



UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Economic Development
Washington, D.C. 20230

Dear Tribal Leaders,

Earlier this year, President Joseph R. Biden Jr. signed the [Presidential Memorandum on Tribal Consultation and Strengthening Nation to Nation Relationships](#). It directed federal agencies to work with Tribal Nations for the implementation of [Executive Order 13175, Consultation and Coordination with Indian Tribal Governments \(November 6, 2000\)](#).

In response, [the Economic Development Administration](#) (EDA), committed to strengthening Tribal sovereignty and self-governance, will be hosting two Tribal Consultations this spring. Our goal is the fulfillment of federal trust responsibilities and treaty obligations to Tribal Nations, the cornerstones of government-to-government policymaking.

Purpose of Consultation

EDA seeks to update its regulations to expand Tribal eligibility to include for-profit Tribal entities that are wholly owned by and established for the benefit of the Tribe. Under EDA's current regulations, Tribal eligibility is limited to: "recognized tribes published pursuant to the Federally Recognized Indian Tribe List Act of 1994, as amended (Pub. L. 103-454) (25 U.S.C. 479a *et seq.*), and any Alaska Native Village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), non-profit corporations, an Indian authority, and other non-profit Tribal organizations, so long as the entities are wholly owned by, and established for the benefit of the Tribe." See 13 CFR 300.3. See also 42 U.S.C. 3122(7).

EDA proposes to change the regulation to: "recognized tribes published pursuant to the Federally Recognized Indian Tribe List Act of 1994, as amended (Pub. L. 103-454) (25 U.S.C. 479a *et seq.*), and any Alaska Native Village or Regional Corporation (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*). This term includes the governing body of an Indian Tribe, Indian corporation (restricted to Indians), Indian authority, or other non-profit Indian tribal organization or entity; provided that the Indian tribal organization, corporation or entity is wholly owned by, and established for the benefit of, the Indian Tribe or Alaska Native Village."

The proposed regulatory revision means that for-profit Tribal organizations, wholly owned by and established for the benefit of the Tribe, would become eligible for EDA grant opportunities, as Tribes. Note that this proposed change does not apply to Alaska Native Regional Corporations.

Tribal leaders and their designees are invited to provide comments and input to EDA regarding this proposed regulatory change, which impacts Native American and Tribal Communities and their eligibility to apply for EDA funding.

Specific questions on which we welcome your feedback, are listed below:

1. EDA has seen a rise in applications received from Section 17 Corporations, Limited Liability Company (LLC), and other for-profit Tribal entities, yet its regulations currently prohibit these entities from applying for EDA funding. How would expanding EDA Tribal eligibility to include for-profit Tribal corporations that are wholly owned by, and established exclusively for the benefit of, a Tribe, affect long-term economic development within the Native American community?
2. What are some concerns you have or factors we should consider in expanding EDA's Tribal eligibility to for-profit Tribal corporations that are wholly owned by, and established exclusively for the benefit of, a Tribe?
3. In what ways might such an expansion increase the ability of Tribes to work with multiple federal agencies and/or increase the effectiveness of multifaceted economic development projects and support long-term economic prosperity in the Native American community?
4. If EDA makes this change, what are some effective ways to communicate the new criteria to Tribal stakeholders?
5. How could EDA further support Tribal entities in successfully applying for EDA funding?
6. Would the proposed regulatory change impact Tribal cultural values, traditional practices or religious beliefs?

Information on Consultation

EDA hopes to consult with Tribal Leaders or their direct proxies. Other Tribal organizations are welcome to view and listen to the presentations in a non-participatory role.

The two consultations will be held via Zoom:

- April 16, 2021 at 3:00pm-4:30pm Eastern Daylight Time
Please use the link to pre-register: <https://www.sulc.edu/form/590>
- April 19, 2021 at 2:00pm-3:30pm Eastern Daylight Time
Please use the link to pre-register: <https://www.sulc.edu/form/590>

**** Please register by April 15, 2021 to secure your registration****

This will be conducted via a virtual platform through which participants may provide live written comments. Participation via written channels and the platform's chat capabilities is highly encouraged. The web platform will be provided by the Southern University Law Center, an EDA University Center grantee.

EDA has also established an email address and phone number for participants to provide additional feedback. Some questions received will be addressed specifically during the live event. All questions and comments will be reviewed and considered.

- Please send written questions and comments via email to: EDAconsultations@eda.gov
- Please leave any voice messages by phone at: 202-482-5479

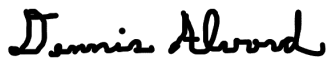
These platforms will be available until April 21, 2021.

Your comments will inform EDA's drafting and implementation of the updated Tribal eligibility regulation. These Tribal consultations are not for press purposes.

As the Acting Assistant Secretary of Commerce for Economic Development and the Deputy Assistant Secretary for Regional Affairs, we are responsible for, and committed to, ensuring that EDA's programs and resources are meeting the needs of our stakeholders. We are also committed to the President's economic agenda to "build back better," which includes maintaining and strengthening ties to Tribal Nations across the country.

We look forward to participating in these forums and we hope that you will be able to join us. Thank you.

Sincerely,



Dennis Alvord

Acting Assistant Secretary of Commerce for Economic Development



Craig Buerstatte

Deputy Assistant Secretary for Regional Affairs

The U.S. Economic Development Administration's (EDA) mission is to lead the federal economic development agenda by promoting competitiveness and preparing the nation's regions for growth and success in the worldwide economy. An agency within the U.S. Department of Commerce, EDA makes investments in economically distressed communities to create jobs for U.S. workers, promote American innovation, and accelerate long-term sustainable economic growth.