

106TH CONGRESS
2D SESSION

S. 2719

AN ACT

To provide for business development and trade promotion
for Native Americans, 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 Busi-
5 ness Development, Trade Promotion, and Tourism Act of
6 2000”.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) clause 3 of section 8 of article I of the
4 United States Constitution recognizes the special re-
5 lationship between the United States and Indian
6 tribes;

7 (2) beginning in 1970, with the inauguration by
8 the Nixon Administration of the Indian self-deter-
9 mination era, each President has reaffirmed the spe-
10 cial government-to-government relationship between
11 Indian tribes and the United States;

12 (3) in 1994, President Clinton issued an Execu-
13 tive memorandum to the heads of departments and
14 agencies that obligated all Federal departments and
15 agencies, particularly those that have an impact on
16 economic development, to evaluate the potential im-
17 pacts of their actions on Indian tribes;

18 (4) consistent with the principles of inherent
19 tribal sovereignty and the special relationship be-
20 tween Indian tribes and the United States, Indian
21 tribes retain the right to enter into contracts and
22 agreements to trade freely, and seek enforcement of
23 treaty and trade rights;

24 (5) Congress has carried out the responsibility
25 of the United States for the protection and preserva-
26 tion of Indian tribes and the resources of Indian

1 tribes through the endorsement of treaties, and the
2 enactment of other laws, including laws that provide
3 for the exercise of administrative authorities;

4 (6) the United States has an obligation to
5 guard and preserve the sovereignty of Indian tribes
6 in order to foster strong tribal governments, Indian
7 self-determination, and economic self-sufficiency
8 among Indian tribes;

9 (7) the capacity of Indian tribes to build strong
10 tribal governments and vigorous economies is hin-
11 dered by the inability of Indian tribes to engage
12 communities that surround Indian lands and outside
13 investors in economic activities on Indian lands;

14 (8) despite the availability of abundant natural
15 resources on Indian lands and a rich cultural legacy
16 that accords great value to self-determination, self-
17 reliance, and independence, Native Americans suffer
18 higher rates of unemployment, poverty, poor health,
19 substandard housing, and associated social ills than
20 those of any other group in the United States;

21 (9) the United States has an obligation to as-
22 sist Indian tribes with the creation of appropriate
23 economic and political conditions with respect to In-
24 dian lands to—

1 (A) encourage investment from outside
2 sources that do not originate with the tribes;
3 and

4 (B) facilitate economic ventures with out-
5 side entities that are not tribal entities;

6 (10) the economic success and material well-
7 being of Native American communities depends on
8 the combined efforts of the Federal Government,
9 tribal governments, the private sector, and individ-
10 uals;

11 (11) the lack of employment and entrepre-
12 neurial opportunities in the communities referred to
13 in paragraph (7) has resulted in a multigenerational
14 dependence on Federal assistance that is—

15 (A) insufficient to address the magnitude
16 of needs; and

17 (B) unreliable in availability; and

18 (12) the twin goals of economic self-sufficiency
19 and political self-determination for Native Americans
20 can best be served by making available to address
21 the challenges faced by those groups—

22 (A) the resources of the private market;

23 (B) adequate capital; and

24 (C) technical expertise.

1 (b) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 (1) To revitalize economically and physically
4 distressed Native American economies by—

5 (A) encouraging the formation of new busi-
6 nesses by eligible entities, and the expansion of
7 existing businesses; and

8 (B) facilitating the movement of goods to
9 and from Indian lands and the provision of
10 services by Indians.

11 (2) To promote private investment in the econo-
12 mies of Indian tribes and to encourage the sustain-
13 able development of resources of Indian tribes and
14 Indian-owned businesses.

15 (3) To promote the long-range sustained growth
16 of the economies of Indian tribes.

17 (4) To raise incomes of Indians in order to re-
18 duce the number of Indians at poverty levels and
19 provide the means for achieving a higher standard of
20 living on Indian reservations.

21 (5) To encourage intertribal, regional, and
22 international trade and business development in
23 order to assist in increasing productivity and the
24 standard of living of members of Indian tribes and

1 improving the economic self-sufficiency of the gov-
 2 erning bodies of Indian tribes.

