

110TH CONGRESS  
1ST SESSION

# S. 2176

To promote the development of Native American small business concerns,  
and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2007

Mr. JOHNSON (for himself, Mr. KERRY, Mr. SMITH, Mr. AKAKA, Mrs. BOXER,  
Mr. DORGAN, Mr. INOUE, Ms. STABENOW, and Mr. TESTER) introduced  
the following bill; which was read twice and referred to the Committee  
on Small Business and Entrepreneurship

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## A BILL

To promote the development of Native American small  
business concerns, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Native American Small  
5 Business Development Act of 2007”.

6 **SEC. 2. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**  
7 **MENT PROGRAM.**

8 The Small Business Act (15 U.S.C. 631 et seq.) is  
9 amended—

1 (1) by redesignating section 37 as section 38;

2 and

3 (2) by inserting after section 36 the following:

4 **“SEC. 37. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**  
5 **MENT PROGRAM.**

6 “(a) DEFINITIONS.—As used in this section—

7 “(1) the term ‘Alaska Native’ has the same  
8 meaning as the term ‘Native’ in section 3(b) of the  
9 Alaska Native Claims Settlement Act (43 U.S.C.  
10 1602(b));

11 “(2) the term ‘Alaska Native corporation’ has  
12 the same meaning as the term ‘Native Corporation’  
13 in section 3(m) of the Alaska Native Claims Settle-  
14 ment Act (43 U.S.C. 1602(m));

15 “(3) the term ‘Assistant Administrator’ means  
16 the Assistant Administrator of the Office of Native  
17 American Affairs established under subsection (b);

18 “(4) the terms ‘center’ and ‘Native American  
19 business center’ mean a center established under  
20 subsection (c);

21 “(5) the term ‘Native American business devel-  
22 opment center’ means an entity providing business  
23 development assistance to federally recognized tribes  
24 and Native Americans under a grant from the Mi-

1 nority Business Development Agency of the Depart-  
2 ment of Commerce;

3 “(6) the term ‘Native American small business  
4 concern’ means a small business concern that is  
5 owned and controlled by—

6 “(A) a member of an Indian tribe or tribal  
7 government;

8 “(B) an Alaska Native or Alaska Native  
9 corporation; or

10 “(C) a Native Hawaiian or Native Hawai-  
11 ian Organization;

12 “(7) the term ‘Native Hawaiian’ has the same  
13 meaning as in section 625 of the Older Americans  
14 Act of 1965 (42 U.S.C. 3057k);

15 “(8) the term ‘Native Hawaiian Organization’  
16 has the same meaning as in section 8(a)(15);

17 “(9) the term ‘tribal college’ has the same  
18 meaning as the term ‘tribally controlled college or  
19 university’ has in section 2(a)(4) of the Tribally  
20 Controlled Community College Assistance Act of  
21 1978 (25 U.S.C. 1801(a)(4));

22 “(10) the term ‘tribal government’ has the  
23 same meaning as the term ‘Indian tribe’ has in sec-  
24 tion 7501(a)(9) of title 31, United States Code; and

1           “(11) the term ‘tribal lands’ means all lands  
2 within the exterior boundaries of any Indian reserva-  
3 tion.

4           “(b) OFFICE OF NATIVE AMERICAN AFFAIRS.—

5           “(1) ESTABLISHMENT.—There is established  
6 within the Administration the Office of Native  
7 American Affairs, which, under the direction of the  
8 Assistant Administrator, shall implement the Admin-  
9 istration’s programs for the development of business  
10 enterprises by Native Americans.

11           “(2) PURPOSE.—The purpose of the Office of  
12 Native American Affairs is to assist Native Amer-  
13 ican entrepreneurs to—

14           “(A) start, operate, and grow small busi-  
15 ness concerns;

16           “(B) develop management and technical  
17 skills;

18           “(C) seek Federal procurement opportuni-  
19 ties;

20           “(D) increase employment opportunities  
21 for Native Americans through the start and ex-  
22 pansion of small business concerns; and

23           “(E) increase the access of Native Ameri-  
24 cans to capital markets.

