

111TH CONGRESS
2D SESSION

S. 3471

To improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2010

Mr. DORGAN (for himself, Mr. JOHNSON, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To improve access to capital, bonding authority, and job training for Native Americans and promote native community development financial institutions and Native American small business opportunities, 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 Em-
5 ployment Act of 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Improving access to capital for Indian tribes.
- Sec. 4. Surety bond guarantees.
- Sec. 5. Indian employment, training, and related services.
- Sec. 6. Native initiatives.
- Sec. 7. Buy Indian.
- Sec. 8. Native American small business development program.
- Sec. 9. Qualified school construction bond escrow account.

1 **SEC. 3. IMPROVING ACCESS TO CAPITAL FOR INDIAN**
 2 **TRIBES.**

3 Section 201 of the Indian Financing Act of 1974 (25
 4 U.S.C. 1481) is amended by adding at the end the fol-
 5 lowing:

6 “(c) IMPROVING ACCESS TO CAPITAL FOR INDIAN
 7 TRIBES.—

8 “(1) IN GENERAL.—The Secretary shall estab-
 9 lish a tier system for loans guaranteed or insured
 10 under this section that is based on the number of
 11 on-reservation jobs created by each loan.

12 “(2) EFFECT.—In establishing the tier system
 13 under paragraph (1), the Secretary shall consider
 14 more favorable equity terms or allow an increase in
 15 loan guarantees from 90 percent up to 100 percent
 16 of the unpaid principal and interest due on any loan
 17 made under this section for energy development or
 18 manufacturing carried out on Indian land or within
 19 a tribal service area recognized by the Bureau of In-
 20 dian Affairs.”.

1 **SEC. 4. SURETY BOND GUARANTEES.**

2 Section 218 of the Indian Financing Act of 1974 (25
3 U.S.C. 1497a) is amended to read as follows:

4 **“SEC. 218. SURETY BOND GUARANTEES.**

5 “(a) AMOUNT; ELIGIBILITY.—The Secretary may
6 issue a guarantee up to 100 percent of amounts covered
7 by a surety bond issued for eligible construction, renova-
8 tion, or demolition work performed or to be performed by
9 an Indian individual or Indian economic enterprise.

10 “(b) CONDITIONS.—

11 “(1) IN GENERAL.—The Secretary may provide
12 a surety bond guarantee under this section only if
13 the Secretary determines that—

14 “(A) the guarantee is necessary for the In-
15 dian individual or Indian economic enterprise to
16 secure a surety bond on commercially reason-
17 able terms;

18 “(B) not more than 25 percent of the busi-
19 ness of the surety is comprised of bonds guar-
20 anteed pursuant to this section; and

21 “(C) the surety meets eligibility standards
22 established by the Secretary in rules and regu-
23 lations.

24 “(2) PREVENTION AND MITIGATION OF LOSS.—
25 The Secretary shall condition each surety bond guar-
26 antee to an Indian business on the existence of—

1 “(A) appropriate technical assistance and
2 advice; and

3 “(B) adequate monitoring of the perform-
4 ance of the project.

5 “(c) FEES AND CHARGES.—

6 “(1) IN GENERAL.—The rules and regulations
7 promulgated by the Secretary to carry out this sec-
8 tion shall include the setting of—

9 “(A) reasonable fees to be paid by the In-
10 dian individual or economic enterprise; and

11 “(B) reasonable premium charges to be
12 paid by sureties.

13 “(2) RECEIPTS.—The receipts from fees and
14 charges shall be made available to the Secretary for
15 administration and management of this section.”.

16 **SEC. 5. INDIAN EMPLOYMENT, TRAINING, AND RELATED**
17 **SERVICES.**

18 The Indian Employment, Training, and Related Serv-
19 ices Demonstration Act of 1992 (25 U.S.C. 3401 et seq.)
20 is amended—

21 (1) in section 2 (25 U.S.C. 3401), by striking
22 “The purposes of this chapter are to demonstrate
23 how Indian tribal governments can integrate the em-
24 ployment, training, and related services they provide
25 in order” and inserting “The purposes of this chap-

1 ter are to promote tribal government integration of
2 employment, training, and related services”;

3 (2) in section 3 (25 U.S.C. 3402), by adding at
4 the end the following:

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

9 (3) in section 4 (25 U.S.C. 3403)—

10 (A) by striking “The Secretary” and in-
11 serting the following:

12 “(a) IN GENERAL.—The Secretary”; and

13 (B) by adding at the end the following:

14 “(b) SINGLE INTEGRATED PLAN.—On approval by
15 the Secretary of a plan submitted by an Indian tribe or
16 tribal organization under subsection (a), the covered pro-
17 grams shall be fully integrated into a single, coordinated,
18 comprehensive program that shall not require the Indian
19 tribe or tribal organization to submit to any additional
20 budgets, reports, audits, supplemental audits, or other
21 documentation requirements.

22 “(c) TRANSFER OF FUNDS.—Notwithstanding any
23 other provision of law, all funds for programs and services
24 covered by an approved plan under this section shall, at
25 the request of the Indian tribe or tribal organization, be

1 transferred to the Indian tribe or tribal organization pur-
 2 suant to an existing contract, compact, or funding agree-
 3 ment, including those awarded under title I or IV of the
 4 Indian Self-Determination and Education Assistance Act
 5 (25 U.S.C. 450 et seq.).”;

6 (4) in section 5 (25 U.S.C. 3404), by striking
 7 “in a demonstration project under any such” and in-
 8 serting “under any”;

9 (5) in section 6 (25 U.S.C. 3405), by striking
 10 paragraph (3) and inserting the following:

11 “(3) identify—

12 “(A) the full range of potential employ-
 13 ment opportunities on and near the service area
 14 of the Indian tribe or tribal organization; and

15 “(B) the education, training, and related
 16 services to be provided to assist individual Indi-
 17 ans to access those employment opportunities;”;

18 (6) by striking sections 7 and 8 (25 U.S.C.
 19 3406, 3407) and inserting the following:

20 **“SEC. 7. PLAN REVIEW AND APPROVAL.**

21 “(a) IN GENERAL.—Not later than 90 days after the
 22 date of receipt of a plan under section 4, the Secretary
 23 shall approve the plan, including any request for a waiver
 24 that is made as part of the plan, and authorize the trans-
 25 fer of funds pursuant to that plan, unless the Secretary

1 provides written notification of disapproval of the plan
 2 that contains a specific finding that clearly demonstrates
 3 that, or that is supported by a controlling legal authority
 4 that, the plan does not meet the requirements of section
 5 6.

