary with respect to the trust and govern-
 24 mental relationship between the United States
 25 and Indian tribes; and

1 “(B) the point of contact for Indian tribes,
2 tribal organizations, and Indians regarding—

3 “(i) policies and programs of the De-
4 partment of Commerce; and

5 “(ii) other matters relating to eco-
6 nomic development and doing business in
7 Indian lands.

8 “(2) DEPARTMENTAL COORDINATION.—The Di-
9 rector shall coordinate with all offices and agencies
10 within the Department of Commerce to ensure that
11 each office and agency has an accountable process to
12 ensure—

13 “(A) meaningful and timely coordination
14 and assistance, as required by this Act; and

15 “(B) consultation with Indian tribes re-
16 garding the policies, programs, assistance, and
17 activities of the offices and agencies.

18 “(3) OFFICE OPERATIONS.—There are author-
19 ized to be appropriated to carry out this section not
20 more than \$2,000,000 for each fiscal year.”.

21 (d) INDIAN COMMUNITY DEVELOPMENT INITIA-
22 TIVES.—The Native American Business Development,
23 Trade Promotion, and Tourism Act of 2000 is amended—

24 (1) by redesignating section 8 (25 U.S.C. 4307)
25 as section 10; and

1 (2) by inserting after section 7 (25 U.S.C.
2 4306) the following:

3 **“SEC. 8. INDIAN COMMUNITY DEVELOPMENT INITIATIVES.**

4 “(a) INTERAGENCY COORDINATION.—Not later than
5 1 year after the enactment of this section, the Secretary,
6 the Secretary of the Interior, and the Secretary of the
7 Treasury shall coordinate—

8 “(1) to develop initiatives that—

9 “(A) encourage, promote, and provide edu-
10 cation regarding investments in Indian commu-
11 nities through—

12 “(i) the loan guarantee program of
13 Bureau of Indian Affairs under section
14 201 of the Indian Financing Act of 1974
15 (25 U.S.C. 1481);

16 “(ii) programs carried out using
17 amounts in the Community Development
18 Financial Institutions Fund established
19 under section 104(a) of the Community
20 Development Banking and Financial Insti-
21 tutions Act of 1994 (12 U.S.C. 4703(a));
22 and

23 “(iii) other capital development pro-
24 grams;

1 “(B) examine and develop alternatives that
2 would qualify as collateral for financing in In-
3 dian communities; and

4 “(C) provide entrepreneur and other train-
5 ing relating to economic development through
6 tribally controlled colleges and universities and
7 other Indian organizations with experience in
8 providing such training;

9 “(2) to consult with Indian tribes and with the
10 Securities and Exchange Commission to determine,
11 and collaborate to establish, statutory or regulatory
12 changes necessary to qualify an Indian tribe as an
13 accredited investor for the purposes of sections
14 230.500 through 230.508 of title 17, Code of Fed-
15 eral Regulations (or successor regulations);

16 “(3) to identify regulatory, legal, or other bar-
17 riers to increasing investment, business, and eco-
18 nomic development, including qualifying or approv-
19 ing collateral structures, measurements of economic
20 strength, and contributions of Indian economies in
21 Indian communities through the Authority estab-
22 lished under section 4 of the Indian Tribal Regu-
23 latory Reform and Business Development Act of
24 2000 (25 U.S.C. 4301 note);

1 “(4) to ensure consultation with Indian tribes
2 regarding increasing investment in Indian commu-
3 nities and the development of the report required in
4 paragraph (5); and

5 “(5) not less than once every 3 years, to pro-
6 vide a report to Congress regarding improvements to
7 Indian communities resulting from such initiatives
8 and recommendations for promoting sustained
9 growth of the tribal economies.

10 “(b) WAIVER.—For assistance provided pursuant to
11 section 108 of the Community Development Banking and
12 Financial Institutions Act of 1994 (12 U.S.C. 4707) to
13 benefit Native Community Development Financial Institu-
14 tions, as defined by the Secretary of the Treasury, section
15 108(e) of such Act shall not apply.

16 “(c) INDIAN ECONOMIC DEVELOPMENT FEASIBILITY
17 STUDY.—

18 “(1) IN GENERAL.—The Government Account-
19 ability Office shall conduct a study and, not later
20 than 18 months after the date of enactment of this
21 subsection, submit to the Committee on Indian Af-
22 fairs of the Senate and the Committee on Natural
23 Resources of the House of Representatives a report
24 on the findings of the study and recommendations.

1 “(2) CONTENTS.—The study shall include an
2 assessment of each of the following:

3 “(A) IN GENERAL.—The study shall assess
4 current Federal capitalization and related pro-
5 grams and services that are available to assist
6 Indian communities with business and economic
7 development, including manufacturing, physical
8 infrastructure (such as telecommunications and
9 broadband), community development, and facili-
10 ties construction for such purposes. For each of
11 the Federal programs and services identified,
12 the study shall assess the current use and de-
13 mand by Indian tribes, individuals, businesses,
14 and communities of the programs, the capital
15 needs of Indian tribes, businesses, and commu-
16 nities related to economic development, and the
17 extent that similar programs have been used to
18 assist non-Indian communities compared to the
19 extent used for Indian communities.