25           “(3) ASSISTANT ADMINISTRATOR.—

1           “(A) APPOINTMENT.—The Administrator  
2 shall appoint a qualified individual to serve as  
3 Assistant Administrator of the Office of Native  
4 American Affairs in accordance with this para-  
5 graph.

6           “(B) QUALIFICATIONS.—The Assistant  
7 Administrator appointed under subparagraph  
8 (A) shall have—

9                   “(i) knowledge of the Native Amer-  
10 ican culture; and

11                   “(ii) experience providing culturally  
12 tailored small business development assist-  
13 ance to Native Americans.

14           “(C) EMPLOYMENT STATUS.—The Assist-  
15 ant Administrator shall be a Senior Executive  
16 Service position under section 3132(a)(2) of  
17 title 5, United States Code, and shall serve as  
18 a noncareer appointee, as defined in section  
19 3132(a)(7) of title 5, United States Code.

20           “(D) RESPONSIBILITIES AND DUTIES.—  
21 The Assistant Administrator shall—

22                   “(i) administer and manage the Na-  
23 tive American Small Business Development  
24 Program established under this section;

1           “(ii) recommend the annual adminis-  
2           trative and program budgets for the Office  
3           of Native American Affairs;

4           “(iii) consult with Native American  
5           business centers in carrying out the pro-  
6           gram established under this section;

7           “(iv) recommend appropriate funding  
8           levels;

9           “(v) review the annual budgets sub-  
10          mitted by each applicant for the Native  
11          American Small Business Development  
12          Program;

13          “(vi) select applicants to participate in  
14          the program under this section;

15          “(vii) implement this section; and

16          “(viii) maintain a clearinghouse to  
17          provide for the dissemination and exchange  
18          of information between Native American  
19          business centers.

20          “(E) CONSULTATION REQUIREMENTS.—In  
21          carrying out the responsibilities and duties de-  
22          scribed in this paragraph, the Assistant Admin-  
23          istrator shall confer with and seek the advice  
24          of—

1                   “(i) Administration officials working  
2                   in areas served by Native American busi-  
3                   ness centers and Native American business  
4                   development centers;

5                   “(ii) the Bureau of Indian Affairs of  
6                   the Department of the Interior;

7                   “(iii) tribal governments;

8                   “(iv) tribal colleges;

9                   “(v) Alaska Native corporations; and

10                  “(vi) Native Hawaiian Organizations.

11                  “(c) NATIVE AMERICAN SMALL BUSINESS DEVELOP-  
12                  MENT PROGRAM.—

13                  “(1) AUTHORIZATION.—

14                  “(A) IN GENERAL.—The Administrator,  
15                  through the Office of Native American Affairs,  
16                  shall provide financial assistance to tribal gov-  
17                  ernments, tribal colleges, Native Hawaiian Or-  
18                  ganizations, and Alaska Native corporations to  
19                  create Native American business centers in ac-  
20                  cordance with this section.

21                  “(B) USE OF FUNDS.—The financial and  
22                  resource assistance provided under this sub-  
23                  section shall be used to overcome obstacles im-  
24                  peding the creation, development, and expan-

1 sion of small business concerns, in accordance  
2 with this section, by—

3 “(i) reservation-based American Indi-  
4 ans;

5 “(ii) Alaska Natives; and

6 “(iii) Native Hawaiians.

7 “(2) 5-YEAR PROJECTS.—

8 “(A) IN GENERAL.—Each Native Amer-  
9 ican business center that receives assistance  
10 under paragraph (1)(A) shall conduct 5-year  
11 projects that offer culturally tailored business  
12 development assistance in the form of—

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

15 “(I) applying for and securing  
16 business credit and investment cap-  
17 ital;

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 concern;

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



1 each major activity and function of a small  
2 business concern; 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) developing pricing strate-  
11 gies;

12 “(IV) locating contract opportu-  
13 nities;

14 “(V) negotiating contracts; and

15 “(VI) utilizing varying public re-  
16 lations and advertising techniques.

