

Union Calendar No. 869

115TH CONGRESS
2^D SESSION

H. R. 4506

[Report No. 115–1064, Part I]

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

DECEMBER 3, 2018

Reported from the Committee on Natural Resources with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 3, 2018

Referral to the Committees on Foreign Affairs and Education and the Workforce extended for a period ending not later than December 28, 2018

DECEMBER 28, 2018

Additional sponsors: Mr. KHANNA, Mr. MEEKS, Mr. SOTO, Mr. GOMEZ, Ms. MCCOLLUM, Mr. KILMER, Ms. WILSON of Florida, Mr. DENHAM, Ms. STEFANIK, Mr. YOUNG of Alaska, Ms. ROS-LEHTINEN, and Mr. VALADAO

DECEMBER 28, 2018

Committees on Foreign Affairs and Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on November 30, 2017]

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.

TITLE I—INDIAN ECONOMIC ENHANCEMENT ACT OF 2018

Sec. 101. Short title.

Sec. 102. Native American Business Development, Trade Promotion, and Tour-
ism Act of 2000.

Sec. 103. Buy Indian Act.

Sec. 104. Native American Programs Act of 1974.

TITLE II—NATIVE AMERICAN BUSINESS INCUBATORS PROGRAM
ACT

Sec. 201. Short title.

Sec. 202. Definitions.

Sec. 203. Establishment of program.

Sec. 204. Schools to business incubator pipeline.

Sec. 205. Agency partnerships.

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.

7 **TITLE I—INDIAN ECONOMIC**
 8 **ENHANCEMENT ACT OF 2018**

9 **SEC. 101. SHORT TITLE.**

10 *This title may be cited as the “Indian Community*
 11 *Economic Enhancement Act of 2018”.*

1 **SEC. 102. NATIVE AMERICAN BUSINESS DEVELOPMENT,**
2 **TRADE PROMOTION, AND TOURISM ACT OF**
3 **2000.**

4 (a) *FINDINGS; PURPOSES.*—Section 2 of the Native
5 American Business Development, Trade Promotion, and
6 Tourism Act of 2000 (25 U.S.C. 4301) is amended by add-
7 ing at the end the following:

8 “(c) *APPLICABILITY TO INDIAN-OWNED BUSI-*
9 *NESSES.*—The findings and purposes in subsections (a) and
10 (b) shall apply to any Indian-owned business governed—

11 “(1) by tribal laws regulating trade or commerce
12 on Indian lands; or

13 “(2) pursuant to section 5 of the Act of August
14 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C.
15 261).”.

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

19 (1) by redesignating paragraphs (1) through (6)
20 and paragraphs (7) through (9), as paragraphs (2)
21 through (7) and paragraphs (9) through (11), respec-
22 tively;

23 (2) by inserting before paragraph (2) (as redesign-
24 ated by paragraph (1)) the following:

1 “(1) *DIRECTOR*.—The term ‘Director’ means the
2 *Director of Native American Business Development*
3 *appointed pursuant to section 4(a)(2)*.”; and

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

6 “(8) *OFFICE*.—The term ‘Office’ means the Office
7 of Native American Business Development established
8 by section 4(a)(1).”.

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

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “Department of Com-
16 merce” and inserting “Office of the Sec-
17 retary”; and

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

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

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

24 “(c) *DUTIES OF DIRECTOR*.—

25 “(1) *IN GENERAL*.—The Director shall serve as—

1 “(A) the program and policy advisor to the
2 Secretary with respect to the trust and govern-
3 mental relationship between the United States
4 and Indian tribes; and

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

7 “(i) policies and programs of the De-
8 partment of Commerce; and

9 “(ii) other matters relating to economic
10 development and doing business in Indian
11 lands.

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

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

19 “(B) consultation with Indian tribes re-
20 garding the policies, programs, assistance, and
21 activities of the offices and agencies.”.

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

1 (1) *by redesignating section 8 (25 U.S.C. 4307)*
2 *as section 9; and*

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

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

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

10 “(1) *to develop initiatives that—*

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

14 “(i) *the loan guarantee program of Bu-*
15 *reau of Indian Affairs under section 201 of*
16 *the Indian Financing Act of 1974 (25*
17 *U.S.C. 1481);*

18 “(ii) *programs carried out using*
19 *amounts in the Community Development*
20 *Financial Institutions Fund established*
21 *under section 104(a) of the Community De-*
22 *velopment Banking and Financial Institu-*
23 *tions Act of 1994 (12 U.S.C. 4703(a)); and*