20 “(B) FINANCING ASSISTANCE.—The study
21 shall assess and quantify the extent of assist-
22 ance provided to non-Indian borrowers and to
23 Indian (both tribal and individual) borrowers
24 through the loan programs, the loan guarantee
25 programs, or bond guarantee programs of the—

1 “(i) Department of the Interior;
2 “(ii) Department of Agriculture;
3 “(iii) Department of Housing and
4 Urban Development;
5 “(iv) Department of Energy;
6 “(v) Small Business Administration;
7 and
8 “(vi) Community Development Finan-
9 cial Institutions Fund of the Department
10 of the Treasury.

11 “(C) TAX INCENTIVES.—The study shall
12 assess and quantify the extent of the assistance
13 and allocations afforded for non-Indian projects
14 and for Indian projects pursuant to each of the
15 following tax incentive programs:

16 “(i) New market tax credit.
17 “(ii) Low income housing tax credit.
18 “(iii) Investment tax credit.
19 “(iv) Renewable energy tax incentives.
20 “(v) Accelerated depreciation.

21 “(D) TRIBAL INVESTMENT INCENTIVE.—
22 The study shall assess various alternative incen-
23 tives that could be provided to enable and en-
24 courage tribal governments to invest in an In-

1 dian community development investment fund
2 or bank.”.

3 **SEC. 104. BUY INDIAN ACT.**

4 Section 23 of the Act of June 25, 1910 (commonly
5 known as the “Buy Indian Act”) (36 Stat. 861, chapter
6 431; 25 U.S.C. 47), is amended to read as follows:

7 **“SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE**
8 **OF PRODUCTS OF INDIAN INDUSTRY; PAR-**
9 **TICIPATION IN MENTOR-PROTEGE PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) INDIAN ECONOMIC ENTERPRISE.—The
12 term ‘Indian economic enterprise’ has the meaning
13 given the term in section 1480.201 of title 48, Code
14 of Federal Regulations (or successor regulations).

15 “(2) MENTOR FIRM; PROTEGE FIRM.—The
16 terms ‘mentor firm’ and ‘protege firm’ have the
17 meanings given those terms in section 831(c) of the
18 National Defense Authorization Act for Fiscal Year
19 1991 (10 U.S.C. 2302 note; Public Law 101–510).

20 “(3) SECRETARIES.—The term ‘Secretaries’
21 means—

22 “(A) the Secretary of the Interior; and

23 “(B) the Secretary of Health and Human
24 Services.

25 “(b) ENTERPRISE DEVELOPMENT.—

1 “(1) IN GENERAL.—Unless determined by one
2 of the Secretaries to be impracticable and unreason-
3 able—

4 “(A) Indian labor shall be employed; and

5 “(B) purchases of Indian industry prod-
6 ucts (including printing and facilities construc-
7 tion, notwithstanding any other provision of
8 law) may be made in open market by the Secre-
9 taries.

10 “(2) MENTOR-PROTEGE PROGRAM.—

11 “(A) IN GENERAL.—Participation in the
12 Mentor-Protege Program established under sec-
13 tion 831(a) of the National Defense Authoriza-
14 tion Act for Fiscal Year 1991 (10 U.S.C. 2302
15 note; Public Law 101–510) or receipt of assist-
16 ance under a developmental assistance agree-
17 ment under that program shall not render any
18 individual or entity involved in the provision of
19 Indian labor or an Indian industry product in-
20 eligible to receive assistance under this section.

21 “(B) TREATMENT.—For purposes of this
22 section, no determination of affiliation or con-
23 trol (whether direct or indirect) may be found
24 between a protege firm and a mentor firm on
25 the basis that the mentor firm has provided, or

1 agreed to provide, to the protege firm, pursuant
2 to a mentor-protege agreement, any form of de-
3 velopmental assistance described in section
4 831(f) of the National Defense Authorization
5 Act for Fiscal Year 1991 (10 U.S.C. 2302 note;
6 Public Law 101–510).

7 “(c) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Secretaries shall—

9 “(1) conduct outreach to Indian industrial enti-
10 ties;

11 “(2) provide training;

12 “(3) promulgate regulations in accordance with
13 this section and with the regulations under part
14 1480 of title 48, Code of Federal Regulations (or
15 successor regulations), to harmonize the procure-
16 ment procedures of the Department of the Interior
17 and the Department of Health and Human Services,
18 to the maximum extent practicable;

19 “(4) require regional offices of the Bureau of
20 Indian Affairs and the Indian Health Service to ag-
21 gregate data regarding compliance with this section;

22 “(5) require procurement management reviews
23 by their respective Departments to include a review
24 of the implementation of this section; and

1 “(6) consult with Indian tribes, Indian indus-
2 trial entities, and other stakeholders regarding meth-
3 ods to facilitate compliance with—

4 “(A) this section; and

5 “(B) other small business or procurement
6 goals.