3 (6) To promote economic self-sufficiency and
 4 political self-determination for Indian tribes and
 5 members of Indian tribes.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) ELIGIBLE ENTITY.—The term “eligible enti-
 9 ty” means an Indian tribe or tribal organization, an
 10 Indian arts and crafts organization, as that term is
 11 defined in section 2 of the Act of August 27, 1935
 12 (commonly known as the “Indian Arts and Crafts
 13 Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a),
 14 a tribal enterprise, a tribal marketing cooperative
 15 (as that term is defined by the Secretary, in con-
 16 sultation with the Secretary of the Interior), or any
 17 other Indian-owned business.

18 (2) INDIAN.—The term “Indian” has the mean-
 19 ing given that term in section 4(d) of the Indian
 20 Self-Determination and Education Assistance Act
 21 (25 U.S.C. 450b(d)).

22 (3) INDIAN GOODS AND SERVICES.—The term
 23 “Indian goods and services” means—

24 (A) Indian goods, within the meaning of
 25 section 2 of the Act of August 27, 1935 (com-

monly known as the “Indian Arts and Crafts Act”) (49 Stat. 891, chapter 748; 25 U.S.C. 305a);

(B) goods produced or originated by an eligible entity; and

(C) services provided by eligible entities.

(4) INDIAN LANDS.—

(A) IN GENERAL.—The term “Indian lands” includes lands under the definition of—

(i) the term “Indian country” under section 1151 of title 18, United States Code; or

(ii) the term “reservation” under—

(I) section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)); or

(II) section 4(10) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(10)).

(B) FORMER INDIAN RESERVATIONS IN OKLAHOMA.—For purposes of applying section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term “former Indian reservations in Okla-

1 homa” shall be construed to include lands that
2 are—

3 (i) within the jurisdictional areas of
4 an Oklahoma Indian tribe (as determined
5 by the Secretary of the Interior); and

6 (ii) recognized by the Secretary of the
7 Interior as eligible for trust land status
8 under part 151 of title 25, Code of Federal
9 Regulations (as in effect on the date of en-
10 actment of this Act).

11 (5) INDIAN-OWNED BUSINESS.—The term “In-
12 dian-owned business” means an entity organized for
13 the conduct of trade or commerce with respect to
14 which at least 50 percent of the property interests
15 of the entity are owned by Indians or Indian tribes
16 (or a combination thereof).

17 (6) INDIAN TRIBE.—The term “Indian tribe”
18 has the meaning given that term in section 4(e) of
19 the Indian Self-Determination and Education Assist-
20 ance Act (25 U.S.C. 450b(e)).

21 (7) SECRETARY.—The term “Secretary” means
22 the Secretary of Commerce.

23 (8) TRIBAL ENTERPRISE.—The term “tribal en-
24 terprise” means a commercial activity or business
25 managed or controlled by an Indian tribe.

1 (9) TRIBAL ORGANIZATION.—The term “tribal
2 organization” has the meaning given that term in
3 section 4(l) of the Indian Self-Determination and
4 Education Assistance Act (25 U.S.C. 450b(l)).

5 **SEC. 4. OFFICE OF NATIVE AMERICAN BUSINESS DEVELOP-**
6 **MENT.**

7 (a) IN GENERAL.—

8 (1) ESTABLISHMENT.—There is established
9 within the Department of Commerce an office
10 known as the Office of Native American Business
11 Development (referred to in this Act as the “Of-
12 fice”).

13 (2) DIRECTOR.—The Office shall be headed by
14 a Director, appointed by the Secretary, whose title
15 shall be the Director of Native American Business
16 Development (referred to in this Act as the “Direc-
17 tor”). The Director shall be compensated at a rate
18 not to exceed level V of the Executive Schedule
19 under section 5316 of title 5, United States Code.

20 (b) DUTIES OF THE SECRETARY.—

21 (1) IN GENERAL.—The Secretary, acting
22 through the Director, shall ensure the coordination
23 of Federal programs that provide assistance, includ-
24 ing financial and technical assistance, to eligible en-
25 tities for increased business, the expansion of trade

1 by eligible entities, and economic development on In-
2 dian lands.

3 (2) INTERAGENCY COORDINATION.—The Sec-
4 retary, acting through the Director, shall coordinate
5 Federal programs relating to Indian economic devel-
6 opment, including any such program of the Depart-
7 ment of the Interior, the Small Business Adminis-
8 tration, the Department of Labor, or any other Fed-
9 eral agency charged with Indian economic develop-
10 ment responsibilities.