24 “(iii) *other capital development pro-*
25 *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 study, and
11 collaborate to establish, regulatory changes necessary
12 to qualify an Indian tribe as an accredited investor
13 for the purposes of sections 230.500 through 230.508
14 of title 17, Code of Federal Regulations (or successor
15 regulations), consistent with the goals of promoting
16 capital formation and ensuring qualifying Indian
17 tribes have the ability to withstand investment loss,
18 on a basis comparable to other legal entities that
19 qualify as accredited investors who are not natural
20 persons;

21 “(3) to identify regulatory, legal, or other bar-
22 riers to increasing investment, business, and economic
23 development, including qualifying or approving col-
24 lateral structures, measurements of economic strength,
25 and contributions of Indian economies in Indian

1 *communities through the Authority established under*
2 *section 4 of the Indian Tribal Regulatory Reform and*
3 *Business Development Act of 2000 (25 U.S.C. 4301*
4 *note);*

5 *“(4) to ensure consultation with Indian tribes*
6 *regarding increasing investment in Indian commu-*
7 *nities and the development of the report required in*
8 *paragraph (5); and*

9 *“(5) to provide a report to Congress regarding*
10 *improvements to Indian communities resulting from*
11 *such initiatives and recommendations for promoting*
12 *sustained growth of the tribal economies.*

13 *“(b) WAIVER.—For assistance provided pursuant to*
14 *section 108 of the Community Development Banking and*
15 *Financial Institutions Act of 1994 (12 U.S.C. 4707) to ben-*
16 *efit Native Community Development Financial Institu-*
17 *tions, as defined by the Secretary of the Treasury, section*
18 *108(e) of such Act shall not apply.*

19 *“(c) INDIAN ECONOMIC DEVELOPMENT FEASIBILITY*
20 *STUDY.—*

21 *“(1) IN GENERAL.—The Government Account-*
22 *ability Office shall conduct a study and, not later*
23 *than 18 months after the date of enactment of this*
24 *subsection, submit to the Committee on Indian Affairs*
25 *of the Senate and the Committee on Natural Re-*

1 *sources of the House of Representatives a report on*
2 *the findings of the study and recommendations.*

3 “(2) *CONTENTS.*—*The study shall include an as-*
4 *essment of each of the following:*

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

22 “(B) *FINANCING ASSISTANCE.*—*The study*
23 *shall assess and quantify the extent of assistance*
24 *provided to non-Indian borrowers and to Indian*
25 *(both tribal and individual) borrowers (includ-*

1 *ing information about such assistance as a per-*
2 *centage of need for Indian borrowers and for*
3 *non-Indian borrowers, assistance to Indian bor-*
4 *rowers and to non-Indian borrowers as a per-*
5 *centage of total applicants, and such assistance*
6 *to Indian borrowers as individuals as compared*
7 *to such assistance to Indian tribes) through the*
8 *loan programs, the loan guarantee programs, or*
9 *bond guarantee programs of the—*

10 *“(i) Department of the Interior;*

11 *“(ii) Department of Agriculture;*

12 *“(iii) Department of Housing and*
13 *Urban Development;*

14 *“(iv) Department of Energy;*

15 *“(v) Small Business Administration;*
16 *and*

17 *“(vi) Community Development Finan-*
18 *cial Institutions Fund of the Department of*
19 *the Treasury.*

20 *“(C) TAX INCENTIVES.—The study shall as-*
21 *sess and quantify the extent of the assistance and*
22 *allocations afforded for non-Indian projects and*
23 *for Indian projects pursuant to each of the fol-*
24 *lowing tax incentive programs:*

25 *“(i) New market tax credit.*

1 “(ii) *Low income housing tax credit.*

2 “(iii) *Investment tax credit.*

3 “(iv) *Renewable energy tax incentives.*

4 “(v) *Accelerated depreciation.*

5 “(D) *TRIBAL INVESTMENT INCENTIVE.—The*
6 *study shall assess various alternative incentives*
7 *that could be provided to enable and encourage*
8 *tribal governments to invest in an Indian com-*
9 *munity development investment fund or bank.”.*

10 **SEC. 103. BUY INDIAN ACT.**

11 *Section 23 of the Act of June 25, 1910 (commonly*
12 *known as the “Buy Indian Act”) (36 Stat. 861, chapter*
13 *431; 25 U.S.C. 47), is amended to read as follows:*

14 **“SEC. 23. EMPLOYMENT OF INDIAN LABOR AND PURCHASE**
15 **OF PRODUCTS OF INDIAN INDUSTRY; PAR-**
16 **TICIPATION IN MENTOR-PROTEGE PROGRAM.**

