

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1834

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## AN ACT

To amend the Small Business Act to expand and improve the assistance provided to Indian tribe members, Alaska Natives, and Native Hawaiians, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Native American Busi-  
3 ness Development Enhancement Act of 2009”.

4 **SEC. 2. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL**  
5 **BUSINESS INFORMATION CENTERS PRO-**  
6 **GRAM.**

7 (a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of  
8 the Small Business Act (15 U.S.C. 633(b)(1)) is amend-  
9 ed—

10 (1) by striking “five Associate Administrators”  
11 and inserting “six Associate Administrators”; and

12 (2) by inserting after “vested in the Adminis-  
13 tration.” the following: “One such Associate Admin-  
14 istrator shall be the Associate Administrator for Na-  
15 tive American Affairs, who shall administer the Of-  
16 fice of Native American Affairs established under  
17 section 44.”.

18 (b) ESTABLISHMENT.—The Small Business Act (15  
19 U.S.C. 631 et seq.) is amended—

20 (1) by redesignating section 44 as section 45;  
21 and

22 (2) by inserting after section 43 the following:

23 **“SEC. 44. OFFICE OF NATIVE AMERICAN AFFAIRS AND**  
24 **TRIBAL BUSINESS INFORMATION CENTERS**  
25 **PROGRAM.**

26 “(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

1           “(1) ESTABLISHMENT.—There is established in  
2 the Administration an Office of Native American Af-  
3 fairs (hereinafter referred to in this subsection as  
4 the ‘Office’).

5           “(2) ASSOCIATE ADMINISTRATOR.—The Office  
6 shall be administered by an Associate Administrator  
7 appointed under section 4(b)(1).

8           “(3) RESPONSIBILITIES.—The Office shall have  
9 the following responsibilities:

10           “(A) Developing and implementing tools  
11 and strategies to increase Native American en-  
12 trepreneurship.

13           “(B) Expanding the access of Native  
14 American entrepreneurs to business training, fi-  
15 nancing, and Federal small business contracts.

16           “(C) Expanding outreach to Native Amer-  
17 ican communities and marketing entrepre-  
18 neurial development services to such commu-  
19 nities.

20           “(D) Representing the Administration with  
21 respect to Native American economic develop-  
22 ment matters.

23           “(4) COORDINATION AND OVERSIGHT FUNC-  
24 TION.—The Office shall provide oversight with re-  
25 spect to and assist the implementation of all Admin-

1       istration initiatives relating to Native American en-  
2       trepreneurial development.

3               “(5) AUTHORIZATION OF APPROPRIATIONS.—

4       To carry out this subsection, there is authorized to  
5       be appropriated to the Administrator \$2,000,000 for  
6       each of fiscal years 2010 and 2011.

7               “(b) TRIBAL BUSINESS INFORMATION CENTERS  
8       PROGRAM.—

9               “(1) ESTABLISHMENT.—The Administrator is  
10       authorized to operate, alone or in coordination with  
11       other Federal departments and agencies, a Tribal  
12       Business Information Centers program that provides  
13       Native American populations with business training  
14       and entrepreneurial development assistance.

15               “(2) DESIGNATION OF CENTERS.—The Admin-  
16       istrator shall designate entities as centers under the  
17       Tribal Business Information Centers program.

18               “(3) ADMINISTRATION SUPPORT.—The Admin-  
19       istrator may contribute agency personnel and re-  
20       sources to the centers designated under paragraph  
21       (2) to carry out this subsection.

22               “(4) GRANT PROGRAM.—The Administrator is  
23       authorized to make grants of not more than  
24       \$300,000 to centers designated under paragraph (2)

1 for the purpose of providing Native Americans the  
2 following:

3 “(A) Business workshops.

4 “(B) Individualized business counseling.

5 “(C) Entrepreneurial development train-  
6 ing.

7 “(D) Access to computer technology and  
8 other resources to start or expand a business.

9 “(5) REGULATIONS.—The Administrator shall  
10 by regulation establish a process for designating cen-  
11 ters under paragraph (2) and making the grants au-  
12 thorized under paragraph (4).

13 “(6) DEFINITION OF ADMINISTRATOR.—In this  
14 subsection, the term ‘Administrator’ means the Ad-  
15 ministrator, acting through the Associate Adminis-  
16 trator administering the Office of Native American  
17 Affairs.

18 “(7) AUTHORIZATION OF APPROPRIATIONS.—  
19 To carry out this subsection, there is authorized to  
20 be appropriated to the Administrator \$15,000,000  
21 for fiscal year 2010 and \$17,000,000 for fiscal year  
22 2011.

23 “(c) DEFINITION OF NATIVE AMERICAN.—The term  
24 ‘Native American’ means an Indian tribe member, Alaska

1 Native, or Native Hawaiian as such are defined in section  
2 21(a)(8) of this Act.”.

3 **SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSIST-**  
4 **ANCE TO INDIAN TRIBE MEMBERS, ALASKA**  
5 **NATIVES, AND NATIVE HAWAIIANS.**

6 (a) IN GENERAL.—Section 21(a) of the Small Busi-  
7 ness Act (15 U.S.C. 648(a)) is amended by adding at the  
8 end the following:

9 “(8) ADDITIONAL GRANT TO ASSIST INDIAN  
10 TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HA-  
11 WAIANS.—

12 “(A) IN GENERAL.—Any applicant in an  
13 eligible State that is funded by the Administra-  
14 tion as a Small Business Development Center  
15 may apply for an additional grant to be used  
16 solely to provide services described in subsection  
17 (c)(3) to assist with outreach, development, and  
18 enhancement on Indian lands of small business  
19 startups and expansions owned by Indian tribe  
20 members, Alaska Natives, and Native Hawai-  
21 ians.