7 “(d) REPORT.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this subsection, and not
10 less frequently than once every 2 years thereafter,
11 each of the Secretaries shall submit to the Com-
12 mittee on Indian Affairs of the Senate and the Com-
13 mittee on Natural Resources of the House of Rep-
14 resentatives a report describing, during the period
15 covered by the report, the implementation of this
16 section by each of the respective Secretaries.

17 “(2) CONTENTS.—Each report under this sub-
18 section shall include, for each fiscal year during the
19 period covered by the report—

20 “(A) the names of each agency under the
21 respective jurisdiction of each of the Secretaries
22 to which this section has been applied, and ef-
23 forts made by additional agencies within the
24 Secretaries’ respective Departments to use the
25 procurement procedures under this Act;

1 “(B) a summary of the types of purchases
2 made from, and contracts (including any rel-
3 evant modifications, extensions, or renewals)
4 awarded to, Indian economic enterprises, ex-
5 pressed by agency region;

6 “(C) a description of the percentage in-
7 crease or decrease in total dollar value and
8 number of purchases and awards made within
9 each agency region, as compared to the totals
10 of the region for the preceding fiscal year;

11 “(D) a description of the methods used by
12 applicable contracting officers and employees to
13 conduct market searches to identify qualified
14 Indian economic enterprises;

15 “(E) a summary of all deviations granted
16 under section 1480.403 of title 48, Code of
17 Federal Regulations (or successor regulations),
18 including a description of—

19 “(i) the types of alternative procure-
20 ment methods used, including any Indian
21 owned businesses reported under other
22 procurement goals; and

23 “(ii) the dollar value of any awards
24 made pursuant to those deviations;

1 “(F) a summary of all determinations
2 made to provide awards to Indian economic en-
3 terprises, including a description of the dollar
4 value of the awards;

5 “(G) a description or summary of the total
6 number and value of all purchases of, and con-
7 tracts awarded for, supplies, services, and con-
8 struction (including the percentage increase or
9 decrease, as compared to the preceding fiscal
10 year) from—

11 “(i) Indian economic enterprises; and

12 “(ii) non-Indian economic enterprises;

13 and

14 “(H) any administrative, procedural, legal,
15 or other barriers to achieving the purposes of
16 this section, together with recommendations for
17 legislative or administrative actions to address
18 those barriers.

19 “(e) GOALS.—Each agency shall establish an annual
20 minimum percentage goal for procurement in compliance
21 with this section.”.

22 **SEC. 105. NATIVE AMERICAN PROGRAMS ACT OF 1974.**

23 (a) FINANCIAL ASSISTANCE FOR NATIVE AMERICAN
24 PROJECTS.—Section 803 of the Native American Pro-
25 grams Act of 1974 (42 U.S.C. 2991b) is amended—

1 (1) by redesignating subsections (b) through (d)
2 as subsections (c) through (e), respectively; and

3 (2) by inserting after subsection (a) the fol-
4 lowing:

5 “(b) ECONOMIC DEVELOPMENT.—

6 “(1) IN GENERAL.—The Commissioner may
7 provide assistance under subsection (a) for projects
8 relating to the purposes of this title to a Native com-
9 munity development financial institution, as defined
10 by the Secretary of the Treasury.

11 “(2) PRIORITY.—With regard to not less than
12 50 percent of the total amount available for assist-
13 ance under this section, the Commissioner shall give
14 priority to any application seeking assistance for—

15 “(A) the development of a tribal code or
16 court system for purposes of economic develop-
17 ment, including commercial codes, training for
18 court personnel, regulation pursuant to section
19 5 of the Act of August 15, 1876 (19 Stat. 200,
20 chapter 289; 25 U.S.C. 261), and the develop-
21 ment of nonprofit subsidiaries or other tribal
22 business structures;

23 “(B) the development of a community de-
24 velopment financial institution, including train-
25 ing and administrative expenses; or

1 “(C) the development of a tribal master
2 plan for community and economic development
3 and infrastructure.”.

4 (b) TECHNICAL ASSISTANCE AND TRAINING.—Sec-
5 tion 804 of the Native American Programs Act of 1974
6 (42 U.S.C. 2991c) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “The Commissioner” and inserting the fol-
9 lowing:

10 “(a) IN GENERAL.—The Commissioner”; and

11 (2) by adding at the end the following:

12 “(b) PRIORITY.—In providing assistance under sub-
13 section (a), the Commissioner shall give priority to any
14 application described in section 803(b)(2).”.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
16 816 of the Native American Programs Act of 1974 (42
17 U.S.C. 2992d) is amended—

18 (1) by striking “803(d)” each place it appears
19 and inserting “803(e)”; and

20 (2) in subsection (a), by striking “1999, 2000,
21 2001, and 2002” and inserting “2018 through
22 2022”.

1 **TITLE II—NATIVE AMERICAN**
2 **BUSINESS INCUBATORS PRO-**
3 **GRAM ACT**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Native American Busi-
6 ness Incubators Program Act”.