6 “(b) FAILURE TO ACT.—Any plan that the Secretary
 7 fails to act on by the date that is 90 days after the date
 8 of receipt (or such extended time as may be provided
 9 under subsection (c)) shall be considered to be approved.

10 “(c) EXTENSION OF TIME.—Notwithstanding any
 11 other provision of law, the Secretary may extend or other-
 12 wise modify the 90-day period specified in subsection (a),
 13 if before the expiration of that period, the Secretary ob-
 14 tains the express written consent of the Indian tribe or
 15 tribal organization to extend or alter the period for up to
 16 90 additional days.

17 “(d) REVIEW OF DECISION; APPLICABLE PROVI-
 18 SIONS.—On a decision to disapprove a plan, the following
 19 provisions of the Indian Self-Determination and Edu-
 20 cation Assistance Act (25 U.S.C. 450 et seq.) shall apply
 21 to the review of the decision:

22 “(1) Section 102(b) (25 U.S.C. 450f(b)) (relat-
 23 ing to the declination process).

24 “(2) Section 102(e) (25 U.S.C. 450f(e)) (relat-
 25 ing to burden of proof and finality).

1 “(3) Subsections (a) and (c) of section 110 (25
2 U.S.C. 450m–1) (relating to appeals).”;

3 (7) in section 11 (25 U.S.C. 3410)—

4 (A) in subsection (a), by striking para-
5 graphs (1) through (4) and inserting the fol-
6 lowing:

7 “(1) the development and use of a model single
8 report for each approved plan submitted by an In-
9 dian tribe or tribal organization to report on the
10 consolidated activities undertaken and joint expendi-
11 tures made under the plan;

12 “(2) the provision, either directly or through
13 contract, of appropriate technical assistance to an
14 Indian tribe or tribal organization with an approved
15 plan, on the condition that the Indian tribe or tribal
16 organization retains the authority to accept the plan
17 for providing such technical assistance and the tech-
18 nical assistance provider;

19 “(3) the development and use of a single moni-
20 toring and oversight system for the plan;

21 “(4)(A) the receipt of all funds covered by a
22 plan submitted by an Indian tribe or tribal organiza-
23 tion and approved by the Secretary; and

24 “(B) the distribution of all such funds to the
25 respective Indian tribe or tribal organization; and

1 “(5) the performance of activities described in
 2 section 7 relating to agency waivers and the estab-
 3 lishment of an inter-agency dispute resolution proc-
 4 ess.”;

5 (B) by redesignating subsection (b) as sub-
 6 section (c); and

7 (C) by inserting after subsection (a) the
 8 following:

9 “(b) INTERDEPARTMENTAL MEMORANDUM.—

10 “(1) IN GENERAL.—The interdepartmental
 11 memorandum described in subsection (a) shall in-
 12 clude, at a minimum, requirements for—

13 “(A) an annual meeting of participating
 14 Indian tribes, tribal organizations, and Federal
 15 agencies, with the meeting co-chaired by a rep-
 16 resentative of the President and a representa-
 17 tive of the participating Indian tribes;

18 “(B) an annual review of the achievements
 19 under the Act as well as statutory, regulatory,
 20 administrative, and policy obstacles that pre-
 21 vent participating Indian tribes from fully car-
 22 rying out the purposes of the Act; and

23 “(C) in accordance with paragraph (2), the
 24 establishment of an advisory committee to iden-

1 tify and resolve inter-agency or Federal-tribal
2 conflicts in the administration of the Act.

3 “(2) ADVISORY COMMITTEE.—The Advisory
4 Committee described in paragraph (1)(C) shall—

5 “(A) be comprised of representatives ap-
6 pointed by the Secretary of the Interior, the
7 Secretary of Labor, the Secretary of Health and
8 Human Services, the Secretary of Education,
9 the Secretary of Commerce, the Secretary of
10 Transportation, and the Secretary of Agri-
11 culture;

12 “(B) have 2 representatives appointed by
13 the Secretary of the Interior from nominations
14 submitted by Indian tribes or tribal organiza-
15 tions;

16 “(C) meet at least twice per year; and

17 “(D) be exempt from the requirements of
18 Federal Advisory Committee Act (5 U.S.C.
19 App.).”;

20 (8) in section 12 (25 U.S.C. 3411), by striking
21 “tribal government involved in any demonstration
22 project be reduced as a result of” and inserting
23 “participating Indian tribe or tribal organization be
24 reduced as a result of the approval or implementa-
25 tion of a plan under this Act or”;

1 (9) in section 13 (25 U.S.C. 3412), by striking
2 “a tribal government in order to further the pur-
3 poses of this Act” and inserting “an Indian tribe or
4 tribal organization in order to further the purposes
5 of this Act (including any amendments made to this
6 Act)”;

7 (10) in section 14 (25 U.S.C. 3413)—

8 (A) in subsection (a), by striking para-
9 graph (2) and inserting the following:

10 “(2) SEPARATE RECORDS AND AUDITS NOT RE-
11 QUIRED.—Notwithstanding any other provision of
12 law, including any regulation or circular of any
13 agency (including Circular A–133 of the Office of
14 Management and Budget), a participating Indian
15 tribe or tribal organization shall not be required—

16 “(A) to maintain separate records tracing
17 any services or activities conducted under the
18 approved plan of the Indian tribe or tribal orga-
19 nization to the individual programs under which
20 funds were authorized or transferred;

21 “(B) to allocate expenditures among the
22 individual programs; or

23 “(C) to audit expenditures by original pro-
24 gram source.”; and

1 (B) by striking subsection (b) and insert-
2 ing the following:

3 “(b) OVERAGE; CARRYOVER; INDIRECT COSTS.—

4 “(1) OVERAGE.—

5 “(A) IN GENERAL.—All administrative
6 costs may be commingled and participating In-
7 dian tribes shall be entitled to the full amount
8 of the costs, subject to the regulations of each
9 program or department.

10 “(B) AUDIT PURPOSES.—The difference
11 between the amount of the commingled funds
12 and the actual administrative cost of the pro-
13 grams, or the overage, shall be considered to be
14 properly spent for Federal audit purposes, if
15 the overage is used to carry out this Act.

16 “(C) REQUIREMENTS.—Amounts described
17 in subparagraphs (A) and (B) shall be required
18 to be obligated or expended consistent with the
19 plan of the Indian tribe or tribal organization,
20 but no additional justification or documentation
21 of the purposes shall be required to be provided
22 by the Indian tribe or tribal organization as a
23 condition of receiving or expending the funds.