17 “(a) *DEFINITIONS.—In this section:*

18 “(1) *INDIAN ECONOMIC ENTERPRISE.—The term*
19 *‘Indian economic enterprise’ has the meaning given*
20 *the term in section 1480.201 of title 48, Code of Fed-*
21 *eral Regulations (or successor regulations).*

22 “(2) *MENTOR FIRM; PROTEGE FIRM.—The terms*
23 *‘mentor firm’ and ‘protege firm’ have the meanings*
24 *given those terms in section 831(c) of the National*

1 *Defense Authorization Act for Fiscal Year 1991 (10*
2 *U.S.C. 2302 note; Public Law 101-510).*

3 “(3) *SECRETARIES.*—*The term ‘Secretaries’*
4 *means—*

5 “(A) *the Secretary of the Interior; and*

6 “(B) *the Secretary of Health and Human*
7 *Services.*

8 “(b) *ENTERPRISE DEVELOPMENT.*—

9 “(1) *IN GENERAL.*—*Unless determined by one of*
10 *the Secretaries to be impracticable and unreason-*
11 *able—*

12 “(A) *Indian labor shall be employed; and*

13 “(B) *purchases of Indian industry products*
14 *(including printing and facilities construction,*
15 *notwithstanding any other provision of law)*
16 *may be made in open market by the Secretaries.*

17 “(2) *MENTOR-PROTEGE PROGRAM.*—

18 “(A) *IN GENERAL.*—*Participation in the*
19 *Mentor-Protege Program established under sec-*
20 *tion 831(a) of the National Defense Authoriza-*
21 *tion Act for Fiscal Year 1991 (10 U.S.C. 2302*
22 *note; Public Law 101-510) or receipt of assist-*
23 *ance under a developmental assistance agreement*
24 *under that program shall not render any indi-*
25 *vidual or entity involved in the provision of In-*

1 *dian labor or an Indian industry product ineli-*
2 *gible to receive assistance under this section.*

3 “(B) *TREATMENT.*—*For purposes of this*
4 *section, no determination of affiliation or control*
5 *(whether direct or indirect) may be found be-*
6 *tween a protege firm and a mentor firm on the*
7 *basis that the mentor firm has provided, or*
8 *agreed to provide, to the protege firm, pursuant*
9 *to a mentor-protege agreement, any form of de-*
10 *velopmental assistance described in section*
11 *831(f) of the National Defense Authorization Act*
12 *for Fiscal Year 1991 (10 U.S.C. 2302 note; Pub-*
13 *lic Law 101–510).*

14 “(c) *IMPLEMENTATION.*—*In carrying out this section,*
15 *the Secretaries shall—*

16 “(1) *conduct outreach to Indian industrial enti-*
17 *ties;*

18 “(2) *provide training;*

19 “(3) *promulgate regulations in accordance with*
20 *this section and with the regulations under part 1480*
21 *of title 48, Code of Federal Regulations (or successor*
22 *regulations), to harmonize the procurement proce-*
23 *dures of the Department of the Interior and the De-*
24 *partment of Health and Human Services, to the max-*
25 *imum extent practicable; and*

1 “(4) require procurement management reviews
2 by their respective Departments to include a review of
3 the implementation of this section.”.

4 **SEC. 104. NATIVE AMERICAN PROGRAMS ACT OF 1974.**

5 (a) *FINANCIAL ASSISTANCE FOR NATIVE AMERICAN*
6 *PROJECTS.*—Section 803 of the Native American Programs
7 Act of 1974 (42 U.S.C. 2991b) is amended—

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

10 (2) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) *ECONOMIC DEVELOPMENT.*—

13 “(1) *IN GENERAL.*—The Commissioner may pro-
14 vide assistance under subsection (a) for projects relat-
15 ing to the purposes of this title to a Native commu-
16 nity development financial institution, as defined by
17 the Secretary of the Treasury.