7 **SEC. 202. FINDINGS.**

8 Congress finds that—

9 (1) entrepreneurs face specific challenges when
10 transforming ideas into profitable business enter-
11 prises;

12 (2) entrepreneurs that want to provide products
13 and services in reservation communities face an ad-
14 ditional set of challenges that requires special knowl-
15 edge;

16 (3) a business incubator is an organization that
17 assists entrepreneurs in navigating obstacles that
18 prevent innovative ideas from becoming viable busi-
19 nesses by providing services that include—

20 (A) workspace and facilities resources;

21 (B) access to capital, business education,
22 and counseling;

23 (C) networking opportunities;

24 (D) mentorship opportunities; and

1 (E) an environment intended to help estab-
2 lish and expand business operations;

3 (4) the business incubator model is suited to ac-
4 celerating entrepreneurship in reservation commu-
5 nities because the business incubator model pro-
6 motes collaboration to address shared challenges and
7 provides individually tailored services for the purpose
8 of overcoming obstacles unique to each participating
9 business; and

10 (5) business incubators will stimulate economic
11 development by providing Native entrepreneurs with
12 the tools necessary to grow businesses that offer
13 products and services to reservation communities.

14 **SEC. 203. DEFINITIONS.**

15 In this title:

16 (1) BUSINESS INCUBATOR.—The term “busi-
17 ness incubator” means an organization that—

18 (A) provides physical workspace and facili-
19 ties resources to startups and established busi-
20 nesses; and

21 (B) is designed to accelerate the growth
22 and success of businesses through a variety of
23 business support resources and services, includ-
24 ing—

- 1 (i) access to capital, business edu-
2 cation, and counseling;
3 (ii) networking opportunities;
4 (iii) mentorship opportunities; and
5 (iv) other services intended to aid in
6 developing a business.

7 (2) ELIGIBLE APPLICANT.—The term “eligible
8 applicant” means an applicant eligible to apply for
9 a grant under section 4(b).

10 (3) INDIAN TRIBE.—The term “Indian tribe”
11 has the meaning given the term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (4) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given the term in section 101 of the Higher
17 Education Act of 1965 (20 U.S.C. 1001).

18 (5) NATIVE AMERICAN; NATIVE.—The terms
19 “Native American” and “Native” have the meaning
20 given the term “Indian” in section 4 of the Indian
21 Self-Determination and Education Assistance Act
22 (25 U.S.C. 5304).

23 (6) NATIVE BUSINESS.—The term “Native
24 business” means a business concern that is at least

1 51-percent owned and controlled by one or more Na-
2 tive Americans.

3 (7) NATIVE ENTREPRENEUR.—The term “Na-
4 tive entrepreneur” means an entrepreneur who is a
5 Native American.

6 (8) PROGRAM.—The term “program” means
7 the program established under section 4(a).

8 (9) RESERVATION.—The term “reservation”
9 has the meaning given the term in section 3 of the
10 Indian Financing Act of 1974 (25 U.S.C. 1452).

11 (10) SECRETARY.—The term “Secretary”
12 means the Secretary of the Interior.

13 (11) TRIBAL COLLEGE OR UNIVERSITY.—The
14 term “tribal college or university” has the meaning
15 given the term “Tribal College or University” in sec-
16 tion 316(b) of the Higher Education Act of 1965
17 (20 U.S.C. 1059c(b)).

18 **SEC. 204. ESTABLISHMENT OF PROGRAM.**

19 (a) IN GENERAL.—The Secretary shall establish a
20 program in the Office of Indian Energy and Economic De-
21 velopment under which the Secretary shall provide finan-
22 cial assistance in the form of competitive grants to eligible
23 applicants for the establishment and operation of business
24 incubators that serve reservation communities by pro-

1 viding business incubation and other business services to
2 Native businesses and Native entrepreneurs.

3 (b) ELIGIBLE APPLICANTS.—

4 (1) IN GENERAL.—To be eligible to receive a
5 grant under the program, an applicant shall—

6 (A) be—

7 (i) an Indian tribe;

8 (ii) a tribal college or university;

9 (iii) an institution of higher education;

10 or

11 (iv) a private nonprofit organization
12 or tribal nonprofit organization that—

13 (I) provides business and finan-
14 cial technical assistance; and

15 (II) will commit to serving one or
16 more reservation communities;

17 (B) be able to provide the physical work-
18 space, equipment, and connectivity necessary
19 for Native businesses and Native entrepreneurs
20 to collaborate and conduct business on a local,
21 regional, national, and international level; and

22 (C) in the case of an entity described in
23 clauses (ii) through (iv) of subparagraph (A),
24 have been operational for not less than 1 year
25 before receiving a grant under the program.

1 (2) JOINT PROJECT.—

2 (A) IN GENERAL.—Two or more entities
3 may submit a joint application for a project
4 that combines the resources and expertise of
5 those entities at a physical location dedicated to
6 assisting Native businesses and Native entre-
7 preneurs under the program.