17 “(B) BUSINESS DEVELOPMENT ASSIST-  
18 ANCE RECIPIENTS.—The business development  
19 assistance under subparagraph (A) shall be of-  
20 fered to prospective and current owners of small  
21 business concerns that are owned by—

22 “(i) American Indians or tribal gov-  
23 ernments, and located on or near tribal  
24 lands;

1                   “(ii) Alaska Natives or Alaska Native  
2 corporations; or

3                   “(iii) Native Hawaiians or Native Ha-  
4 waiian Organizations.

5                   “(3) FORM OF FEDERAL FINANCIAL ASSIST-  
6 ANCE.—

7                   “(A) DOCUMENTATION.—

8                   “(i) IN GENERAL.—The financial as-  
9 sistance to Native American business cen-  
10 ters authorized under this subsection may  
11 be made by grant, contract, or cooperative  
12 agreement.

13                   “(ii) EXCEPTION.—Financial assist-  
14 ance under this subsection to an Alaska  
15 Native corporation or Native Hawaiian Or-  
16 ganization may only be made by grant.

17                   “(B) PAYMENTS.—

18                   “(i) TIMING.—Payments made under  
19 this subsection may be disbursed in an an-  
20 nual lump sum or in periodic installments,  
21 at the request of the recipient.

22                   “(ii) ADVANCE.—The Administrator  
23 may disburse not more than 25 percent of  
24 the annual amount of Federal financial as-  
25 sistance awarded to a Native American

1 small business center after notice of the  
2 award has been issued.

3 “(iii) NO MATCHING REQUIREMENT.—

4 The Administrator shall not require a  
5 grant recipient to match grant funding re-  
6 ceived under this subsection with non-Fed-  
7 eral resources as a condition of receiving  
8 the grant.

9 “(4) CONTRACT AND COOPERATIVE AGREE-  
10 MENT AUTHORITY.—A Native American business  
11 center may enter into a contract or cooperative  
12 agreement with a Federal department or agency to  
13 provide specific assistance to Native American and  
14 other under-served small business concerns located  
15 on or near tribal lands, to the extent that such con-  
16 tract or cooperative agreement is consistent with the  
17 terms of any assistance received by the Native  
18 American business center from the Administrator.

19 “(5) APPLICATION PROCESS.—

20 “(A) SUBMISSION OF A 5-YEAR PLAN.—

21 Each applicant for assistance under paragraph  
22 (1) shall submit a 5-year plan to the Adminis-  
23 trator on proposed assistance and training ac-  
24 tivities.

25 “(B) CRITERIA.—

1           “(i) IN GENERAL.—The Administrator  
2 shall evaluate and rank applicants in ac-  
3 cordance with predetermined selection cri-  
4 teria that shall be stated in terms of rel-  
5 ative importance.

6           “(ii) PUBLIC NOTICE.—The criteria  
7 required by this paragraph and their rel-  
8 ative importance shall be made publicly  
9 available, within a reasonable time, and  
10 stated in each solicitation for applications  
11 made by the Administrator.

12           “(iii) CONSIDERATIONS.—The criteria  
13 required by this paragraph shall include—

14           “(I) the experience of the appli-  
15 cant in conducting programs or ongo-  
16 ing efforts designed to impart or up-  
17 grade the business skills of current or  
18 potential owners of Native American  
19 small business concerns;

20           “(II) the ability of the applicant  
21 to commence a project within a min-  
22 imum amount of time;

23           “(III) the ability of the applicant  
24 to provide quality training and serv-

1                   ices to a significant number of Native  
2                   Americans;

3                   “(IV) previous assistance from  
4                   the Administration to provide services  
5                   in Native American communities; and

6                   “(V) the proposed location for  
7                   the Native American business center  
8                   site, with priority given based on the  
9                   proximity of the center to the popu-  
10                  lation being served and to achieve a  
11                  broad geographic dispersion of the  
12                  centers.