24 “(2) CARRYOVER.—

1 “(A) IN GENERAL.—For each fiscal year,
2 any amounts transferred to an Indian tribe or
3 tribal organization pursuant to this Act that re-
4 main unobligated or unexpended shall remain
5 available for obligation or expenditure without
6 fiscal year limitation.

7 “(B) REQUIREMENTS.—Amounts described
8 in subparagraph (A) shall be required to be ob-
9 ligated or expended consistent with the plan of
10 the Indian tribe or tribal organization, but no
11 additional justification or documentation shall
12 be required of the Indian tribe or tribal organi-
13 zation as a condition of receiving or expending
14 the amounts.

15 “(3) INDIRECT COSTS.—Notwithstanding any
16 other provision of law, an Indian tribe or tribal orga-
17 nization shall be entitled to recover the full indirect
18 costs associated with any amounts transferred to the
19 Indian tribe or tribal organization pursuant to this
20 Act, at the applicable indirect cost rate of the Indian
21 tribe or tribal organization, as approved by the rel-
22 evant Federal agency.”; and

23 (11) by amending section 16 (25 U.S.C. 3415)
24 to read as follows:

1 **“SEC. 16. REPORT ON STATUTORY OBSTACLES TO PRO-**
2 **GRAM INTEGRATION.**

3 “(a) IN GENERAL.—Not later than 3 years after the
4 date of enactment of the Native American Employment
5 Act of 2010, the advisory committee established pursuant
6 to section 11(b)(2) shall submit to the Committee on In-
7 dian Affairs and the Committee on Finance of the Senate
8 and the Committee on Natural Resources and the Com-
9 mittee on Education and Labor of the House of Rep-
10 resentatives a report on the implementation and adminis-
11 tration of this Act and any inter-agency or Federal-tribal
12 conflicts in the administration of this Act.

13 “(b) REQUIREMENTS.—The report shall identify any
14 barriers to the ability of tribal governments to integrate
15 more effectively the employment, training, and related
16 services of the tribal governments in a manner consistent
17 with the purposes of this Act.

18 “(c) FEASIBILITY STUDY.—Not later than 18
19 months after the date of enactment of Native American
20 Employment Act of 2010, the Comptroller General of the
21 United States shall publish a study on the feasibility of
22 expanding the integration program established under this
23 Act to other Federal agencies that provide funding for em-
24 ployment, training, and related services to Indian tribes
25 and tribal organizations.”.

1 **SEC. 6. NATIVE INITIATIVES.**

2 (a) IN GENERAL.—Section 104 of the Community
3 Development Banking and Financial Institutions Act of
4 1994 (12 U.S.C. 4703) is amended by adding at the end
5 the following:

6 “(l) NATIVE INITIATIVES.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) EMERGING NATIVE COMMUNITY DE-
9 VELOPMENT FINANCIAL INSTITUTION.—The
10 term ‘emerging Native community development
11 financial institution’ means an entity that—

12 “(i) primarily serves a Native commu-
13 nity; and

14 “(ii) demonstrates to the satisfaction
15 of the Fund that the entity has a reason-
16 able plan to achieve certification as a Na-
17 tive community development financial insti-
18 tution.

19 “(B) INDIAN TRIBE.—The terms ‘Indian’
20 and ‘Indian tribe’ have the meaning given the
21 terms in section 4 of the Indian Self Deter-
22 mination and Education Assistance Act (25
23 U.S.C. 450b).

24 “(C) NATIVE COMMUNITY.—The term ‘Na-
25 tive community’ means targeted populations
26 comprising—

1 “(i) Indian tribes; or

2 “(ii) Native Hawaiians, as that term
3 is defined in section 116 of the Carl D.
4 Perkins Career and Technical Education
5 Act of 2006 (20 U.S.C. 2326).

6 “(D) NATIVE COMMUNITY DEVELOPMENT
7 FINANCIAL INSTITUTION.—The term ‘Native
8 community development financial institution’
9 means a community development financial insti-
10 tution that primarily serves a Native commu-
11 nity.

12 “(2) ESTABLISHMENT AND PURPOSES.—

13 “(A) IN GENERAL.—Not later than 90
14 days after the date of enactment of this sub-
15 section, the Administrator shall establish the
16 Native Initiatives as a component of the Fund.

17 “(B) PURPOSES.—The purposes of the Na-
18 tive Initiatives are—

19 “(i) to assist Native community devel-
20 opment financial institutions to overcome
21 barriers preventing access to credit, cap-
22 ital, and financial services in Native com-
23 munities;

24 “(ii) to foster the development of new
25 Native community development financial

1 institutions, strengthen the operational ca-
 2 pacity of existing Native community devel-
 3 opment financial institutions, and guide
 4 Native community development financial
 5 institutions in the establishment of impor-
 6 tant financial education and asset building
 7 programs for the applicable Native commu-
 8 nities;

9 “(iii) to provide seed capital for loan
 10 products to new and emerging Native com-
 11 munity development financial institutions;
 12 and

13 “(iv) to serve as the point of contact
 14 for an authorized Native community rep-
 15 resentative with respect to issues relating
 16 to access to credit, capital, and financial
 17 services in Native communities.

18 “(3) ACTIVITIES.—

19 “(A) IN GENERAL.—Through the Native
 20 Initiatives, the Fund shall provide to emerging
 21 and existing Native community development fi-
 22 nancial institutions—

23 “(i) outreach in accordance with sec-
 24 tion 105(c);

1 “(ii) financial assistance and technical
2 assistance in accordance with section 108;
3 and

4 “(iii) training in accordance with sec-
5 tion 109.

6 “(B) MATCHING REQUIREMENTS.—In pro-
7 viding assistance under this subsection, the Sec-
8 retary may apply matching requirements under
9 section 108(e) at the discretion of the Sec-
10 retary.

11 “(4) IMPLEMENTATION.—Not later than 180
12 days after the date of enactment of this subsection,
13 the Administrator shall prescribe regulations and
14 guidelines to carry out this subsection.

15 “(5) CONSULTATION WITH TRIBAL GOVERN-
16 MENTS.—In reviewing the performance of any as-
17 sisted Native community development financial insti-
18 tution, the Fund shall conduct regular and meaning-
19 ful consultation with, and seek input from, any ap-
20 propriate authorized Native community.