8 (B) CONTENTS.—A joint application sub-
9 mitted under subparagraph (A) shall—

10 (i) contain a certification that each
11 participant of the joint project is one of
12 the eligible entities described in paragraph
13 (1)(A); and

14 (ii) demonstrate that together the par-
15 ticipants meet the requirements of sub-
16 paragraphs (B) and (C) of paragraph (1).

17 (c) APPLICATION AND SELECTION PROCESS.—

18 (1) APPLICATION REQUIREMENTS.—Each eligi-
19 ble applicant desiring a grant under the program
20 shall submit to the Secretary an application at such
21 time, in such manner, and containing such informa-
22 tion as the Secretary may require, including—

23 (A) a certification that the applicant—

24 (i) is an eligible applicant;

1 (ii) will designate an executive direc-
2 tor or program manager, if such director
3 or manager has not been designated, to
4 manage the business incubator; and

5 (iii) agrees—

6 (I) to a site evaluation by the
7 Secretary as part of the final selection
8 process;

9 (II) to an annual programmatic
10 and financial examination for the du-
11 ration of the grant; and

12 (III) to the maximum extent
13 practicable, to remedy any problems
14 identified pursuant to the site evalua-
15 tion under subclause (I) or an exam-
16 ination under subclause (II);

17 (B) a description of the one or more res-
18 ervation communities to be served by the busi-
19 ness incubator;

20 (C) a 3-year plan that describes—

21 (i) the number of Native businesses
22 and Native entrepreneurs to be partici-
23 pating in the business incubator;

1 (ii) whether the business incubator
2 will focus on a particular type of business
3 or industry;

4 (iii) a detailed breakdown of the serv-
5 ices to be offered to Native businesses and
6 Native entrepreneurs participating in the
7 business incubator; and

8 (iv) a detailed breakdown of the serv-
9 ices, if any, to be offered to Native busi-
10 nesses and Native entrepreneurs not par-
11 ticipating in the business incubator;

12 (D) information demonstrating the effec-
13 tiveness and experience of the eligible applicant
14 in—

15 (i) conducting financial, management,
16 and marketing assistance programs de-
17 signed to educate or improve the business
18 skills of current or prospective businesses;

19 (ii) working in and providing services
20 to Native American communities;

21 (iii) providing assistance to entities
22 conducting business in reservation commu-
23 nities;

24 (iv) providing technical assistance
25 under Federal business and entrepre-

neurial development programs for which
Native businesses and Native entrepreneurs are eligible; and

(v) managing finances and staff effectively; and

(E) a site description of the location at which the eligible applicant will provide physical workspace, including a description of the technologies, equipment, and other resources that will be available to Native businesses and Native entrepreneurs participating in the business incubator.

(2) EVALUATION CONSIDERATIONS.—

(A) IN GENERAL.—In evaluating each application, the Secretary shall consider—

(i) the ability of the eligible applicant—

(I) to operate a business incubator that effectively imparts entrepreneurship and business skills to Native businesses and Native entrepreneurs, as demonstrated by the experience and qualifications of the eligible applicant;

1 (II) to commence providing serv-
2 ices within a minimum period of time,
3 to be determined by the Secretary;
4 and

5 (III) to provide quality incuba-
6 tion services to a significant number
7 of Native businesses and Native entre-
8 preneurs;

9 (ii) the experience of the eligible appli-
10 cant in providing services in Native Amer-
11 ican communities, including in the one or
12 more reservation communities described in
13 the application; and

14 (iii) the proposed location of the busi-
15 ness incubator.

16 (B) PRIORITY.—

17 (i) IN GENERAL.—In evaluating the
18 proposed location of the business incubator
19 under subparagraph (A)(iii), the Secretary
20 shall—

21 (I) consider the program goal of
22 achieving broad geographic distribu-
23 tion of business incubators; and

24 (II) except as provided in clause
25 (ii), give priority to eligible applicants

1 that will provide business incubation
2 services on or near the reservation of
3 the one or more communities that
4 were described in the application.

5 (ii) EXCEPTION.—The Secretary may
6 give priority to an eligible applicant that is
7 not located on or near the reservation of
8 the one or more communities that were de-
9 scribed in the application if the Secretary
10 determines that—

11 (I) the location of the business
12 incubator will not prevent the eligible
13 applicant from providing quality busi-
14 ness incubation services to Native
15 businesses and Native entrepreneurs
16 from the one or more reservation com-
17 munities to be served; and

18 (II) siting the business incubator
19 in the identified location will serve the
20 interests of the one or more reserva-
21 tion communities to be served.

22 (3) SITE EVALUATION.—

23 (A) IN GENERAL.—Before making a grant
24 to an eligible applicant, the Secretary shall con-
25 duct a site visit, evaluate a video submission, or

1 evaluate a written site proposal (if the applicant
2 is not yet in possession of the site) of the pro-
3 posed site to ensure the proposed site will per-
4 mit the eligible applicant to meet the require-
5 ments of the program.

