

106TH CONGRESS
2D SESSION

S. 2569

To ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 16, 2000

Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Small Business

A BILL

To ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, 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. HUBZONE SMALL BUSINESS CONCERN.**

4 Section 3(p)(3) of the Small Business Act (15 U.S.C.
5 632(p)(3)) is amended to read as follows:

6 “(3) HUBZONE SMALL BUSINESS CONCERN.—

7 The term ‘HUBZone small business concern’
8 means—

1 “(A) a small business concern that is
2 owned and controlled by 1 or more persons,
3 each of whom is a United States citizen;

4 “(B) a small business concern that is—

5 “(i) an Alaska Native Corporation
6 owned and controlled by Natives (as deter-
7 mined pursuant to section 29(e)(1) of the
8 Alaska Native Claims Settlement Act (43
9 U.S.C. 1626(e)(1))); or

10 “(ii) a direct or indirect subsidiary
11 corporation, joint venture, or partnership
12 of an Alaska Native Corporation qualifying
13 pursuant to section 29(e)(1) of the Alaska
14 Native Claims Settlement Act (43 U.S.C.
15 1626(e)(1)), if that subsidiary, joint ven-
16 ture, or partnership is owned and con-
17 trolled by Natives (as determined pursuant
18 to section 29(e)(2)) of the Alaska Native
19 Claims Settlement Act (43 U.S.C.
20 1626(e)(2))); or

21 “(C) a small business concern—

22 “(i) that is wholly owned by 1 or more
23 Indian tribal governments, or by a corpora-
24 tion that is wholly owned by 1 or more In-
25 dian tribal governments; or

1 “(ii) that is owned in part by 1 or
 2 more Indian tribal governments, or by a
 3 corporation that is wholly owned by 1 or
 4 more Indian tribal governments, if all
 5 other owners are either United States citi-
 6 zens or small business concerns.”.

7 **SEC. 2. QUALIFIED HUBZONE SMALL BUSINESS CONCERN.**

8 (a) IN GENERAL.—Section 3(p)(5)(A)(i) of the Small
 9 Business Act (15 U.S.C. 632(p)(5)(A)(i)) is amended by
 10 striking subclauses (I) and (II) and inserting the fol-
 11 lowing:

12 “(I) it is a HUBZone small busi-
 13 ness concern—

14 “(aa) pursuant to subpara-
 15 graph (A) or (B) of paragraph
 16 (3), and that its principal office
 17 is located in a HUBZone and not
 18 fewer than 35 percent of its em-
 19 ployees reside in a HUBZone; or

20 “(bb) pursuant to paragraph
 21 (3)(C), and not fewer than 35
 22 percent of its employees engaged
 23 in performing a contract awarded
 24 to the small business concern on
 25 the basis of a preference provided

1 under section 31(b) reside within
 2 any Indian reservation governed
 3 by 1 or more of the tribal govern-
 4 ment owners, or reside within
 5 any HUBZone adjoining any
 6 such Indian reservation;

7 “(II) the small business concern
 8 will attempt to maintain the applica-
 9 ble employment percentage under sub-
 10 clause (I) during the performance of
 11 any contract awarded to the small
 12 business concern on the basis of a
 13 preference provided under section
 14 31(b); and”.

15 (b) HUBZONE PILOT PROGRAM FOR SPARSELY POP-
 16 ULATED AREAS.—Section 3(p)(5) of the Small Business
 17 Act (15 U.S.C. 632(p)(5)) is amended by adding at the
 18 end the following:

19 “(E) HUBZONE PILOT PROGRAM FOR
 20 SPARSELY POPULATED AREAS.—

21 “(i) IN GENERAL.—Notwithstanding
 22 subparagraph (A)(i)(I)(aa), during the pe-
 23 riod beginning on the date of enactment of
 24 the Small Business Reauthorization Act of
 25 2000 and ending on September 30, 2003,

1 a small business concern, the principal of-
2 fice of which is located in the State of
3 Alaska, an Alaska Native Corporation
4 under paragraph (3)(B)(i), or a direct or
5 indirect subsidiary, joint venture, or part-
6 nership under paragraph (3)(B)(ii) shall be
7 considered to be a qualified HUBZone
8 small business concern if—

9 “(I) its principal office is located
10 within a HUBZone within the State
11 of Alaska;

12 “(II) not fewer than 35 percent
13 of its employees who will be engaged
14 in performing a contract awarded to it
15 on the basis of a preference provided
16 under section 31(b) will perform their
17 work in any HUBZone located within
18 the State of Alaska; or

19 “(III) not fewer than 35 percent
20 of its employees reside in a HUBZone
21 located within the State of Alaska or
22 in any Alaska Native Village within
23 the State of Alaska.