18 “(2) *PRIORITY.*—With regard to not less than 50
19 percent of the total amount available for assistance
20 under this section, the Commissioner shall give pri-
21 ority to any application seeking assistance for—

22 “(A) the development of a tribal code or
23 court system for purposes of economic develop-
24 ment, including commercial codes, training for
25 court personnel, regulation pursuant to section 5

1 *of the Act of August 15, 1876 (19 Stat. 200,*
2 *chapter 289; 25 U.S.C. 261), and the develop-*
3 *ment of nonprofit subsidiaries or other tribal*
4 *business structures;*

5 *“(B) the development of a community devel-*
6 *opment financial institution, including training*
7 *and administrative expenses; or*

8 *“(C) the development of a tribal master*
9 *plan for community and economic development*
10 *and infrastructure.”.*

11 *(b) TECHNICAL ASSISTANCE AND TRAINING.—Section*
12 *804 of the Native American Programs Act of 1974 (42*
13 *U.S.C. 2991c) is amended—*

14 *(1) in the matter preceding paragraph (1), by*
15 *striking “The Commissioner” and inserting the fol-*
16 *lowing:*

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

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

19 *“(b) PRIORITY.—In providing assistance under sub-*
20 *section (a), the Commissioner shall give priority to any ap-*
21 *plication described in section 803(b)(2).”.*

22 *(c) AUTHORIZATION OF APPROPRIATIONS.—Section*
23 *816 of the Native American Programs Act of 1974 (42*
24 *U.S.C. 2992d) is amended by striking “803(d)” each place*
25 *it appears and inserting “803(e)”.*

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. DEFINITIONS.**

8 *In this title:*

9 (1) *BUSINESS INCUBATOR.*—*The term “business*
10 *incubator” means an organization that—*

11 (A) *provides physical workspace and facili-*
12 *ties resources to startups and established busi-*
13 *nesses; and*

14 (B) *is designed to accelerate the growth and*
15 *success of businesses through a variety of busi-*
16 *ness support resources and services, including—*

17 (i) *access to capital, business edu-*
18 *cation, and counseling;*

19 (ii) *networking opportunities;*

20 (iii) *mentorship opportunities; and*

21 (iv) *other services intended to aid in*
22 *developing a business.*

23 (2) *ELIGIBLE APPLICANT.*—*The term “eligible*
24 *applicant” means an applicant eligible to apply for*
25 *a grant under section 203(b).*

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

5 (4) *INSTITUTION OF HIGHER EDUCATION.*—*The*
6 *term “institution of higher education” has the mean-*
7 *ing given the term in section 101 of the Higher Edu-*
8 *cation Act of 1965 (20 U.S.C. 1001).*

9 (5) *NATIVE AMERICAN; NATIVE.*—*The terms “Na-*
10 *tive American” and “Native” have the meaning given*
11 *the term “Indian” in section 4 of the Indian Self-De-*
12 *termination and Education Assistance Act (25 U.S.C.*
13 *5304).*

14 (6) *NATIVE BUSINESS.*—*The term “Native busi-*
15 *ness” means a business concern that is at least 51-*
16 *percent owned and controlled by one or more Native*
17 *Americans.*

18 (7) *NATIVE ENTREPRENEUR.*—*The term “Native*
19 *entrepreneur” means an entrepreneur who is a Native*
20 *American.*

21 (8) *PROGRAM.*—*The term “program” means the*
22 *program established under section 203(a).*

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

1 (10) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of the Interior.*

3 (11) *TRIBAL COLLEGE OR UNIVERSITY.*—*The*
4 *term “tribal college or university” has the meaning*
5 *given the term “Tribal College or University” in sec-*
6 *tion 316(b) of the Higher Education Act of 1965 (20*
7 *U.S.C. 1059c(b)).*

8 **SEC. 203. ESTABLISHMENT OF PROGRAM.**

9 (a) *IN GENERAL.*—*The Secretary shall establish a pro-*
10 *gram in the Office of Indian Energy and Economic Devel-*
11 *opment’s Division of Economic Development under which*
12 *the Secretary shall provide financial assistance in the form*
13 *of competitive grants to eligible applicants for the establish-*
14 *ment and operation of business incubators that serve res-*
15 *ervation communities by providing business incubation and*
16 *other business services to Native businesses and Native en-*
17 *trepreneurs.*

18 (b) *ELIGIBLE APPLICANTS.*—

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

21 (A) *be—*

22 (i) *an Indian tribe;*

23 (ii) *a tribal college or university;*

24 (iii) *an institution of higher education;*

25 *or*

1 *(iv) a private nonprofit organization*
2 *or tribal nonprofit organization that—*

3 *(I) provides business and finan-*
4 *cial technical assistance; and*

5 *(II) will commit to serving one or*
6 *more reservation communities;*

7 *(B) be able to provide the physical work-*
8 *space, equipment, and connectivity necessary for*
9 *Native businesses and Native entrepreneurs to*
10 *collaborate and conduct business on a local, re-*
11 *gional, national, and international level; and*

12 *(C) in the case of an entity described in*
13 *clauses (ii) through (iv) of subparagraph (A),*
14 *have been operational for not less than 1 year be-*
15 *fore receiving a grant under the program.*