6 (B) WRITTEN SITE PROPOSAL.—A written
7 site proposal shall meet the requirements de-
8 scribed in paragraph (1)(E) and contain—

9 (i) sufficient detail for the Secretary
10 to ensure in the absence of a site visit or
11 video submission that the proposed site will
12 permit the eligible applicant to meet the
13 requirements of the program; and

14 (ii) a timeline describing when the eli-
15 gible applicant will be—

16 (I) in possession of the proposed
17 site; and

18 (II) operating the business incu-
19 bator at the proposed site.

20 (C) FOLLOWUP.—Not later than 1 year
21 after awarding a grant to an eligible applicant
22 that submits an application with a written site
23 proposal, the Secretary shall conduct a site visit
24 or evaluate a video submission of the site to en-

1 sure the site is consistent with the written site
2 proposal.

3 (d) ADMINISTRATION.—

4 (1) DURATION.—Each grant awarded under the
5 program shall be for a term of 3 years.

6 (2) PAYMENT.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraph (B), the Secretary shall disburse
9 grant funds awarded to an eligible applicant in
10 annual installments.

11 (B) MORE FREQUENT DISBURSEMENTS.—
12 On request by the applicant, the Secretary may
13 make disbursements of grant funds more fre-
14 quently than annually, on the condition that
15 disbursements shall be made not more fre-
16 quently than quarterly.

17 (3) NON-FEDERAL CONTRIBUTIONS FOR INI-
18 TIAL ASSISTANCE.—

19 (A) IN GENERAL.—Except as provided in
20 subparagraph (B), an eligible applicant that re-
21 ceives a grant under the program shall provide
22 non-Federal contributions in an amount equal
23 to not less than 25 percent of the grant amount
24 disbursed each year.

1 (B) WAIVER.—The Secretary may waive,
2 in whole or in part, the requirements of sub-
3 paragraph (A) with respect to an eligible appli-
4 cant if, after considering the ability of the eligi-
5 ble applicant to provide non-Federal contribu-
6 tions, the Secretary determines that—

7 (i) the proposed business incubator
8 will provide quality business incubation
9 services; and

10 (ii) the one or more reservation com-
11 munities to be served are unlikely to re-
12 ceive similar services because of remote-
13 ness or other reasons that inhibit the pro-
14 vision of business and entrepreneurial de-
15 velopment services.

16 (4) RENEWALS.—

17 (A) IN GENERAL.—The Secretary may
18 renew a grant award under the program for a
19 term not to exceed 3 years.

20 (B) CONSIDERATIONS.—In determining
21 whether to renew a grant award, the Secretary
22 shall consider with respect to the eligible appli-
23 cant—

(i) the results of the annual evaluations of the eligible applicant under subsection (f)(1);

(ii) the performance of the business incubator of the eligible applicant, as compared to the performance of other business incubators receiving assistance under the program;

(iii) whether the eligible applicant continues to be eligible for the program; and

(iv) the evaluation considerations for initial awards under subsection (c)(2).

(C) NON-FEDERAL CONTRIBUTIONS FOR RENEWALS.—

(i) IN GENERAL.—Except as provided in clause (ii), an eligible applicant that receives a grant renewal under subparagraph (A) shall provide non-Federal contributions in an amount equal to not less than 33 percent of the total amount of the grant.

(ii) WAIVER.—The Secretary may waive, in whole or in part, the requirements of clause (i) with respect to an eligible applicant if, after considering the ability of the eligible applicant to provide non-

1 Federal contributions, the Secretary deter-
2 mines that—

3 (I) the business incubator has
4 provided and will continue to provide
5 quality business incubation services to
6 the one or more reservation commu-
7 nities served by the business incu-
8 bator;

9 (II) the one or more reservation
10 communities served by the business
11 incubator have benefitted and will
12 continue to benefit from the services
13 of the business incubator; and

14 (III) the one or more reservation
15 communities to be served are unlikely
16 to receive similar services because of
17 remoteness or other reasons that in-
18 hibit the provision of business and en-
19 trepreneurial development services.

20 (e) PROGRAM REQUIREMENTS.—

21 (1) USE OF FUNDS.—An eligible applicant re-
22 ceiving a grant under the program may use grant
23 amounts—

24 (A) to provide physical workspace and fa-
25 cilities for Native businesses and Native entre-

preneurs participating in the business incubator;

(B) to establish partnerships with other institutions and entities to provide comprehensive business incubation services to Native businesses and Native entrepreneurs participating in the business incubator; and

(C) for any other uses typically associated with business incubators that the Secretary determines to be appropriate and consistent with the purposes of the program.