13                  “(6) PROGRAM EXAMINATION.—

14                  “(A) IN GENERAL.—Each Native Amer-  
15                  ican business center established pursuant to  
16                  this subsection shall annually submit to the Ad-  
17                  ministrator an itemized cost breakdown of ac-  
18                  tual expenditures incurred during the preceding  
19                  year.

20                  “(B) ADMINISTRATION ACTION.—Based on  
21                  information received under subparagraph (A),  
22                  the Administrator shall—

23                          “(i) develop and implement an annual  
24                          programmatic and financial examination of

1 each Native American business center as-  
2 sisted pursuant to this subsection; and

3 “(ii) analyze the results of each exam-  
4 ination conducted under clause (i) to deter-  
5 mine the programmatic and financial via-  
6 bility of each Native American business  
7 center.

8 “(C) CONDITIONS FOR CONTINUED FUND-  
9 ING.—In determining whether to renew a grant,  
10 contract, or cooperative agreement with a Na-  
11 tive American business center, the Adminis-  
12 trator—

13 “(i) shall consider the results of the  
14 most recent examination of the center  
15 under subparagraph (B), and, to a lesser  
16 extent, previous examinations; and

17 “(ii) may withhold such renewal, if  
18 the Administrator determines that—

19 “(I) the center has failed to pro-  
20 vide adequate information required to  
21 be provided under subparagraph (A),  
22 or the information provided by the  
23 center is inadequate; or

24 “(II) the center has failed to pro-  
25 vide adequate information required to

1 be provided by the center for purposes  
2 of the report of the Administrator  
3 under subparagraph (E).

4 “(D) CONTINUING CONTRACT AND COOP-  
5 ERATIVE AGREEMENT AUTHORITY.—

6 “(i) IN GENERAL.—The authority of  
7 the Administrator to enter into contracts  
8 or cooperative agreements in accordance  
9 with this subsection shall be in effect for  
10 each fiscal year only to the extent and in  
11 the amounts as are provided in advance in  
12 appropriations Acts.

13 “(ii) RENEWAL.—After the Adminis-  
14 trator has entered into a contract or coop-  
15 erative agreement with any Native Amer-  
16 ican business center under this subsection,  
17 it shall not suspend, terminate, or fail to  
18 renew or extend any such contract or coop-  
19 erative agreement unless the Administrator  
20 provides the center with written notifica-  
21 tion setting forth the reasons therefore and  
22 affords the center an opportunity for a  
23 hearing, appeal, or other administrative  
24 proceeding under chapter 5 of title 5,  
25 United States Code.

1 “(E) MANAGEMENT REPORT.—

2 “(i) IN GENERAL.—The Administrator  
3 shall prepare and submit to the Committee  
4 on Small Business and Entrepreneurship  
5 of the Senate and the Committee on Small  
6 Business of the House of Representatives  
7 an annual report on the effectiveness of all  
8 projects conducted by Native American  
9 business centers under this subsection and  
10 any pilot programs administered by the Of-  
11 fice of Native American Affairs.

12 “(ii) CONTENTS.—Each report sub-  
13 mitted under clause (i) shall include, with  
14 respect to each Native American business  
15 center receiving financial assistance under  
16 this subsection—

17 “(I) the number of individuals re-  
18 ceiving assistance from the Native  
19 American business center;

20 “(II) the number of startup busi-  
21 ness concerns created;

22 “(III) the number of existing  
23 businesses seeking to expand employ-  
24 ment;



1           “(IV) jobs created or maintained,  
2           on an annual basis, by Native Amer-  
3           ican small business concerns assisted  
4           by the center since receiving funding  
5           under this Act;

6           “(V) to the maximum extent  
7           practicable, the capital investment and  
8           loan financing utilized by emerging  
9           and expanding businesses that were  
10          assisted by a Native American busi-  
11          ness center; and

12          “(VI) the most recent examina-  
13          tion, as required under subparagraph  
14          (B), and the subsequent determina-  
15          tion made by the Administrator under  
16          that subparagraph.