21 “(6) REPORT.—Each year, the Fund shall sub-
22 mit to the Committee on Indian Affairs and the
23 Committee on Banking, Housing, and Urban Devel-
24 opment of the Senate and the Committee on Natural
25 Resources and the Committee on Financial Services

1 of the House of Representatives a report on the Na-
 2 tive Initiatives regarding the effectiveness of the pro-
 3 gram developed under this subsection.”.

4 (b) CONFORMING AMENDMENT.—Section 121(a)(5)
 5 of the Community Development Banking and Financial
 6 Institutions Act of 1994 (12 U.S.C. 4718(a)(5)) is amend-
 7 ed by inserting before the period at the end the following:
 8 “, including funds, in an amount of not less than 10 per-
 9 cent of the amounts appropriated to the Fund for any fis-
 10 cal year under paragraph (1), to carry out section
 11 104(l).”.

12 **SEC. 7. BUY INDIAN.**

13 (a) IN GENERAL.—Section 23 of the Act of June 25,
 14 1910 (25 U.S.C. 47) (commonly known as the “Buy In-
 15 dian Act”) is amended—

16 (1) in the first sentence, by striking “So far as
 17 may be” and inserting the following:

18 “(a) IN GENERAL.—To the maximum extent”;

19 (2) in the second sentence, by striking “Partici-
 20 pation” and inserting the following:

21 “(k) DEVELOPMENTAL ASSISTANCE.—

22 “(1) IN GENERAL.—Participation”;

23 (3) in the last sentence, by striking “For the
 24 purposes of this section—” and inserting the fol-
 25 lowing:

1 “(2) SPECIFICATIONS.—For purposes of para-
2 graph (1)—”; and

3 (4) by inserting after subsection (a) (as des-
4 ignated by paragraph (1)) the following:

5 “(b) REQUIREMENTS.—To the maximum extent
6 practicable and notwithstanding any other provision of
7 law, in any case in which funds are appropriated for the
8 benefit of Indians, the Secretary shall direct that Indian
9 labor shall be employed and any contract to fulfill require-
10 ments for goods or services, manufacturing, or construc-
11 tion, renovation, or demolition work (including, at a min-
12 imum, housing, schools, other facilities, roads, bridges,
13 and other infrastructure projects) shall be awarded to an
14 Indian organization or economic enterprise (as those
15 terms are defined in section 3 of the Indian Financing
16 Act of 1974 (25 U.S.C. 1452)).

17 “(c) ADVERTISEMENT.—To the maximum extent
18 practicable, contracts to which this section applies shall
19 be advertised sufficiently in advance of the selection proc-
20 ess and the date that contract performance is required in
21 a manner that permits a subsequent open market adver-
22 tisement of the contract if the contract cannot be awarded
23 under the limited competition provided in this section.

1 “(d) IMPLEMENTATION.—To implement the con-
 2 tracting directive under subsection (a), a contracting offi-
 3 cer—

4 “(1) shall limit the competition for award of a
 5 contract to Indian economic enterprises if—

6 “(A) there is a reasonable expectation that
 7 offers will be obtained from at least 3 unaffili-
 8 ated responsible offerors; and

9 “(B) the contract can be awarded at a fair
 10 and reasonable price;

11 “(2) shall consider the extent to which the
 12 offerors will provide positive economic impact, in-
 13 cluding training and employment of Indians in con-
 14 nection with contract performance and in subcon-
 15 tracting any work under the contract, on 1 or more
 16 Indian reservations (as defined in section 3 of the
 17 Indian Financing Act of 1974 (25 U.S.C. 1452));

18 “(3) may, if only 1 offer is received under a
 19 competition limited to Indian economic enterprises,
 20 negotiate an award of the contract at a fair and rea-
 21 sonable price to the offering Indian economic enter-
 22 prise; and

23 “(4) shall not make an award of any contract
 24 subject to this section until the prospective awardee
 25 has submitted an acceptable plan for contract per-

1 formance that will maximize the use of qualified In-
 2 dian labor, supplies, and economic enterprises as
 3 subcontractors.

4 “(e) OTHER CIRCUMSTANCES.—

5 “(1) IN GENERAL.—If it is not feasible for com-
 6 petition to be limited as provided in subsection (d)
 7 and the contracting officer elects to award the con-
 8 tract after full and open competition, the contract
 9 shall be awarded to any responsible Indian economic
 10 enterprise submitting the lowest bid submitted by a
 11 responsible Indian economic enterprise, if that bid
 12 does not exceed the bid submitted by any other re-
 13 sponsible bidder by more than 10 percent.

14 “(2) OTHER DETERMINATIVE FACTOR.—If a
 15 factor other than price is determinative in the award
 16 of a contract, the contracting officer shall use a
 17 comparable method to provide a preference to Indian
 18 economic enterprises in the selection process.

19 “(f) WAIVER.—The requirements of this section may
 20 be waived only if—

21 “(1) there are extraordinary circumstances; and

22 “(2) the Assistant Secretary of the Interior for
 23 Indian Affairs makes the waiver determination.

24 “(g) UTILIZATION.—The Secretary shall provide a
 25 preference to an Indian economic enterprise in the award

1 of a contract that does not involve funds appropriated for
 2 the benefit of Indians by an agency within the Department
 3 of the Interior if the Secretary determines that the pref-
 4 erence will help fulfill the special responsibilities of the
 5 Secretary to 1 or more Indian tribes.

6 “(h) APPROPRIATED FOR THE BENEFIT OF INDI-
 7 ANS.—For purposes of this section, funds awarded or dis-
 8 tributed under a contract are appropriated for the benefit
 9 of Indians if—

10 “(1) Indians are the primary beneficiaries of
 11 the contract; and

12 “(2) the majority of the activity to be under-
 13 taken under the contract takes place on or near
 14 boundaries of reservations (as defined in section 3 of
 15 the Indian Financing Act of 1974 (25 U.S.C.
 16 1452)).

17 “(i) OTHER AGENCIES.—Nothing in this section pre-
 18 cludes the Indian Health Service or the Administration of
 19 Native Americans within the Department of Health and
 20 Human Services, the Office of Native American Programs
 21 in the Department of Housing and Urban Development,
 22 or any other Federal agency from using, at the discretion
 23 of the agency, the preferences provided under this section
 24 in cases in which funds are appropriated for the benefit
 25 of Indians.

1 “(j) CERTIFICATION.—

2 “(1) IN GENERAL.—An Indian economic enter-
3 prise seeking a contract award pursuant to this sec-
4 tion shall—

5 “(A) certify that the enterprise is an In-
6 dian economic enterprise eligible for award of a
7 contract or subcontract under this section; and

8 “(B) submit an affidavit certifying compli-
9 ance with the requirements set out by the agen-
10 cy awarding the contract or subcontract.