16 (2) *JOINT PROJECT.—*

17 (A) *IN GENERAL.—Two or more entities*
18 *may submit a joint application for a project that*
19 *combines the resources and expertise of those en-*
20 *tities at a physical location dedicated to assist-*
21 *ing Native businesses and Native entrepreneurs*
22 *under the program.*

23 (B) *CONTENTS.—A joint application sub-*
24 *mitted under subparagraph (A) shall—*

1 (i) contain a certification that each
2 participant of the joint project is one of the
3 eligible entities described in paragraph
4 (1)(A); and

5 (ii) demonstrate that together the par-
6 ticipants meet the requirements of subpara-
7 graphs (B) and (C) of paragraph (1).

8 (c) *APPLICATION AND SELECTION PROCESS.*—

9 (1) *APPLICATION REQUIREMENTS.*—Each eligible
10 applicant desiring a grant under the program shall
11 submit to the Secretary an application at such time,
12 in such manner, and containing such information as
13 the Secretary may require, including—

14 (A) a certification that the applicant—

15 (i) is an eligible applicant;

16 (ii) will designate an executive director
17 or program manager, if such director or
18 manager has not been designated, to man-
19 age the business incubator; and

20 (iii) agrees—

21 (I) to a site evaluation by the Sec-
22 retary as part of the final selection
23 process;

1 (II) to an annual programmatic
2 and financial examination for the du-
3 ration of the grant; and

4 (III) to the maximum extent
5 practicable, to remedy any problems
6 identified pursuant to the site evalua-
7 tion under subclause (I) or an exam-
8 ination under subclause (II);

9 (B) a description of the one or more res-
10 ervation communities to be served by the busi-
11 ness incubator;

12 (C) a 3-year plan that describes—

13 (i) the number of Native businesses and
14 Native entrepreneurs to be participating in
15 the business incubator;

16 (ii) whether the business incubator will
17 focus on a particular type of business or in-
18 dustry;

19 (iii) a detailed breakdown of the serv-
20 ices to be offered to Native businesses and
21 Native entrepreneurs participating in the
22 business incubator; and

23 (iv) a detailed breakdown of the serv-
24 ices, if any, to be offered to Native busi-

1 *nesses and Native entrepreneurs not partici-*
2 *pating in the business incubator;*

3 *(D) information demonstrating the effective-*
4 *ness and experience of the eligible applicant in—*

5 *(i) conducting financial, management,*
6 *and marketing assistance programs de-*
7 *signed to educate or improve the business*
8 *skills of current or prospective businesses;*

9 *(ii) working in and providing services*
10 *to Native American communities;*

11 *(iii) providing assistance to entities*
12 *conducting business in reservation commu-*
13 *nities;*

14 *(iv) providing technical assistance*
15 *under Federal business and entrepreneurial*
16 *development programs for which Native*
17 *businesses and Native entrepreneurs are eli-*
18 *gible; and*

19 *(v) managing finances and staff effec-*
20 *tively; and*

21 *(E) a site description of the location at*
22 *which the eligible applicant will provide physical*
23 *workspace, including a description of the tech-*
24 *nologies, equipment, and other resources that*
25 *will be available to Native businesses and Native*

1 *entrepreneurs participating in the business incu-*
2 *bator.*

3 (2) *EVALUATION CONSIDERATIONS.—*

4 (A) *IN GENERAL.—In evaluating each ap-*
5 *plication, the Secretary shall consider—*

6 (i) *the ability of the eligible appli-*
7 *cant—*

8 (I) *to operate a business incubator*
9 *that effectively imparts entrepreneur-*
10 *ship and business skills to Native busi-*
11 *nesses and Native entrepreneurs, as*
12 *demonstrated by the experience and*
13 *qualifications of the eligible applicant;*

14 (II) *to commence providing serv-*
15 *ices within a minimum period of time,*
16 *to be determined by the Secretary; and*

17 (III) *to provide quality incuba-*
18 *tion services to a significant number of*
19 *Native businesses and Native entre-*
20 *preneurs;*

21 (ii) *the experience of the eligible appli-*
22 *cant in providing services in Native Amer-*
23 *ican communities, including in the one or*
24 *more reservation communities described in*
25 *the application; and*

1 (iii) the proposed location of the busi-
2 ness incubator.

3 (B) PRIORITY.—

4 (i) IN GENERAL.—In evaluating the
5 proposed location of the business incubator
6 under subparagraph (A)(iii), the Secretary
7 shall—

8 (I) consider the program goal of
9 achieving broad geographic distribu-
10 tion of business incubators; and

11 (II) except as provided in clause
12 (ii), give priority to eligible applicants
13 that will provide business incubation
14 services on or near the reservation of
15 the one or more communities that were
16 described in the application.