17          “(7) ANNUAL REPORT.—Each entity receiving  
18          financial assistance under this subsection shall annu-  
19          ally report to the Administrator on the services pro-  
20          vided with such financial assistance, including—

21                  “(A) the number of individuals assisted,  
22                  categorized by ethnicity;

23                  “(B) the number of hours spent providing  
24                  counseling and training for those individuals;

1           “(C) the number of startup small business  
2 concerns created or maintained;

3           “(D) the gross receipts of assisted small  
4 business concerns;

5           “(E) the number of jobs created or main-  
6 tained at assisted small business concerns; and

7           “(F) the number of Native American jobs  
8 created or maintained at assisted small business  
9 concerns.

10          “(8) RECORD RETENTION.—

11           “(A) APPLICATIONS.—The Administrator  
12 shall maintain a copy of each application sub-  
13 mitted under this subsection for not less than  
14 7 years.

15           “(B) ANNUAL REPORTS.—The Adminis-  
16 trator shall maintain copies of the information  
17 collected under paragraph (6)(A) indefinitely.

18          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated \$5,000,000 for each of  
20 the fiscal years 2009 through 2013, to carry out the Na-  
21 tive American Small Business Development Program, au-  
22 thorized under subsection (c).”.

23 **SEC. 3. PILOT PROGRAMS.**

24          (a) DEFINITIONS.—In this section, the following defi-  
25 nitions shall apply:

1           (1) INCORPORATION BY REFERENCE.—The  
2 terms defined in section 37(a) of the Small Business  
3 Act (as added by this Act) have the same meanings  
4 as in that section 37(a) when used in this section.

5           (2) JOINT PROJECT.—The term “joint project”  
6 means the combined resources and expertise of 2 or  
7 more distinct entities at a physical location dedi-  
8 cated to assisting the Native American community.

9           (b) NATIVE AMERICAN DEVELOPMENT GRANT PILOT  
10 PROGRAM.—

11           (1) AUTHORIZATION.—

12           (A) IN GENERAL.—There is established a  
13 4-year pilot program under which the Adminis-  
14 trator is authorized to award Native American  
15 development grants to provide culturally tai-  
16 lored business development training and related  
17 services to Native Americans and Native Amer-  
18 ican small business concerns.

19           (B) ELIGIBLE ORGANIZATIONS.—The  
20 grants authorized under subparagraph (A) may  
21 be awarded to—

22           (i) any small business development  
23 center; or

24           (ii) any private, nonprofit organization  
25 that—

1 (I) has members of an Indian  
2 tribe comprising a majority of its  
3 board of directors;

4 (II) is a Native Hawaiian Orga-  
5 nization; or

6 (III) is an Alaska Native cor-  
7 poration.

8 (C) AMOUNTS.—The Administrator shall  
9 not award a grant under this subsection in an  
10 amount which exceeds \$100,000 for each year  
11 of the project.

12 (D) GRANT DURATION.—Each grant under  
13 this subsection shall be awarded for not less  
14 than a 2-year period and not more than a 4-  
15 year period.

16 (2) CONDITIONS FOR PARTICIPATION.—Each  
17 entity desiring a grant under this subsection shall  
18 submit an application to the Administrator that con-  
19 tains—

20 (A) a certification that the applicant—

21 (i) is a small business development  
22 center or a private, nonprofit organization  
23 under paragraph (1)(B)(i);

- 1 (ii) employs an executive director or  
2 program manager to manage the facility;  
3 and
- 4 (iii) agrees—
- 5 (I) to a site visit as part of the  
6 final selection process;
- 7 (II) to an annual programmatic  
8 and financial examination; and
- 9 (III) to the maximum extent  
10 practicable, to remedy any problems  
11 identified pursuant to that site visit or  
12 examination;
- 13 (B) information demonstrating that the  
14 applicant has the ability and resources to meet  
15 the needs, including cultural needs, of the Na-  
16 tive Americans to be served by the grant;
- 17 (C) information relating to proposed assist-  
18 ance that the grant will provide, including—
- 19 (i) the number of individuals to be as-  
20 sisted; and
- 21 (ii) the number of hours of counseling,  
22 training, and workshops to be provided;
- 23 (D) information demonstrating the effec-  
24 tive experience of the applicant in—