11 “(2) INVESTIGATION.—Nothing in this section
12 prohibits the Secretary of the Interior, in conducting
13 a pre-award review, from—

14 “(A) investigating the eligibility of an en-
15 terprise; or

16 “(B) determining at that stage that an ap-
17 parent awardee is, in fact, not eligible for award
18 under this section.

19 “(3) PROTEST.—The regulations of the Depart-
20 ment of the Interior implementing this section and
21 providing for protest to challenge and enter an In-
22 dian economic enterprise certification shall provide
23 that the eligible protestors include—

24 “(A) the Indian tribe on whose reservation
25 the contract is to be carried out; and

1 “(B) any other offerors eligible to submit
2 offers for contract award under this section.

3 “(4) ENFORCEMENT.—This section shall be
4 subject to the relevant provisions of—

5 “(A) the Act of August 27, 1935 (25
6 U.S.C. 305 et seq.) (commonly known as the
7 ‘Indian Arts and Crafts Act’); and

8 “(B) section 1159 of title 18, United
9 States Code.”.

10 (b) DATABASE.—

11 (1) DEFINITIONS.—In this section:

12 (A) DATA CENTER.—The term “Data Cen-
13 ter” means the Indian Economic Enterprise
14 Data Center established under paragraph (2).

15 (B) ELIGIBLE ENTITY.—The term “eligible
16 entity” means a tribal, private, public, or edu-
17 cational institution with experience in Indian
18 business development.

19 (C) INDIAN ECONOMIC ENTERPRISE.—The
20 term “Indian economic enterprise” has the
21 meaning given the term in section 3 of the In-
22 dian Financing Act of 1974 (25 U.S.C. 1452).

23 (2) ESTABLISHMENT.—The Secretary shall
24 enter into 1 or more contracts with an eligible entity

1 to establish and operate an Indian Economic Enter-
2 prise Data Center.

3 (3) RESPONSIBILITIES.—The responsibilities of
4 the Data Center shall include—

5 (A) listing Indian economic enterprises eli-
6 gible for various Federal minority preference
7 programs;

8 (B) listing the businesses in which the en-
9 terprises are engaged;

10 (C) listing the experience of the enterprises
11 in fulfilling contract obligations;

12 (D) listing the capabilities of the enter-
13 prises;

14 (E) verifying preference information and
15 documentation submitted to the Data Center;

16 (F) listing advance procurement informa-
17 tion for the purposes of bid matching contract
18 opportunities to contractor capabilities;

19 (G) listing known front organizations or
20 fraudulent operators; and

21 (H) providing such additional information
22 as the Secretary considers to be appropriate.

23 (4) INFORMATION DISSEMINATION.—Each year,
24 the Data Center shall provide a list of Indian eco-

1 nomic enterprises eligible for various minority pref-
 2 erences to—

3 (A) the Federal agencies that administer
 4 the preferences; and

5 (B) any private entities that request the
 6 list.

7 (5) ELIGIBLE ENTITIES.—Entities eligible to
 8 enter into a contract under paragraph (2) shall be
 9 tribal, private, public, or educational institutions
 10 with experience in Indian business development.

11 (c) REPORTING REQUIREMENTS.—Each year, the
 12 Secretary of the Interior shall submit to the Committee
 13 on Indian Affairs of the Senate and the Committee on
 14 Natural Resources of the House of Representatives a re-
 15 port describing the status of Indian economic enterprises
 16 under this section and section 23 of the Act of June 25,
 17 1910 (25 U.S.C. 47) (commonly known as the “Buy In-
 18 dian Act”) across the entire Department of the Interior
 19 and the information from the Data Center.

20 **SEC. 8. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**
 21 **MENT PROGRAM.**

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

24 (1) in section 4(b)(1) (15 U.S.C. 633(b)(1))—

1 (A) in the fifth sentence, by striking “five
 2 Associate Administrators” and inserting “6 As-
 3 sociate Administrators”; and

4 (B) by inserting after the fifth sentence
 5 the following: “1 Associate Administrator shall
 6 be the Associate Administrator of the Office of
 7 Native American Affairs established by section
 8 44.”;

9 (2) by redesignating section 44 as section 45;
 10 and

11 (3) by inserting after section 43 (15 U.S.C.
 12 657o) the following:

13 **“SEC. 44. NATIVE AMERICAN SMALL BUSINESS DEVELOP-**
 14 **MENT PROGRAM.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) ASSOCIATE ADMINISTRATOR.—The term
 17 ‘Associate Administrator’ means the Associate Ad-
 18 ministrator of the Office of Native American Affairs
 19 established under subsection (b).

20 “(2) CENTER; NATIVE AMERICAN BUSINESS
 21 CENTER.—The terms ‘center’ and ‘Native American
 22 business center’ mean a center established under
 23 subsection (c).

24 “(3) ELIGIBLE APPLICANT.—The term ‘eligible
 25 applicant’ means—

1 “(A) a tribal college;

2 “(B) a private, nonprofit organization—

3 “(i) that provides business and finan-
4 cial or procurement technical assistance to
5 1 or more Native American communities;
6 and

7 “(ii) that is dedicated to assisting one
8 or more Native American communities; or

9 “(C) a small business development center,
10 women’s business center, or other private orga-
11 nization participating in a joint project.

12 “(4) JOINT PROJECT.—The term ‘joint project’
13 means a project that—

14 “(A) combines the resources and expertise
15 of 2 or more distinct entities at a physical loca-
16 tion dedicated to assisting the Native American
17 community; and

18 “(B) submits to the Administration a joint
19 application that contains—

20 “(i) a certification that each partici-
21 pant of the project—

22 “(I) is an eligible applicant;

23 “(II) employs an executive direc-
24 tor or program manager to manage
25 the center; and

1 “(ii) information demonstrating a
 2 record of commitment to providing assist-
 3 ance to Native Americans; and

4 “(iii) information demonstrating that
 5 the participants in the joint project have
 6 the ability and resources to meet the
 7 needs, including the cultural needs, of the
 8 Native Americans to be served by the
 9 project.

10 “(5) NATIVE AMERICAN SMALL BUSINESS CON-
 11 CERN.—The term ‘Native American small business
 12 concern’ means a small business concern that is at
 13 least 51 percent owned and controlled by—

14 “(A) an Indian tribe or a Native Hawaiian
 15 Organization, as the terms are described in
 16 paragraphs (13) and (15) of section 8(a), re-
 17 spectively; or

18 “(B) 1 or more individuals members of an
 19 Indian tribe or Native Hawaiian Organization.