11 (3) ACTIVITIES.—In carrying out the duties de-
12 scribed in paragraph (1), the Secretary, acting
13 through the Director, shall ensure the coordination
14 of, or, as appropriate, carry out—

15 (A) Federal programs designed to provide
16 legal, accounting, or financial assistance to eli-
17 gible entities;

18 (B) market surveys;

19 (C) the development of promotional mate-
20 rials;

21 (D) the financing of business development
22 seminars;

23 (E) the facilitation of marketing;

24 (F) the participation of appropriate Fed-
25 eral agencies or eligible entities in trade fairs;

1 (G) any activity that is not described in
2 subparagraphs (A) through (F) that is related
3 to the development of appropriate markets; and

4 (H) any other activity that the Secretary,
5 in consultation with the Director, determines to
6 be appropriate to carry out this section.

7 (4) ASSISTANCE.—In conjunction with the ac-
8 tivities described in paragraph (3), the Secretary,
9 acting through the Director, shall provide—

10 (A) financial assistance, technical assist-
11 ance, and administrative services to eligible en-
12 tities to assist those entities with—

13 (i) identifying and taking advantage
14 of business development opportunities; and

15 (ii) compliance with appropriate laws
16 and regulatory practices; and

17 (B) such other assistance as the Secretary,
18 in consultation with the Director, determines to
19 be necessary for the development of business
20 opportunities for eligible entities to enhance the
21 economies of Indian tribes.

22 (5) PRIORITIES.—In carrying out the duties
23 and activities described in paragraphs (3) and (4),
24 the Secretary, acting through the Director, shall give
25 priority to activities that—

1 (A) provide the greatest degree of eco-
2 nomic benefits to Indians; and

3 (B) foster long-term stable economies of
4 Indian tribes.

5 (6) PROHIBITION.—The Secretary may not pro-
6 vide under this section assistance for any activity re-
7 lated to the operation of a gaming activity on Indian
8 lands pursuant to the Indian Gaming Regulatory
9 Act (25 U.S.C. 2710 et seq.).

10 **SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PRO-**
11 **MOTION.**

12 (a) IN GENERAL.—The Secretary, acting through the
13 Director, shall carry out a Native American export and
14 trade promotion program (referred to in this section as
15 the “program”).

16 (b) COORDINATION OF FEDERAL PROGRAMS AND
17 SERVICES.—In carrying out the program, the Secretary,
18 acting through the Director, and in cooperation with the
19 heads of appropriate Federal agencies, shall ensure the co-
20 ordination of Federal programs and services designed to—

21 (1) develop the economies of Indian tribes; and

22 (2) stimulate the demand for Indian goods and
23 services that are available from eligible entities.

24 (c) ACTIVITIES.—In carrying out the duties described
25 in subsection (b), the Secretary, acting through the Direc-

1 tor, shall ensure the coordination of, or, as appropriate,
2 carry out—

3 (1) Federal programs designed to provide tech-
4 nical or financial assistance to eligible entities;

5 (2) the development of promotional materials;

6 (3) the financing of appropriate trade missions;

7 (4) the marketing of Indian goods and services;

8 (5) the participation of appropriate Federal
9 agencies or eligible entities in international trade
10 fairs; and

11 (6) any other activity related to the develop-
12 ment of markets for Indian goods and services.

13 (d) TECHNICAL ASSISTANCE.—In conjunction with
14 the activities described in subsection (c), the Secretary,
15 acting through the Director, shall provide technical assist-
16 ance and administrative services to eligible entities to as-
17 sist those entities with—

18 (1) the identification of appropriate markets for
19 Indian goods and services;

20 (2) entering the markets referred to in para-
21 graph (1);

22 (3) compliance with foreign or domestic laws
23 and practices with respect to financial institutions
24 with respect to the export and import of Indian
25 goods and services; and

1 (4) entering into financial arrangements to pro-
 2 vide for the export and import of Indian goods and
 3 services.

4 (e) PRIORITIES.—In carrying out the duties and ac-
 5 tivities described in subsections (b) and (c), the Secretary,
 6 acting through the Director, shall give priority to activities
 7 that—

8 (1) provide the greatest degree of economic ben-
 9 efits to Indians; and

10 (2) foster long-term stable international mar-
 11 kets for Indian goods and services.