17 (ii) EXCEPTION.—The Secretary may
18 give priority to an eligible applicant that is
19 not located on or near the reservation of the
20 one or more communities that were de-
21 scribed in the application if the Secretary
22 determines that—

23 (I) the location of the business in-
24 cubator will not prevent the eligible
25 applicant from providing quality busi-

1 *ness incubation services to Native busi-*
2 *nesses and Native entrepreneurs from*
3 *the one or more reservation commu-*
4 *nities to be served; and*

5 *(II) siting the business incubator*
6 *in the identified location will serve the*
7 *interests of the one or more reservation*
8 *communities to be served.*

9 *(3) SITE EVALUATION.—*

10 *(A) IN GENERAL.—Before making a grant*
11 *to an eligible applicant, the Secretary shall con-*
12 *duct a site visit, evaluate a video submission, or*
13 *evaluate a written site proposal (if the applicant*
14 *is not yet in possession of the site) of the pro-*
15 *posed site to ensure the proposed site will permit*
16 *the eligible applicant to meet the requirements of*
17 *the program.*

18 *(B) WRITTEN SITE PROPOSAL.—A written*
19 *site proposal shall meet the requirements de-*
20 *scribed in paragraph (1)(E) and contain—*

21 *(i) sufficient detail for the Secretary to*
22 *ensure in the absence of a site visit or video*
23 *submission that the proposed site will per-*
24 *mit the eligible applicant to meet the re-*
25 *quirements of the program; and*

1 (ii) a timeline describing when the eli-
2 gible applicant will be—

3 (I) in possession of the proposed
4 site; and

5 (II) operating the business incu-
6 bator at the proposed site.

7 (C) *FOLLOWUP.*—Not later than 1 year
8 after awarding a grant to an eligible applicant
9 that submits an application with a written site
10 proposal, the Secretary shall conduct a site visit
11 or evaluate a video submission of the site to en-
12 sure the site is consistent with the written site
13 proposal.

14 (d) *ADMINISTRATION.*—

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

17 (2) *PAYMENT.*—

18 (A) *IN GENERAL.*—Except as provided in
19 subparagraph (B), the Secretary shall disburse
20 grant funds awarded to an eligible applicant in
21 annual installments.

22 (B) *MORE FREQUENT DISBURSEMENTS.*—
23 On request by the applicant, the Secretary may
24 make disbursements of grant funds more fre-
25 quently than annually, on the condition that dis-

1 *bursements shall be made not more frequently*
2 *than quarterly.*

3 (3) *NON-FEDERAL CONTRIBUTIONS FOR INITIAL*
4 *ASSISTANCE.—*

5 (A) *IN GENERAL.—Except as provided in*
6 *subparagraph (B), an eligible applicant that re-*
7 *ceives a grant under the program shall provide*
8 *non-Federal contributions in an amount equal to*
9 *not less than 25 percent of the grant amount dis-*
10 *bursed each year.*

11 (B) *WAIVER.—The Secretary may waive, in*
12 *whole or in part, the requirements of subpara-*
13 *graph (A) with respect to an eligible applicant*
14 *if, after considering the ability of the eligible ap-*
15 *plicant to provide non-Federal contributions, the*
16 *Secretary determines that—*

17 (i) *the proposed business incubator will*
18 *provide quality business incubation services;*
19 *and*

20 (ii) *the one or more reservation com-*
21 *munities to be served are unlikely to receive*
22 *similar services because of remoteness or*
23 *other reasons that inhibit the provision of*
24 *business and entrepreneurial development*
25 *services.*

1 (4) *RENEWALS.*—

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

5 (B) *CONSIDERATIONS.*—*In determining*
6 *whether to renew a grant award, the Secretary*
7 *shall consider with respect to the eligible appli-*
8 *cant—*

9 (i) *the results of the annual evalua-*
10 *tions of the eligible applicant under sub-*
11 *section (f)(1);*

12 (ii) *the performance of the business in-*
13 *cubator of the eligible applicant, as com-*
14 *pared to the performance of other business*
15 *incubators receiving assistance under the*
16 *program;*

17 (iii) *whether the eligible applicant con-*
18 *tinues to be eligible for the program; and*

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

21 (C) *NON-FEDERAL CONTRIBUTIONS FOR RE-*
22 *NEWALS.*—*An eligible applicant that receives a*
23 *grant renewal under subparagraph (A) shall*
24 *provide non-Federal contributions in an amount*