20 “(6) NATIVE AMERICAN SMALL BUSINESS DE-
 21 VELOPMENT PROGRAM.—The term ‘Native American
 22 small business development program’ means the pro-
 23 gram established under subsection (c).

1 “(7) SMALL BUSINESS CONCERN.—The term
2 ‘small business concern’ has the same meaning as in
3 section 3.

4 “(8) SMALL BUSINESS DEVELOPMENT CEN-
5 TER.—The term ‘small business development center’
6 means a small business development center described
7 in section 21.

8 “(9) TRIBAL COLLEGE.—The term ‘tribal col-
9 lege’ has the meaning given the term ‘tribally con-
10 trolled college or university’ in section 2(a) of the
11 Tribally Controlled Community College Assistance
12 Act of 1978 (25 U.S.C. 1801(a)).

13 “(10) TRIBAL LAND.—The term ‘tribal land’
14 has the meaning given the term ‘reservation’ in sec-
15 tion 3 of the Indian Financing Act (25 U.S.C.
16 1452).

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

18 “(1) ESTABLISHMENT.—There is established
19 within the Administration the Office of Native
20 American Affairs, which, under the direction of the
21 Associate Administrator, shall implement the pro-
22 grams of the Administration for the development of
23 business enterprises by Native Americans.

1 “(2) PURPOSE.—The purpose of the Office of
2 Native American Affairs is to help Native American
3 small business concerns—

4 “(A) to start, operate, and increase the
5 business of small business concerns;

6 “(B) to develop management and technical
7 skills;

8 “(C) to seek Federal procurement opportu-
9 nities;

10 “(D) to increase employment opportunities
11 for Native Americans through the establishment
12 and expansion of small business concerns; and

13 “(E) to increase the access of Native
14 Americans to capital markets.

15 “(3) ASSOCIATE ADMINISTRATOR.—

16 “(A) APPOINTMENT.—The Administrator
17 shall appoint a qualified individual to serve as
18 Associate Administrator of the Office of Native
19 American Affairs in accordance with this para-
20 graph.

21 “(B) QUALIFICATIONS.—The Associate
22 Administrator appointed under subparagraph
23 (A) shall have—

24 “(i) knowledge of Native American
25 culture; and

1 “(ii) experience providing culturally
2 tailored small business development assist-
3 ance to Native Americans.

4 “(C) EMPLOYMENT STATUS.—The Admin-
5 istrator shall establish the position of Associate
6 Administrator, who shall—

7 “(i) be an appointee in the Senior Ex-
8 ecutive Service (as defined in section
9 3132(a) of title 5, United States Code);
10 and

11 “(ii) shall report to and be responsible
12 directly to the Administrator.

13 “(D) RESPONSIBILITIES AND DUTIES.—
14 The Associate Administrator shall—

15 “(i) administer and manage the Na-
16 tive American small business development
17 program;

18 “(ii) formulate, execute, and promote
19 the policies and programs of the Adminis-
20 tration that provide assistance to small
21 business concerns owned and controlled by
22 Native Americans;

23 “(iii) act as an ombudsman for full
24 consideration of Native Americans in all
25 programs of the Administration;

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

4 “(v) consult with Native American
 5 business centers in carrying out the Native
 6 American small business development pro-
 7 gram;

8 “(vi) recommend appropriate funding
 9 levels;

10 “(vii) review the annual budgets sub-
 11 mitted by each applicant for the Native
 12 American small business development pro-
 13 gram;

14 “(viii) select applicants to participate
 15 in the Native American small business de-
 16 velopment program;

17 “(ix) implement this section; and

18 “(x) maintain a clearinghouse for the
 19 dissemination and exchange of information
 20 between all Administration-sponsored busi-
 21 ness centers.

22 “(E) CONSULTATION REQUIREMENTS.—In
 23 carrying out the responsibilities and duties de-
 24 scribed in this paragraph, the Associate Admin-

1 istrator shall confer with and seek the advice
2 of—

3 “(i) officials of the Administration
4 working in areas served by Native Amer-
5 ican business centers; and

6 “(ii) eligible applicants.

7 “(c) NATIVE AMERICAN SMALL BUSINESS DEVELOP-
8 MENT PROGRAM.—

9 “(1) FINANCIAL ASSISTANCE.—

10 “(A) IN GENERAL.—The Administration,
11 acting through the Associate Administrator,
12 shall provide financial assistance to eligible ap-
13 plicants to establish Native American business
14 centers in accordance with this section.

15 “(B) USE OF FUNDS.—The financial and
16 resource assistance provided under this sub-
17 section shall be used to establish a Native
18 American business center to overcome obstacles
19 impeding the establishment, development, and
20 expansion of small business concerns, in accord-
21 ance with this section.

22 “(2) 3-YEAR PROJECTS.—

23 “(A) IN GENERAL.—Each Native Amer-
24 ican business center that receives assistance
25 under paragraph (1)(A) shall conduct a 3-year

1 project that offers culturally tailored business
2 development assistance in the form of—

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

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

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

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

13 “(ii) management education, including
14 training and counseling in planning, orga-
15 nizing, staffing, directing, and controlling
16 each major activity and function of a small
17 business concern; and

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

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

23 “(II) preparing and executing
24 marketing plans;

1 “(III) developing pricing strate-
2 gies;

3 “(IV) locating contract opportu-
4 nities;

5 “(V) negotiating contracts; and

6 “(VI) using varying public rela-
7 tions and advertising techniques.

8 “(B) BUSINESS DEVELOPMENT ASSIST-
9 ANCE RECIPIENTS.—The business development
10 assistance under subparagraph (A) shall be of-
11 fered to prospective and current owners of Na-
12 tive American small business concerns.

13 “(3) FORM OF FEDERAL FINANCIAL ASSIST-
14 ANCE.—

15 “(A) DOCUMENTATION.—The financial as-
16 sistance to Native American business centers
17 authorized under this subsection may be made
18 by grant, contract, or cooperative agreement.

19 “(B) PAYMENTS.—

20 “(i) TIMING.—Payments made under
21 this subsection may be disbursed in peri-
22 odic installments, at the request of the re-
23 cipient.

24 “(ii) ADVANCE.—The Administrator
25 may disburse not more than 25 percent of

1 the annual amount of Federal financial as-
2 sistance awarded to a Native American
3 business center after notice of the award
4 has been issued.

5 “(C) NON-FEDERAL CONTRIBUTIONS.—

6 “(i) IN GENERAL.—

7 “(I) INITIAL FINANCIAL ASSIST-
8 ANCE.—Except as provided in sub-
9 clause (II), an eligible applicant that
10 receives financial assistance under this
11 subsection shall provide non-Federal
12 contributions for the operation of the
13 Native American business center es-
14 tablished by the eligible applicant in
15 an amount equal to—

16 “(aa) in each of the first
17 and second years of the project,
18 not less than 33 percent of the
19 amount of the financial assist-
20 ance received under this sub-
21 section; and

22 “(bb) in the third year of
23 the project, not less than 50 per-
24 cent of the amount of the finan-

1 cial assistance received under this
2 subsection.

3 “(II) RENEWALS.—An eligible
4 applicant that receives a renewal of fi-
5 nancial assistance under this sub-
6 section shall provide non-Federal con-
7 tributions for the operation of a Na-
8 tive American business center estab-
9 lished by the eligible applicant in an
10 amount equal to not less than 50 per-
11 cent of the amount of the financial as-
12 sistance received under this sub-
13 section.

14 “(III) EXCEPTIONS.—The re-
15 quirements of this section may be
16 waived at the discretion of the Admin-
17 istrator, based on an evaluation of the
18 ability of the eligible applicant to pro-
19 vide non-Federal contributions.

20 “(4) CONTRACT AND COOPERATIVE AGREE-
21 MENT AUTHORITY.—A Native American business
22 center may enter into a contract or cooperative
23 agreement with a Federal department or agency to
24 provide specific assistance to Native American and
25 other underserved small business concerns located on

1 or near tribal land, to the extent that the contract
 2 or cooperative agreement is consistent with and does
 3 not duplicate the terms of any assistance received by
 4 the Native American business center from the Ad-
 5 ministration.

6 “(5) APPLICATION PROCESS.—

7 “(A) SUBMISSION OF A 3-YEAR PLAN.—

8 Each applicant for assistance under paragraph
 9 (1) shall submit a 3-year plan to the Adminis-
 10 tration on proposed assistance and training ac-
 11 tivities.

12 “(B) CRITERIA.—

13 “(i) IN GENERAL.—The Administrator
 14 shall evaluate applicants for financial as-
 15 sistance under this subsection in accord-
 16 ance with selection criteria that are—

17 “(I) established before the date
 18 on which eligible applicants are re-
 19 quired to submit the applications;

20 “(II) stated in terms of relative
 21 importance; and

22 “(III) publicly available and stat-
 23 ed in each solicitation for applications
 24 for financial assistance under this
 25 subsection made by the Administrator.

1 “(ii) CONSIDERATIONS.—The criteria
2 required by this subparagraph shall in-
3 clude—

4 “(I) the experience of the appli-
5 cant in conducting programs or ongo-
6 ing efforts designed to impart or up-
7 grade the business skills of current or
8 potential owners of Native American
9 small business concerns;

10 “(II) the ability of the applicant
11 to commence a project within a min-
12 imum amount of time;

13 “(III) the ability of the applicant
14 to provide quality training and serv-
15 ices to a significant number of Native
16 Americans;

17 “(IV) previous assistance from
18 the Administration to provide services
19 in Native American communities;

20 “(V) the proposed location for
21 the Native American business center,
22 with priority given based on the prox-
23 imity of the center to the population
24 being served and to achieve a broad

1 geographic dispersion of the centers;
2 and

3 “(VI) demonstrated experience in
4 providing technical assistance, includ-
5 ing financial, marketing, and manage-
6 ment assistance.

7 “(6) CONDITIONS FOR PARTICIPATION.—Each
8 eligible applicant desiring a grant under this sub-
9 section shall submit an application to the Adminis-
10 trator that contains—

11 “(A) a certification that the applicant—

12 “(i) is an eligible applicant;

13 “(ii) employs a full-time executive di-
14 rector, project director, or program man-
15 ager to manage the Native American busi-
16 ness center; and

17 “(iii) agrees—

18 “(I) to a site visit by the Admin-
19 istrator as part of the final selection
20 process;

21 “(II) to an annual programmatic
22 and financial examination; and

23 “(III) to the maximum extent
24 practicable, to remedy any problems

1 identified pursuant to that site visit or
2 examination;

3 “(B) information demonstrating that the
4 applicant has the ability and resources to meet
5 the needs, including cultural needs, of the Na-
6 tive Americans to be served by the grant;

7 “(C) information relating to proposed as-
8 sistance that the grant will provide, including—

9 “(i) the number of individuals to be
10 assisted; and

11 “(ii) the number of hours of coun-
12 seling, training, and workshops to be pro-
13 vided;

14 “(D) information demonstrating the effec-
15 tiveness and experience of the applicant in—

16 “(i) conducting financial, manage-
17 ment, and marketing assistance programs
18 designed to educate or improve the busi-
19 ness skills of current or prospective Native
20 American business owners;

21 “(ii) providing training and services to
22 a representative number of Native Ameri-
23 cans;

24 “(iii) using resource partners of the
25 Administration and other entities, includ-

1 ing institutions of higher education, Indian
2 tribes, or tribal colleges; and

3 “(iv) the prudent management of fi-
4 nances and staffing;

5 “(E) the location at which the applicant
6 will provide training and services to Native
7 Americans;

8 “(F) a 3-year plan that describes—

9 “(i) the number of Native Americans
10 and Native American small business con-
11 cerns to be served by the grant;

12 “(ii) if the Native American business
13 center is located in the continental United
14 States, the number of Native Americans to
15 be served by the grant; and

16 “(iii) the training and services to be
17 provided to a representative number of Na-
18 tive Americans; and

19 “(G) if the applicant is a joint project—

20 “(i) a certification that each partici-
21 pant in the joint project is an eligible ap-
22 plicant;

23 “(ii) information demonstrating a
24 record of commitment to providing assist-
25 ance to Native Americans; and

1 “(iii) information demonstrating that
 2 the participants in the joint project have
 3 the ability and resources to meet the
 4 needs, including the cultural needs, of the
 5 Native Americans to be served by the
 6 grant.

7 “(7) REVIEW OF APPLICATIONS.—The Adminis-
 8 trator shall approve or disapprove each completed
 9 application submitted under this subsection not later
 10 than 90 days after the date on which the eligible ap-
 11 plicant submits the application.

12 “(8) PROGRAM EXAMINATION.—

13 “(A) IN GENERAL.—Each Native Amer-
 14 ican business center established under this sub-
 15 section shall annually provide to the Adminis-
 16 trator an itemized cost breakdown of actual ex-
 17 penditures made during the preceding year.