1 (i) conducting financial, management,  
2 and marketing assistance programs de-  
3 signed to impart or upgrade the business  
4 skills of current or prospective Native  
5 American business owners;

6 (ii) providing training and services to  
7 a representative number of Native Ameri-  
8 cans;

9 (iii) using resource partners of the  
10 Administration and other entities, includ-  
11 ing universities, tribal governments, or  
12 tribal colleges; and

13 (iv) the prudent management of fi-  
14 nances and staffing;

15 (E) the location where the applicant will  
16 provide training and services to Native Ameri-  
17 cans; and

18 (F) a multiyear plan, corresponding to the  
19 length of the grant, that describes—

20 (i) the number of Native Americans  
21 and Native American small business con-  
22 cerns to be served by the grant;

23 (ii) in the continental United States,  
24 the number of Native Americans to be  
25 served by the grant; and

1 (iii) the training and services to be  
2 provided to a representative number of Na-  
3 tive Americans.

4 (3) REVIEW OF APPLICATIONS.—The Adminis-  
5 trator shall—

6 (A) evaluate and rank applicants under  
7 paragraph (2) in accordance with predeter-  
8 mined selection criteria that is stated in terms  
9 of relative importance;

10 (B) include such criteria in each solicita-  
11 tion under this subsection and make such infor-  
12 mation available to the public; and

13 (C) approve or disapprove each completed  
14 application submitted under this subsection not  
15 more than 60 days after submission.

16 (4) ANNUAL REPORT.—Each recipient of a Na-  
17 tive American development grant under this sub-  
18 section shall annually report to the Administrator on  
19 the impact of the grant funding, including—

20 (A) the number of individuals assisted, cat-  
21 egorized by ethnicity;

22 (B) the number of hours spent providing  
23 counseling and training for those individuals;

1 (C) the number of startup small business  
2 concerns created or maintained with assistance  
3 from a Native American business center;

4 (D) the gross receipts of assisted small  
5 business concerns;

6 (E) the number of jobs created or main-  
7 tained at assisted small business concerns; and

8 (F) the number of Native American jobs  
9 created or maintained at assisted small business  
10 concerns.

11 (5) RECORD RETENTION.—

12 (A) APPLICATIONS.—The Administrator  
13 shall maintain a copy of each application sub-  
14 mitted under this subsection for not less than  
15 7 years.

16 (B) ANNUAL REPORTS.—The Adminis-  
17 trator shall maintain copies of the information  
18 collected under paragraph (4) indefinitely.

19 (c) AMERICAN INDIAN TRIBAL ASSISTANCE CENTER  
20 GRANT PILOT PROGRAM.—

21 (1) AUTHORIZATION.—

22 (A) IN GENERAL.—There is established a  
23 4-year pilot program, under which the Adminis-  
24 trator shall award not less than 3 American In-  
25 dian Tribal Assistance Center grants to estab-



1           lish joint projects to provide culturally tailored  
2           business development assistance to prospective  
3           and current owners of small business concerns  
4           located on or near tribal lands.

5           (B) ELIGIBLE ORGANIZATIONS.—

6           (i) CLASS 1.—Not fewer than 1 grant  
7           shall be awarded to a joint project per-  
8           formed by a Native American business cen-  
9           ter, a Native American business develop-  
10          ment center, and a small business develop-  
11          ment center.

12          (ii) CLASS 2.—Not fewer than 2  
13          grants shall be awarded to joint projects  
14          performed by a Native American business  
15          center and a Native American business de-  
16          velopment center.

17          (C) AMOUNTS.—The Administrator shall  
18          not award a grant under this subsection in an  
19          amount which exceeds \$200,000 for each year  
20          of the project.

21          (D) GRANT DURATION.—Each grant under  
22          this subsection shall be awarded for a 3-year  
23          period.