1 *equal to not less than 33 percent of the total*
2 *amount of the grant.*

3 (5) *NO DUPLICATIVE GRANTS.*—*An eligible ap-*
4 *plicant shall not be awarded a grant under the pro-*
5 *gram that is duplicative of existing Federal funding*
6 *from another source.*

7 (e) *PROGRAM REQUIREMENTS.*—

8 (1) *USE OF FUNDS.*—*An eligible applicant re-*
9 *ceiving a grant under the program may use grant*
10 *amounts—*

11 (A) *to provide physical workspace and fa-*
12 *cilities for Native businesses and Native entre-*
13 *preneurs participating in the business incubator;*

14 (B) *to establish partnerships with other in-*
15 *stitutions and entities to provide comprehensive*
16 *business incubation services to Native businesses*
17 *and Native entrepreneurs participating in the*
18 *business incubator; and*

19 (C) *for any other uses typically associated*
20 *with business incubators that the Secretary de-*
21 *termines to be appropriate and consistent with*
22 *the purposes of the program.*

23 (2) *MINIMUM REQUIREMENTS.*—*Each eligible ap-*
24 *plicant receiving a grant under the program shall—*

1 (A) offer culturally tailored incubation serv-
2 ices to Native businesses and Native entre-
3 preneurs;

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

7 (C) provide physical workspace that permits
8 Native businesses and Native entrepreneurs to
9 conduct business and collaborate with other Na-
10 tive businesses and Native entrepreneurs;

11 (D) provide entrepreneurship and business
12 skills training and education to Native busi-
13 nesses and Native entrepreneurs including—

14 (i) financial education, including
15 training and counseling in—

16 (I) applying for and securing
17 business credit and investment capital;

18 (II) preparing and presenting fi-
19 nancial statements; and

20 (III) managing cash flow and
21 other financial operations of a busi-
22 ness;

23 (ii) management education, including
24 training and counseling in planning, orga-
25 nization, staffing, directing, and controlling

1 each major activity or function of a busi-
2 ness or startup; and

3 (iii) marketing education, including
4 training and counseling in—

5 (I) identifying and segmenting
6 domestic and international market op-
7 portunities;

8 (II) preparing and executing
9 marketing plans;

10 (III) locating contract opportuni-
11 ties;

12 (IV) negotiating contracts; and

13 (V) using varying public relations
14 and advertising techniques;

15 (E) provide direct mentorship or assistance
16 finding mentors in the industry in which the
17 Native business or Native entrepreneur operates
18 or intends to operate; and

19 (F) provide access to networks of potential
20 investors, professionals in the same or similar
21 fields, and other business owners with similar
22 businesses.

23 (3) *TECHNOLOGY*.—Each eligible applicant shall
24 leverage technology to the maximum extent prac-
25 ticable to provide Native businesses and Native entre-

1 *preneurs with access to the connectivity tools needed*
2 *to compete and thrive in 21st-century markets.*

3 *(f) OVERSIGHT.—*

4 *(1) ANNUAL EVALUATIONS.—Not later than 1*
5 *year after the date on which the Secretary awards a*
6 *grant to an eligible applicant under the program, and*
7 *annually thereafter for the duration of the grant, the*
8 *Secretary shall conduct an evaluation of the eligible*
9 *applicant, which shall—*

10 *(A) describe the performance of the eligible*
11 *applicant; and*

12 *(B) be used in determining the ongoing eli-*
13 *gibility of the eligible applicant.*

14 *(2) ANNUAL REPORT.—*

15 *(A) IN GENERAL.—Not later than 1 year*
16 *after the date on which the Secretary awards a*
17 *grant to an eligible applicant under the pro-*
18 *gram, and annually thereafter for the duration*
19 *of the grant, each eligible applicant receiving an*
20 *award under the program shall submit to the*
21 *Secretary a report describing the services the eli-*
22 *gible applicant provided under the program dur-*
23 *ing the preceding year.*

24 *(B) REPORT CONTENT.—The report de-*
25 *scribed in subparagraph (A) shall include—*

1 (i) a detailed breakdown of the Native
2 businesses and Native entrepreneurs receiv-
3 ing services from the business incubator, in-
4 cluding, for the year covered by the report—

5 (I) the number of Native busi-
6 nesses and Native entrepreneurs par-
7 ticipating in or receiving services from
8 the business incubator and the types of
9 services provided to those Native busi-
10 nesses and Native entrepreneurs;

11 (II) the number of Native busi-
12 nesses and Native entrepreneurs estab-
13 lished and jobs created or maintained;
14 and

15 (III) the performance of Native
16 businesses and Native entrepreneurs
17 while participating in the business in-
18 cubator and after graduation or depar-
19 ture from the business incubator; and

20 (ii) any other information the Sec-
21 retary may require to evaluate the perform-
22 ance of a business incubator to ensure ap-
23 propriate implementation of the program.