22 “(B) ELIGIBLE STATES.—For purposes of  
23 subparagraph (A), an eligible State is a State  
24 that has a combined population of Indian tribe  
25 members, Alaska Natives, and Native Hawai-

1           ians that comprises at least 1 percent of the  
2           State’s total population, as shown by the latest  
3           available census.

4                   “(C) GRANT APPLICATIONS.—An applicant  
5           for a grant under subparagraph (A) shall submit  
6           to the Administration an application that is  
7           in such form as the Administration may require. The application shall include information  
8           regarding the applicant’s goals and objectives  
9           regarding the applicant’s goals and objectives  
10          for the services to be provided using the grant,  
11          including—

12                   “(i) the capability of the applicant to  
13           provide training and services to a representative number of Indian tribe members,  
14           Alaska Natives, and Native Hawaiians;  
15           Alaska Natives, and Native Hawaiians;  
16           ians;

17                   “(ii) the location of the Small Business Development Center site proposed by  
18           the applicant;  
19           the applicant;

20                   “(iii) the required amount of grant  
21           funding needed by the applicant to implement the program; and  
22           ment the program; and

23                   “(iv) the extent to which the applicant  
24           has consulted with local tribal councils.

1           “(D) APPLICABILITY OF GRANT REQUIRE-  
2           MENTS.—An applicant for a grant under sub-  
3           paragraph (A) shall comply with all of the re-  
4           quirements of this section, except that the  
5           matching funds requirements under paragraph  
6           (4)(A) shall not apply.

7           “(E) MAXIMUM AMOUNT OF GRANTS.—No  
8           applicant may receive more than \$300,000 in  
9           grants under this paragraph for any fiscal year.

10          “(F) REGULATIONS.—After providing no-  
11          tice and an opportunity for comment and after  
12          consulting with the Association recognized by  
13          the Administration pursuant to paragraph  
14          (3)(A) (but not later than 180 days after the  
15          date of enactment of this paragraph), the Ad-  
16          ministration shall issue final regulations to  
17          carry out this paragraph, including regulations  
18          that establish—

19                 “(i) standards relating to educational,  
20                 technical, and support services to be pro-  
21                 vided by Small Business Development Cen-  
22                 ters receiving assistance under this para-  
23                 graph; and

24                 “(ii) standards relating to any work  
25                 plan that the Administration may require a

1 Small Business Development Center receiv-  
2 ing assistance under this paragraph to de-  
3 velop.

4 “(G) ADVICE OF LOCAL TRIBAL ORGANIZA-  
5 TIONS.—A Small Business Development Center  
6 receiving a grant under this paragraph shall re-  
7 quest the advice of a tribal organization on how  
8 best to provide assistance to Indian tribe mem-  
9 bers, Alaska Natives, and Native Hawaiians  
10 and where to locate satellite centers to provide  
11 such assistance.

12 “(H) DEFINITIONS.—In this paragraph,  
13 the following definitions apply:

14 “(i) INDIAN LANDS.—The term ‘In-  
15 dian lands’ has the meaning given the term  
16 ‘Indian country’ in section 1151 of title 18,  
17 United States Code, the meaning given the  
18 term ‘Indian reservation’ in section 151.2  
19 of title 25, Code of Federal Regulations  
20 (as in effect on the date of enactment of  
21 this paragraph), and the meaning given  
22 the term ‘reservation’ in section 4 of the  
23 Indian Child Welfare Act of 1978 (25  
24 U.S.C. 1903).

1           “(ii) INDIAN TRIBE.—The term ‘In-  
2           dian tribe’ means any band, nation, or or-  
3           ganized group or community of Indians lo-  
4           cated in the contiguous United States, and  
5           the Metlakatla Indian Community, whose  
6           members are recognized as eligible for the  
7           services provided to Indians by the Sec-  
8           retary of the Interior because of their sta-  
9           tus as Indians.

10           “(iii) INDIAN TRIBE MEMBER.—The  
11           term ‘Indian tribe member’ means a mem-  
12           ber of an Indian tribe (other than an Alas-  
13           ka Native).

14           “(iv) ALASKA NATIVE.—The term  
15           ‘Alaska Native’ has the meaning given the  
16           term ‘Native’ in section 3(b) of the Alaska  
17           Native Claims Settlement Act (43 U.S.C.  
18           1602(b)).

19           “(v) NATIVE HAWAIIAN.—The term  
20           ‘Native Hawaiian’ means any individual  
21           who is—

22                   “(I) a citizen of the United  
23                   States; and

24                   “(II) a descendant of the aborigi-  
25                   nal people, who prior to 1778, occu-

1            ped and exercised sovereignty in the  
2            area that now constitutes the State of  
3            Hawaii.

4            “(vi) TRIBAL ORGANIZATION.—The  
5            term ‘tribal organization’ has the meaning  
6            given that term in section 4(l) of the In-  
7            dian Self-Determination and Education  
8            Assistance Act (25 U.S.C. 450b(l)).

9            “(I) AUTHORIZATION OF APPROPRIA-  
10            TIONS.—There is authorized to be appropriated  
11            to carry out this paragraph \$7,000,000 for each  
12            of fiscal years 2010 and 2011.

13           “(J) FUNDING LIMITATIONS.—

14           “(i) NONAPPLICABILITY OF CERTAIN  
15           LIMITATIONS.—Funding under this para-  
16           graph shall be in addition to the dollar  
17           program limitations specified in paragraph  
18           (4).

19           “(ii) LIMITATION ON USE OF  
20           FUNDS.—The Administration may carry  
21           out this paragraph only with amounts ap-

1                   appropriated in advance specifically to carry  
2                   out this paragraph.”.

Passed the House of Representatives November 19,  
2009.

Attest:

*Clerk.*



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