18 “(B) ADMINISTRATION ACTION.—Based on
 19 information received under subparagraph (A),
 20 the Administration shall—

21 “(i) develop and implement an annual
 22 programmatic and financial examination of
 23 each Native American business center as-
 24 sisted pursuant to this subsection; and

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

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

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

15 “(ii) may withhold the renewal, if the
16 Administrator determines that—

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

22 “(II) the center has failed to pro-
23 vide adequate information required to
24 be provided by the center for purposes

1 of the report of the Administrator
2 under subparagraph (E);

3 “(III) the center has failed to
4 comply with a requirement for partici-
5 pation in the Native American small
6 business development program, as de-
7 termined by the Administrator, in-
8 cluding—

9 “(aa) failure to acquire or
10 properly document a non-Federal
11 contribution;

12 “(bb) failure to establish an
13 appropriate partnership or pro-
14 gram for marketing and outreach
15 to reach new Native American
16 small business concerns;

17 “(cc) failure to achieve re-
18 sults described in a financial as-
19 sistance agreement; and

20 “(dd) failure to provide to
21 the Administrator a description
22 of the amount and sources of any
23 non-Federal funding received by
24 the center;

1 “(IV) the center has failed to
 2 carry out the 3-year plan under in
 3 paragraph (6)(F); or

4 “(V) the center cannot make the
 5 certification described in paragraph
 6 (6)(A).

7 “(D) CONTINUING CONTRACT AND COOP-
 8 ERATIVE AGREEMENT AUTHORITY.—

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

16 “(ii) RENEWAL.—After the Adminis-
 17 trator has entered into a contract or coop-
 18 erative agreement with any Native Amer-
 19 ican business center under this subsection,
 20 the Administrator may not suspend, termi-
 21 nate, or fail to renew or extend any such
 22 contract or cooperative agreement unless
 23 the Administrator—

24 “(I) provides the center with
 25 written notification that describes the

1 reasons for the action of the Adminis-
2 trator; and

3 “(II) affords the center an oppor-
4 tunity for a hearing, appeal, or other
5 administrative proceeding under chap-
6 ter 5 of title 5, United States Code.

7 “(E) ANNUAL MANAGEMENT REPORT.—

8 “(i) IN GENERAL.—The Administrator
9 shall prepare and submit to the Committee
10 on Small Business and Entrepreneurship
11 and the Committee on Indian Affairs of
12 the Senate and the Committee on Small
13 Business and the Committee on Natural
14 Resources of the House of Representatives
15 an annual report on the effectiveness of all
16 projects conducted by Native American
17 business centers under this subsection and
18 any pilot programs administered by the Of-
19 fice of Native American Affairs.

20 “(ii) CONTENTS.—Each report sub-
21 mitted under clause (i) shall include, with
22 respect to each Native American business
23 center receiving financial assistance under
24 this subsection—

1 “(I) the number of individuals re-
2 ceiving assistance from the Native
3 American business center;

4 “(II) the number of startup busi-
5 ness concerns established with the as-
6 sistance of the Native American busi-
7 ness center;

8 “(III) the number of existing
9 businesses in the area served by the
10 Native American business center seek-
11 ing to expand employment;

12 “(IV) the number of jobs estab-
13 lished or maintained, on an annual
14 basis, by Native American small busi-
15 ness concerns assisted by the center
16 since receiving funding under this sec-
17 tion;

18 “(V) to the maximum extent
19 practicable, the amount of the capital
20 investment and loan financing used by
21 emerging and expanding businesses
22 that were assisted by a Native Amer-
23 ican business center;

24 “(VI) any additional information
25 on the counseling and training pro-

1 gram that the Administrator deter-
2 mines to be necessary; and

3 “(VII) the most recent examina-
4 tion, as required under subparagraph
5 (B), and the determination made by
6 the Administration under that sub-
7 paragraph.

8 “(9) ANNUAL REPORTS.—Each Native Amer-
9 ican business center receiving financial assistance
10 under this subsection shall submit to the Adminis-
11 trator an annual report on the services provided with
12 the financial assistance, including—

13 “(A) the number of individuals assisted, by
14 tribal affiliation;

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

17 “(C) the number of startup small business
18 concerns established or maintained with the as-
19 sistance of the Native American business cen-
20 ter;

21 “(D) the gross receipts of small business
22 concerns assisted by the Native American busi-
23 ness center;

1 “(E) the number of jobs established or
2 maintained by small business concerns assisted
3 by the Native American business center; and

4 “(F) the number of jobs for Native Ameri-
5 cans established or maintained at small busi-
6 ness concerns assisted by the Native American
7 business center.

8 “(10) RECORD RETENTION.—

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

13 “(B) ANNUAL REPORTS.—The Adminis-
14 trator shall maintain copies of the certification
15 submitted under paragraph (6)(A) indefinitely.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—There is authorized to be
18 appropriated to carry out the Native American small
19 business development program \$10,000,000 for each
20 of fiscal years 2011 through 2013.

21 “(2) ADMINISTRATION.—Not more than 10 per-
22 cent of funds appropriated for a fiscal year may be
23 used for the costs of administering the programs
24 under this section.”.

1 **SEC. 9. QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW**
 2 **ACCOUNT.**

3 Part B of title II of the Indian Self-Determination
 4 and Education Assistance Act (25 U.S.C. 458) is amended
 5 by adding at the end the following:

6 **“SEC. 205. AUTHORIZATION TO ESTABLISH QUALIFIED**
 7 **SCHOOL CONSTRUCTION BOND ESCROW AC-**
 8 **COUNT.**

9 “(a) IN GENERAL.—Pursuant to the authority grant-
 10 ed under section 54F(d)(4) of the Internal Revenue Code
 11 of 1986, the Secretary shall establish a qualified school
 12 construction bond escrow account for the purpose of im-
 13 plementing section 54F of the Internal Revenue Code of
 14 1986.

15 “(b) TRANSFER TO ESCROW ACCOUNT.—

16 “(1) IN GENERAL.—The Secretary shall allo-
 17 cate to the escrow account described in subsection
 18 (a) amounts described in section 54F(d)(4) of the
 19 Internal Revenue Code of 1986.

20 “(2) OTHER FUNDS.—The Secretary shall ac-
 21 cept and disburse to the escrow account described in
 22 subsection (a) amounts received to carry out this
 23 section from other sources, including other Federal
 24 agencies, non-Federal public agencies, and private
 25 sources.”.