24 (C) LIMITATIONS.—To the maximum extent
25 practicable, the Secretary shall not require an el-

1 eligible applicant to report under subparagraph
2 (A) information provided to the Secretary by the
3 eligible applicant under other programs.

4 (D) *COORDINATION.*—The Secretary shall
5 coordinate with the heads of other Federal agen-
6 cies to ensure that, to the maximum extent prac-
7 ticable, the report content and form under sub-
8 paragraphs (A) and (B) are consistent with
9 other reporting requirements for Federal pro-
10 grams that provide business and entrepreneurial
11 assistance.

12 **SEC. 204. SCHOOLS TO BUSINESS INCUBATOR PIPELINE.**

13 The Secretary shall facilitate the establishment of rela-
14 tionships between eligible applicants receiving funds
15 through the program and educational institutions serving
16 Native American communities, including tribal colleges and
17 universities.

18 **SEC. 205. AGENCY PARTNERSHIPS.**

19 The Secretary shall coordinate with the Secretary of
20 Agriculture, the Secretary of Commerce, the Secretary of the
21 Treasury, and the Administrator of the Small Business Ad-
22 ministration to ensure, to the maximum extent practicable,
23 that business incubators receiving grant funds under the
24 program have the information and materials needed to pro-
25 vide Native businesses and Native entrepreneurs with the

1 *information and assistance necessary to apply for business*
2 *and entrepreneurial development programs administered by*
3 *the Department of Agriculture, the Department of Com-*
4 *merce, the Department of the Treasury, and the Small Busi-*
5 *ness Administration.*

6 **TITLE III—INDIGENOUS PEOPLES EXCHANGE AND ECO-**
7 **NOMIC COOPERATION ACT**

9 **SEC. 301. SHORT TITLE.**

10 *This title may be cited as the “Indigenous Peoples Ex-*
11 *change and Economic Cooperation Act”.*

12 **SEC. 302. STATEMENT OF POLICY.**

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

17 **SEC. 303. DEFINITIONS.**

18 *In this title:*

19 (1) *NATIVE AMERICAN TRIBES.*—*The term “Na-*
20 *tive American tribe” means any federally recognized*
21 *tribe.*

22 (2) *INDIGENOUS PEOPLES.*—*The term “indige-*
23 *nous peoples” means peoples residing in foreign coun-*
24 *tries in the Western Hemisphere who have historical*
25 *ties to a particular territory and are culturally or*

1 *historically distinct from the politically dominant*
2 *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 submit*
6 *to the appropriate congressional committees a strategy, in*
7 *consultation with the individuals listed in subsection (b),*
8 *to promote and facilitate—*

9 *(1) cross-investments between Native American*
10 *tribes and indigenous peoples in tribal businesses and*
11 *commercial enterprises that involve indigenous peo-*
12 *ples, such as sustainable natural resource manage-*
13 *ment, agricultural development, or handicraft produc-*
14 *tion; and*

15 *(2) the development of supply chains for United*
16 *States entities that include products produced by Na-*
17 *tive 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 *igenous Peoples Issues of the United States Agency*
3 *for International Development.*

4 (6) *The President of the Overseas Private Invest-*
5 *ment Corporation.*

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

8 (8) *The President of the Inter-American Founda-*
9 *tion.*

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.—In*
15 *this section, the term “appropriate congressional commit-*
16 *tees” means—*

17 (1) *the Committee on Foreign Affairs and the*
18 *Committee on Natural Resources of the House of Rep-*
19 *resentatives; and*

20 (2) *the Committee on Foreign Relations, the*
21 *Committee on Energy and Natural Resources, and the*
22 *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 peoples*
4 *to engage in and benefit from increased trade and invest-*
5 *ment 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 organiza-*
10 *tions, especially organizations comprised of or*
11 *representing the interests of indigenous peoples;*
12 *and*

13 *(2) provide assistance to countries in the Western*
14 *Hemisphere in a manner that promotes and facili-*
15 *tates entrepreneurship among indigenous peoples—*

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

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

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115TH CONGRESS
2^D SESSION

H. R. 4506

[Report No. 115-1064, Part I]

A BILL

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

DECEMBER 28, 2018

Committees on Foreign Affairs and Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed