

106TH CONGRESS
1ST SESSION

S. 614

AN ACT

To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

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 “Indian Tribal Regu-
5 latory Reform and Business Development Act of 1999”.

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

2 (a) FINDINGS.—Congress finds that—

3 (1) despite the availability of abundant natural
4 resources on Indian lands and a rich cultural legacy
5 that accords great value to self-determination, self-
6 reliance, and independence, Native Americans suffer
7 rates of unemployment, poverty, poor health, sub-
8 standard housing, and associated social ills which
9 are greater than the rates for any other group in the
10 United States;

11 (2) the capacity of Indian tribes to build strong
12 Indian tribal governments and vigorous economies is
13 hindered by the inability of Indian tribes to engage
14 communities that surround Indian lands and outside
15 investors in economic activities conducted on Indian
16 lands;

17 (3) beginning in 1970, with the issuance by the
18 Nixon Administration of a special message to Con-
19 gress on Indian Affairs, each President has re-
20 affirmed the special government-to-government rela-
21 tionship between Indian tribes and the United
22 States; and

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

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

4 (B) facilitate economic development on In-
5 dian lands.

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

8 (1) To provide for a comprehensive review of
9 the laws (including regulations) that affect invest-
10 ment and business decisions concerning activities
11 conducted on Indian lands.

12 (2) To determine the extent to which those laws
13 unnecessarily or inappropriately impair—

14 (A) investment and business development
15 on Indian lands; or

16 (B) the financial stability and management
17 efficiency of Indian tribal governments.

18 (3) To establish an authority to conduct the re-
19 view under paragraph (1) and report findings and
20 recommendations that result from the review to Con-
21 gress and the President.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1 (1) AUTHORITY.—The term “Authority” means
2 the Regulatory Reform and Business Development
3 on Indian Lands Authority.

4 (2) FEDERAL AGENCY.—The term “Federal
5 agency” means an agency, as that term is defined
6 in section 551(1) of title 5, United States Code.

7 (3) INDIAN.—The term “Indian” has the mean-
8 ing given that term in section 4(d) of the Indian
9 Self-Determination and Education Assistance Act
10 (25 U.S.C. 450b(d)).

11 (4) INDIAN LANDS.—

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

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

17 (ii) the term “reservation” under—

18 (I) section 3(d) of the Indian Fi-
19 nancing Act of 1974 (25 U.S.C.
20 1452(d)); or

21 (II) section 4(10) of the Indian
22 Child Welfare Act of 1978 (25 U.S.C.
23 1903(10)).

24 (B) FORMER INDIAN RESERVATIONS IN
25 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 Oklahoma” shall be construed to include lands that are—

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

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

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

SEC. 4. ESTABLISHMENT OF AUTHORITY.

(a) ESTABLISHMENT.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary, in
3 consultation with the Secretary of the Interior and
4 other officials whom the Secretary determines to be
5 appropriate, shall establish an authority to be known
6 as the Regulatory Reform and Business Develop-
7 ment on Indian Lands Authority.

8 (2) PURPOSE.—The Secretary shall establish
9 the Authority under this subsection in order to fa-
10 cilitate the identification and subsequent removal of
11 obstacles to investment, business development, and
12 the creation of wealth with respect to the economies
13 of Native American communities.

14 (b) MEMBERSHIP.—

15 (1) IN GENERAL.—The Authority established
16 under this section shall be composed of 21 members.

17 (2) REPRESENTATIVES OF INDIAN TRIBES.—12
18 members of the Authority shall be representatives of
19 the Indian tribes from the areas of the Bureau of
20 Indian Affairs. Each such area shall be represented
21 by such a representative.

22 (3) REPRESENTATIVES OF THE PRIVATE SEC-
23 TOR.—No fewer than 4 members of the Authority
24 shall be representatives of nongovernmental eco-

1 nomic activities carried out by private enterprises in
2 the private sector.

3 (c) INITIAL MEETING.—Not later than 90 days after
4 the date of enactment of this Act, the Authority shall hold
5 its initial meeting.

6 (d) REVIEW.—Beginning on the date of the initial
7 meeting under subsection (c), the Authority shall conduct
8 a review of laws (including regulations) relating to invest-
9 ment, business, and economic development that affect in-
10 vestment and business decisions concerning activities con-
11 ducted on Indian lands.

12 (e) MEETINGS.—The Authority shall meet at the call
13 of the chairperson.

14 (f) QUORUM.—A majority of the members of the Au-
15 thority shall constitute a quorum, but a lesser number of
16 members may hold hearings.

17 (g) CHAIRPERSON.—The Authority shall select a
18 chairperson from among its members.

19 **SEC. 5. REPORT.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Authority shall prepare and submit to the
22 Committee on Indian Affairs of the Senate, the Committee
23 on Resources of the House of Representatives, and to the
24 governing body of each Indian tribe a report that in-
25 cludes—

1 (1) the findings of the Authority concerning the
2 review conducted under section 4(d); and

3 (2) such recommendations concerning the pro-
4 posed revisions to the laws that were subject to re-
5 view as the Authority determines to be appropriate.

6 **SEC. 6. POWERS OF THE AUTHORITY.**

7 (a) HEARINGS.—The Authority may hold such hear-
8 ings, sit and act at such times and places, take such testi-
9 mony, and receive such evidence as the Authority con-
10 siders advisable to carry out the duties of the Authority.

11 (b) INFORMATION FROM FEDERAL AGENCIES.—The
12 Authority may secure directly from any Federal depart-
13 ment or agency such information as the Authority con-
14 siders necessary to carry out the duties of the Authority.

15 (c) POSTAL SERVICES.—The Authority may use the
16 United States mails in the same manner and under the
17 same conditions as other departments and agencies of the
18 Federal Government.

19 (d) GIFTS.—The Authority may accept, use, and dis-
20 pose of gifts or donations of services or property.

21 **SEC. 7. AUTHORITY PERSONNEL MATTERS.**

22 (a) COMPENSATION OF MEMBERS.—

23 (1) NON-FEDERAL MEMBERS.—Members of the
24 Authority who are not officers or employees of the
25 Federal Government shall serve without compensa-

1 tion, except for travel expenses as provided under
2 subsection (b).

3 (2) OFFICERS AND EMPLOYEES OF THE FED-
4 ERAL GOVERNMENT.—Members of the Authority
5 who are officers or employees of the United States
6 shall serve without compensation in addition to that
7 received for their services as officers or employees of
8 the United States.

9 (b) TRAVEL EXPENSES.—The members of the Au-
10 thority shall be allowed travel expenses, including per diem
11 in lieu of subsistence, at rates authorized for employees
12 of agencies under subchapter I of chapter 57 of title 5,
13 United States Code, while away from their homes or reg-
14 ular places of business in the performance of services for
15 the Authority.

16 (c) STAFF.—

17 (1) IN GENERAL.—The chairperson of the Au-
18 thority may, without regard to the civil service laws,
19 appoint and terminate such personnel as may be
20 necessary to enable the Authority to perform its du-
21 ties.

22 (2) PROCUREMENT OF TEMPORARY AND INTER-
23 MITTENT SERVICES.—The chairperson of the Au-
24 thority may procure temporary and intermittent
25 services under section 3109(b) of title 5, United

1 States Code, at rates for individuals that do not ex-
2 ceed the daily equivalent of the annual rate of basic
3 pay prescribed under GS-13 of the General Sched-
4 ule established under section 5332 of title 5, United
5 States Code.

6 **SEC. 8. TERMINATION OF THE AUTHORITY.**

7 The Authority shall terminate 90 days after the date
8 on which the Authority has submitted a copy of the report
9 prepared under section 5 to the committees of Congress
10 specified in section 5 and to the governing body of each
11 Indian tribe.

12 **SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COM-**
13 **MITTEE ACT.**

14 The activities of the Authority conducted under this
15 title shall be exempt from the Federal Advisory Committee
16 Act (5 U.S.C. App.).

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

Passed the Senate September 15, 1999.

Attest:

Secretary.

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