12 **SEC. 6. INTERTRIBAL TOURISM DEMONSTRATION**
 13 **PROJECTS.**

14 (a) PROGRAM TO CONDUCT TOURISM PROJECTS.—

15 (1) IN GENERAL.—The Secretary, acting
 16 through the Director, shall conduct a Native Amer-
 17 ican tourism program to facilitate the development
 18 and conduct of tourism demonstration projects by
 19 Indian tribes, on a tribal, intertribal, or regional
 20 basis.

21 (2) DEMONSTRATION PROJECTS.—

22 (A) IN GENERAL.—Under the program es-
 23 tablished under this section, in order to assist
 24 in the development and promotion of tourism
 25 on and in the vicinity of Indian lands, the Sec-

1 retary, acting through the Director, shall, in co-
2 ordination with the Under Secretary of Agri-
3 culture for Rural Development, assist eligible
4 entities in the planning, development, and im-
5 plementation of tourism development dem-
6 onstration projects that meet the criteria de-
7 scribed in subparagraph (B).

8 (B) PROJECTS DESCRIBED.—In selecting
9 tourism development demonstration projects
10 under this section, the Secretary, acting
11 through the Director, shall select projects that
12 have the potential to increase travel and tour-
13 ism revenues by attracting visitors to Indian
14 lands and lands in the vicinity of Indian lands,
15 including projects that provide for—

16 (i) the development and distribution
17 of educational and promotional materials
18 pertaining to attractions located on and
19 near Indian lands;

20 (ii) the development of educational re-
21 sources to assist in private and public tour-
22 ism development on and in the vicinity of
23 Indian lands; and

24 (iii) the coordination of tourism-re-
25 lated joint ventures and cooperative efforts

1 between eligible entities and appropriate
2 State and local governments that have ju-
3 risdiction over areas in the vicinity of In-
4 dian lands.

5 (3) GRANTS.—To carry out the program under
6 this section, the Secretary, acting through the Direc-
7 tor, may award grants or enter into other appro-
8 priate arrangements with Indian tribes, tribal orga-
9 nizations, intertribal consortia, or other tribal enti-
10 ties that the Secretary, in consultation with the Di-
11 rector, determines to be appropriate.

12 (4) LOCATIONS.—In providing for tourism de-
13 velopment demonstration projects under the pro-
14 gram under this section, the Secretary, acting
15 through the Director, shall provide for a demonstra-
16 tion project to be conducted—

17 (A) for Indians of the Four Corners area
18 located in the area adjacent to the border be-
19 tween Arizona, Utah, Colorado, and New Mex-
20 ico;

21 (B) for Indians of the northwestern area
22 that is commonly known as the Great North-
23 west (as determined by the Secretary);

24 (C) for the Oklahoma Indians in Okla-
25 homa;

1 (D) for the Indians of the Great Plains
2 area (as determined by the Secretary); and

3 (E) for Alaska Natives in Alaska.

4 (b) ASSISTANCE.—The Secretary, acting through the
5 Director, shall provide financial assistance, technical as-
6 sistance, and administrative services to participants that
7 the Secretary, acting through the Director, selects to carry
8 out a tourism development project under this section, with
9 respect to—

10 (1) feasibility studies conducted as part of that
11 project;

12 (2) market analyses;

13 (3) participation in tourism and trade missions;
14 and

15 (4) any other activity that the Secretary, in
16 consultation with the Director, determines to be ap-
17 propriate to carry out this section.

18 (c) INFRASTRUCTURE DEVELOPMENT.—The dem-
19 onstration projects conducted under this section shall in-
20 clude provisions to facilitate the development and financ-
21 ing of infrastructure, including the development of Indian
22 reservation roads in a manner consistent with title 23,
23 United States Code.

1 **SEC. 7. REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 1 year after the
 3 date of enactment of this Act, and annually thereafter,
 4 the Secretary, in consultation with the Director, shall pre-
 5 pare and submit to the Committee on Indian Affairs of
 6 the Senate and the Committee on Resources of the House
 7 of Representatives a report on the operation of the Office.

8 (b) CONTENTS OF REPORT.—Each report prepared
 9 under subsection (a) shall include—

10 (1) for the period covered by the report, a sum-
 11 mary of the activities conducted by the Secretary,
 12 acting through the Director, in carrying out sections
 13 4 through 6; and

14 (2) any recommendations for legislation that
 15 the Secretary, in consultation with the Director, de-
 16 termines to be necessary to carry out sections 4
 17 through 6.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums
 20 as are necessary to carry out this Act, to remain available
 21 until expended.

Passed the Senate June 28, 2000.

Attest:

Secretary.

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