

January 1, 2021

Policy – Summary of the Indian Community Economic Enhancement Act Of 2019

A significant legislative goal of NACA and for all Native communities was signed into law at the end of 2020. **The Indian Community Economic Enhancement Act of 2019** (“ICEEA”) was sponsored by Senate Committee on Indian Affairs Chairman John Hoeven (R-ND) and Representative Norma Torres (D-CA) in the House. It was signed by the President on December 30, 2020.

NACA worked alongside NCAIED and several other Native Organizations to promote the passage of the legislation. The ICEEA, among other things, advances NACA policy priorities – (1) elevating and funding the office of Native American Business Development at the Department of Commerce and (2) expanding application of the Buy Indian Act’s procurement authority.

The Senate Report noted that the ICEEA is intended to help create jobs at the local level, assist small business growth and development, and to assist Indian tribes to engage in more cohesive community development.

The ICEEA implements several significant changes related to economic development for Native American communities. The ICEEA expands, strengthens, and increases access to existing Indian Country business and economic development programs within the federal government by:

- Elevating and funding the Office of Native American Business Development, including reporting directly to the Secretary of Commerce to ensure full operation and to promote business and economic development recovery, and to promote trade and tourism resumption.
 - The ICEEA establishes duties for the Office of Native American Business Development, including (1) advising the Department of Commerce regarding the relationship between the United States and Indian tribes; and (2) serving as the point of contact for tribes, tribal organizations, and members of tribes regarding economic development and doing business in Indian lands.
- Expanding application of the Buy Indian Act’s procurement authority within the Departments of Interior and Health and Human Resources.
 - The ICEEA is intended to ensure that the Buy Indian Act is implemented more fully and consistently by both the BIA and IHS. Several provisions of BIA’s regulations are codified, adding more training requirements, and increase accountability for both agencies.

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- Reauthorizing the Native American Programs Act with improvements to the Socio-Economic Development grant programs administered by the Administration of Native Americans (ANA).
 - The ICEEA authorizes the ANA to provide financial assistance to Native American community development financial institutions. ANA must give priority for financial assistance to applicants whose programs seek to develop (1) tribal codes and court systems relating to economic development, (2) tribal business structures, (3) community development financial institutions, or (4) tribal master plans for community and economic development and infrastructure.
- Making permanent the waiver of the requirement under the Community Development Financial Institutions Fund (“CDFIF”) for Native CDFIs to provide a matching cost share for assistance received from the Treasury CDFIF.
 - Under the ICEEA, assistance from benefiting Native American institutions do not require matching funds.
- Requires the Government Accountability Office to conduct a study that assesses (1) current programs and services that assist Native American communities with business and economic development; (2) assistance provided to Native Americans pursuant to loan, bond, and tax incentive programs; and (3) alternative incentives for tribal governments to invest in a Native American community development investment fund or bank.
- Requires coordination among and accountability of the Federal agencies. The Secretaries of Commerce, Interior, and Treasury are required to collaborate to promote investment in Indian communities, to identify barriers to such investments, and to ensure consultation with Indian tribes. Not less than every three years, these Secretaries are required to report to Congress on the results of the initiatives developed to support economic development in Native American communities.