24 “(ii) EXCEPTION.—

1 “(I) IN GENERAL.—Clause (i)
 2 shall not apply in any fiscal year fol-
 3 lowing a fiscal year in which the total
 4 amount of contract dollars awarded in
 5 furtherance of the contracting goals
 6 established under section 15(g)(1) to
 7 small business concerns located within
 8 the State of Alaska is equal to more
 9 than 2 percent of the total amount of
 10 such contract dollars awarded to all
 11 small business concerns nationally,
 12 based on data from the Federal Pro-
 13 curement Data System.

14 “(II) LIMITATION.—Subclause
 15 (I) shall not be construed to disqualify
 16 a HUBZone small business concern
 17 from performing a contract awarded
 18 to it on the basis of a preference pro-
 19 vided under section 31(b), if such con-
 20 cern was qualified under clause (i) at
 21 the time at which the contract was
 22 awarded.”.

23 (c) CLARIFYING AMENDMENT.—Section
 24 3(p)(5)(D)(i) of the Small Business Act (15 U.S.C.
 25 632(p)(5)(D)(i)) is amended by inserting “once the Ad-

1 administrator has made the certification required by sub-
 2 paragraph (A)(i) regarding a qualified HUBZone small
 3 business concern and has determined that subparagraph
 4 (A)(ii) does not apply to that concern,” before “include”.

5 **SEC. 3. OTHER DEFINITIONS.**

6 Section 3(p) of the Small Business Act (15 U.S.C.
 7 632(p)) is amended by adding at the end the following:

8 “(6) NATIVE AMERICAN SMALL BUSINESS CON-
 9 CERNS.—

10 “(A) ALASKA NATIVE CORPORATION.—The
 11 term ‘Alaska Native Corporation’ has the same
 12 meaning as the term ‘Native Corporation’ in
 13 section 3 of the Alaska Native Claims Settle-
 14 ment Act (43 U.S.C. 1602).

15 “(B) ALASKA NATIVE VILLAGE.—The term
 16 ‘Alaska Native Village’ has the same meaning
 17 as the term ‘Native village’ in section 3 of the
 18 Alaska Native Claims Settlement Act (43
 19 U.S.C. 1602).

20 “(C) INDIAN RESERVATION.—The term
 21 ‘Indian reservation’—

22 “(i) has the same meaning as the
 23 term ‘Indian country’ in section 1151 of
 24 title 18, United States Code, except that
 25 such term does not include—

1 “(I) any lands that are located
2 within a State in which a tribe did not
3 exercise governmental jurisdiction on
4 the date of enactment of this para-
5 graph, unless that tribe is recognized
6 after that date of enactment by either
7 an Act of Congress or pursuant to
8 regulations of the Secretary of the In-
9 terior for the administrative recogni-
10 tion that an Indian group exists as an
11 Indian tribe (part 83 of title 25, Code
12 of Federal Regulations); and

13 “(II) lands taken into trust or
14 acquired by an Indian tribe after the
15 date of enactment of this paragraph if
16 such lands are not located within the
17 external boundaries of an Indian res-
18 ervation or former reservation or are
19 not contiguous to the lands held in
20 trust or restricted status on that date
21 of enactment; and

22 “(ii) in the State of Oklahoma, means
23 lands that—

24 “(I) are within the jurisdictional
25 areas of an Oklahoma Indian tribe (as

1 determined by the Secretary of the In-
2 terior); and

3 “(II) are recognized by the Sec-
4 retary of the Interior as eligible for
5 trust land status under part 151 of
6 title 25, Code of Federal Regulations
7 (as in effect on the date of enactment
8 of this paragraph).”.

○