24          (2) CONDITIONS FOR PARTICIPATION.—Each  
25          entity desiring a grant under this subsection shall

1 submit to the Administrator a joint application that  
2 contains—

3 (A) a certification that each participant of  
4 the joint application—

5 (i) is either a Native American busi-  
6 ness center, a Native American business  
7 development center, or a small business de-  
8 velopment center;

9 (ii) employs an executive director or  
10 program manager to manage the center;  
11 and

12 (iii) as a condition of receiving the  
13 American Indian Tribal Assistance Center  
14 grant, agrees—

15 (I) to an annual programmatic  
16 and financial examination; and

17 (II) to the maximum extent prac-  
18 ticable, to remedy any problems iden-  
19 tified pursuant to that examination;

20 (B) information demonstrating an historic  
21 commitment to providing assistance to Native  
22 Americans—

23 (i) residing on or near tribal lands; or

24 (ii) operating a small business concern  
25 on or near tribal lands;

1 (C) information demonstrating that each  
2 participant of the joint application has the abil-  
3 ity and resources to meet the needs, including  
4 the cultural needs of the Native Americans to  
5 be served by the grant;

6 (D) information relating to proposed as-  
7 sistance that the grant will provide, including—

8 (i) the number of individuals to be as-  
9 sisted; and

10 (ii) the number of hours of counseling,  
11 training, and workshops to be provided;

12 (E) information demonstrating the effec-  
13 tive experience of each participant of the joint  
14 application in—

15 (i) conducting financial, management,  
16 and marketing assistance programs, as de-  
17 scribed above, designed to impart or up-  
18 grade the business skills of current or pro-  
19 spective Native American business owners;  
20 and

21 (ii) the prudent management of fi-  
22 nances and staffing; and

23 (F) a plan for the length of the grant, that  
24 describes—

1 (i) the number of Native Americans  
2 and Native American small business con-  
3 cerns to be served by the grant; and

4 (ii) the training and services to be  
5 provided.

6 (3) REVIEW OF APPLICATIONS.—The Adminis-  
7 trator shall—

8 (A) evaluate and rank applicants under  
9 paragraph (2) in accordance with predeter-  
10 mined selection criteria that is stated in terms  
11 of relative importance;

12 (B) include such criteria in each solicita-  
13 tion under this subsection and make such infor-  
14 mation available to the public; and

15 (C) approve or disapprove each application  
16 submitted under this subsection not more than  
17 60 days after submission.

18 (4) ANNUAL REPORT.—Each recipient of an  
19 American Indian tribal assistance center grant  
20 under this subsection shall annually report to the  
21 Administrator on the impact of the grant funding  
22 received during the reporting year, and the cumu-  
23 lative impact of the grant funding received since the  
24 initiation of the grant, including—

1 (A) the number of individuals assisted, cat-  
2 egorized by ethnicity;

3 (B) the number of hours of counseling and  
4 training provided and workshops conducted;

5 (C) the number of startup business con-  
6 cerns created or maintained with assistance  
7 from a Native American business center;

8 (D) the gross receipts of assisted small  
9 business concerns;

10 (E) the number of jobs created or main-  
11 tained at assisted small business concerns; and

12 (F) the number of Native American jobs  
13 created or maintained at assisted small business  
14 concerns.

15 (5) RECORD RETENTION.—

16 (A) APPLICATIONS.—The Administrator  
17 shall maintain a copy of each application sub-  
18 mitted under this subsection for not less than  
19 7 years.

20 (B) ANNUAL REPORTS.—The Adminis-  
21 trator shall maintain copies of the information  
22 collected under paragraph (4) indefinitely.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated—

1           (1) \$1,000,000 for each of the fiscal years 2009  
2 through 2013, to carry out the Native American De-  
3 velopment Grant Pilot Program, authorized under  
4 subsection (b); and

5           (2) \$1,000,000 for each of the fiscal years 2009  
6 through 2013, to carry out the American Indian  
7 Tribal Assistance Center Grant Pilot Program, au-  
8 thorized under subsection (c).

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