(2) MINIMUM REQUIREMENTS.—Each eligible applicant receiving a grant under the program shall—

(A) offer culturally tailored incubation services to Native businesses and Native entrepreneurs;

(B) use a competitive process for selecting Native businesses and Native entrepreneurs to participate in the business incubator;

(C) provide physical workspace that permits Native businesses and Native entrepreneurs to conduct business and collaborate with other Native businesses and Native entrepreneurs;

1 (D) provide entrepreneurship and business
2 skills training and education to Native busi-
3 nesses and Native entrepreneurs including—

4 (i) financial education, including
5 training and counseling in—

6 (I) applying for and securing
7 business credit and investment cap-
8 ital;

9 (II) preparing and presenting fi-
10 nancial statements; and

11 (III) managing cash flow and
12 other financial operations of a busi-
13 ness;

14 (ii) management education, including
15 training and counseling in planning, orga-
16 nization, staffing, directing, and controlling
17 each major activity or function of a busi-
18 ness or startup; and

19 (iii) marketing education, including
20 training and counseling in—

21 (I) identifying and segmenting
22 domestic and international market op-
23 portunities;

24 (II) preparing and executing
25 marketing plans;

1 (III) locating contract opportuni-
2 ties;

3 (IV) negotiating contracts; and

4 (V) using varying public relations
5 and advertising techniques;

6 (E) provide direct mentorship or assistance
7 finding mentors in the industry in which the
8 Native business or Native entrepreneur operates
9 or intends to operate; and

10 (F) provide access to networks of potential
11 investors, professionals in the same or similar
12 fields, and other business owners with similar
13 businesses.

14 (3) TECHNOLOGY.—Each eligible applicant
15 shall leverage technology to the maximum extent
16 practicable to provide Native businesses and Native
17 entrepreneurs with access to the connectivity tools
18 needed to compete and thrive in 21st-century mar-
19 kets.

20 (f) OVERSIGHT.—

21 (1) ANNUAL EVALUATIONS.—Not later than 1
22 year after the date on which the Secretary awards
23 a grant to an eligible applicant under the program,
24 and annually thereafter for the duration of the
25 grant, the Secretary shall conduct an evaluation of,

1 and prepare a report on, the eligible applicant, which
2 shall—

3 (A) describe the performance of the eligible
4 applicant; and

5 (B) be used in determining the ongoing eli-
6 gibility of the eligible applicant.

7 (2) ANNUAL REPORT.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date on which the Secretary awards a
10 grant to an eligible applicant under the pro-
11 gram, and annually thereafter for the duration
12 of the grant, each eligible applicant receiving an
13 award under the program shall submit to the
14 Secretary a report describing the services the
15 eligible applicant provided under the program
16 during the preceding year.

17 (B) REPORT CONTENT.—The report de-
18 scribed in subparagraph (A) shall include—

19 (i) a detailed breakdown of the Native
20 businesses and Native entrepreneurs re-
21 ceiving services from the business incu-
22 bator, including, for the year covered by
23 the report—

24 (I) the number of Native busi-
25 nesses and Native entrepreneurs par-

1 ticipating in or receiving services from
2 the business incubator and the types
3 of services provided to those Native
4 businesses and Native entrepreneurs;

5 (II) the number of Native busi-
6 nesses and Native entrepreneurs es-
7 tablished and jobs created or main-
8 tained; and

9 (III) the performance of Native
10 businesses and Native entrepreneurs
11 while participating in the business in-
12 cubator and after graduation or de-
13 parture from the business incubator;
14 and

15 (ii) any other information the Sec-
16 retary may require to evaluate the per-
17 formance of a business incubator to ensure
18 appropriate implementation of the pro-
19 gram.

20 (C) LIMITATIONS.—To the maximum ex-
21 tent practicable, the Secretary shall not require
22 an eligible applicant to report under subpara-
23 graph (A) information provided to the Secretary
24 by the eligible applicant under other programs.

1 (D) COORDINATION.—The Secretary shall
2 coordinate with the heads of other Federal
3 agencies to ensure that, to the maximum extent
4 practicable, the report content and form under
5 subparagraphs (A) and (B) are consistent with
6 other reporting requirements for Federal pro-
7 grams that provide business and entrepre-
8 neurial assistance.

9 (3) REPORT TO CONGRESS.—

10 (A) IN GENERAL.—Not later than 2 years
11 after the date on which the Secretary first
12 awards funding under the program, and bienni-
13 ally thereafter, the Secretary shall submit to
14 the Committee on Indian Affairs of the Senate
15 and the Committee on Natural Resources of the
16 House of Representatives a report on the per-
17 formance and effectiveness of the program.

18 (B) CONTENTS.—Each report submitted
19 under subparagraph (A) shall—

20 (i) account for each program year;

21 and

22 (ii) include with respect to each busi-
23 ness incubator receiving grant funds under
24 the program—

1 (I) the number of Native busi-
2 nesses and Native entrepreneurs that
3 received business incubation or other
4 services;

5 (II) the number of businesses es-
6 tablished with the assistance of the
7 business incubator;

8 (III) the number of jobs estab-
9 lished or maintained by Native busi-
10 nesses and Native entrepreneurs re-
11 ceiving business incubation services,
12 including a description of where the
13 jobs are located with respect to res-
14 ervation communities;

15 (IV) to the maximum extent
16 practicable, the amount of capital in-
17 vestment and loan financing accessed
18 by Native businesses and Native en-
19 trepreneurs receiving business incuba-
20 tion services; and

21 (V) an evaluation of the overall
22 performance of the business incu-
23 bator.

1 **SEC. 205. REGULATIONS.**

2 Not later than 180 days after the date of enactment
3 of this title, the Secretary shall promulgate regulations to
4 implement the program.

5 **SEC. 206. SCHOOLS TO BUSINESS INCUBATOR PIPELINE.**

6 The Secretary shall facilitate the establishment of re-
7 lationships between eligible applicants receiving funds
8 through the program and educational institutions serving
9 Native American communities, including tribal colleges
10 and universities.

11 **SEC. 207. AGENCY PARTNERSHIPS.**

12 The Secretary shall coordinate with the Secretary of
13 Agriculture, the Secretary of Commerce, the Secretary of
14 the Treasury, and the Administrator of the Small Busi-
15 ness Administration to ensure, to the maximum extent
16 practicable, that business incubators receiving grant funds
17 under the program have the information and materials
18 needed to provide Native businesses and Native entre-
19 preneurs with the information and assistance necessary to
20 apply for business and entrepreneurial development pro-
21 grams administered by the Department of Agriculture, the
22 Department of Commerce, the Department of the Treas-
23 ury, and the Small Business Administration.

24 **SEC. 208. AUTHORIZATIONS OF APPROPRIATIONS.**

25 There is authorized to be appropriated to carry out
26 the program—

1 (1) for each of fiscal years 2018 through 2023,
2 \$5,000,000; and

3 (2) for fiscal year 2024 and each fiscal year
4 thereafter, such sums as may be necessary.

5 **TITLE III—INDIGENOUS PEO-**
6 **PLES EXCHANGE AND ECO-**
7 **NOMIC COOPERATION ACT**

8 **SEC. 301. SHORT TITLE.**

9 This title may be cited as the “Indigenous Peoples
10 Exchange and Economic Cooperation Act”.

11 **SEC. 302. STATEMENT OF POLICY.**

12 It shall be the policy of the United States to facilitate
13 contacts and cooperation, including commercial relation-
14 ships, between Native American tribes and indigenous
15 peoples in the Western Hemisphere.

16 **SEC. 303. DEFINITIONS.**

17 In this title:

18 (1) **NATIVE AMERICAN TRIBES.**—The term
19 “Native American tribe” means any federally recog-
20 nized tribe.

21 (2) **INDIGENOUS PEOPLES.**—The term “indige-
22 nous peoples” means peoples residing in foreign
23 countries in the Western Hemisphere who have his-
24 torical ties to a particular territory and are cul-

1 turally or historically distinct from the politically
2 dominant population.

3 **SEC. 304. STRATEGY.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the President shall sub-
6 mit to the appropriate congressional committees a strat-
7 egy, in consultation with the individuals listed in sub-
8 section (b), to promote and facilitate—

9 (1) cross-investments between Native American
10 tribes and indigenous peoples in tribal businesses
11 and commercial enterprises that involve indigenous
12 peoples, such as sustainable natural resource man-
13 agement, agricultural development, or handicraft
14 production; and

15 (2) the development of supply chains for United
16 States entities that include products produced by
17 Native American tribes and indigenous peoples.

18 (b) CONSULTATION REQUIRED.—The individuals list-
19 ed in this subsection are the following:

20 (1) The Secretary of Commerce.

21 (2) The Secretary of State.

22 (3) The Secretary of the Interior.

23 (4) The United States Trade Representative.

1 (5) The Administrator and the Advisor for In-
2 digenous Peoples Issues of the United States Agency
3 for International Development.

4 (6) The President of the Overseas Private In-
5 vestment Corporation.

6 (7) The Chief Executive Officer of the Millen-
7 nium Challenge Corporation.

8 (8) The President of the Inter-American Foun-
9 dation.

10 (9) Representatives of Native American tribes.

11 (10) Representatives of civil society organiza-
12 tions advocating for the rights or interests of indige-
13 nous peoples.

14 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 In this section, the term “appropriate congressional com-
16 mittees” means—

17 (1) the Committee on Foreign Affairs and the
18 Committee on Natural Resources of the House of
19 Representatives; and

20 (2) the Committee on Foreign Relations, the
21 Committee on Energy and Natural Resources, and
22 the Committee on Indian Affairs of the Senate.

1 **SEC. 305. UNITED STATES ASSISTANCE TO SUPPORT INDIG-**
2 **ENOUS PEOPLES.**

3 In order to improve the capacity of indigenous peo-
4 ples to engage in and benefit from increased trade and
5 investment relationships, the Secretary of State shall—

6 (1) consult with—

7 (A) the Administrator of the United States
8 Agency for International Development; and

9 (B) representatives of civil society organi-
10 zations, especially organizations comprised of or
11 representing the interests of indigenous peoples;
12 and

13 (2) provide assistance to countries in the West-
14 ern Hemisphere in a manner that promotes and fa-
15 cilitates entrepreneurship among indigenous peo-
16 ples—

17 (A) by strengthening the capacity of civil
18 society organizations and local governments;
19 and

20 (B) by supporting projects involving sus-
21 tainable natural resource management, agricul-
22 tural development, and handicraft production.

○