

Calendar No. 592

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-234

A BILL TO AMEND THE NATIVE AMERICAN TOURISM AND IMPROVING VISITOR EXPERIENCE ACT TO AUTHORIZE GRANTS TO INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND NATIVE HAWAIIAN ORGANIZATIONS, AND FOR OTHER PURPOSES

DECEMBER 6, 2022.—Ordered to be printed

Mr. SCHATZ, from the Committee on Indian Affairs,
submitted the following

R E P O R T

[To accompany S. 3789]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill, S. 3789, to amend the Native American Tourism and Improving Visitor Experience Act to authorize grants to Indian tribes, tribal organizations, and Native Hawaiian organizations, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

PURPOSE

S. 3789 would clarify that Bureau of Indian Affairs (BIA) and the Office of Native Hawaiian Relations (ONHR) have the authority to issue grants established under the *Native American Tourism and Improving Visitor Experience* (NATIVE) Act and authorizes appropriations for those purposes.

BACKGROUND AND NEED FOR LEGISLATION

In 2016, Congress enacted the NATIVE Act.¹ A key purpose of the NATIVE Act is to provide grants, loans, and technical assistance to Indian Tribes, Tribal organizations, and Native Hawaiian organizations to assist in developing tourism in Native communities and enhancing opportunities for visitors to learn about Na-

¹Pub. L. No. 114-221, 130 Stat. 847.

tive American history, culture, traditional foods, languages, and arts.

The NATIVE Act provides funding for grants to meet the purposes of the law, but it does not authorize BIA or ONHR to issue the grants, which led to implementation challenges.² The amendments to the NATIVE Act in S. 3789 correct this issue by clearly authorizing the BIA and ONHR, along with several other federal agencies, to issue these grants.

SUMMARY OF S. 3789

S. 3789 amends the NATIVE Act to authorize the BIA, ONHR, and other federal agencies to implement grant programs for Tribes, Tribal organizations, and Native Hawaiian organizations; and provides for authorization of appropriations of such sums as necessary to carry out grant-making activities.

SECTION-BY-SECTION ANALYSIS OF S. 3789 AS ORDERED REPORTED

Section 1. Native American Tourism grant programs

This section makes technical edits to the NATIVE Act (25 U.S.C. 4351 et seq.) in order to authorize the BIA and ONHR to make grants to Indian Tribes and Native Hawaiian organizations. The heads of other federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may also make grants to Indian Tribes, Tribal organizations, Native Hawaiian organizations under the NATIVE Act. This section also authorizes appropriations in such sums as necessary to implement the grant program.

LEGISLATIVE HISTORY

Senator Brian Schatz (D–HI) introduced S. 3789 on March 10, 2022. The Senate referred the bill to the Senate Committee on Indian Affairs on the same day. On March 23, 2022, the Committee held a legislative hearing to consider the bill. On May 17, 2022, Senator Lisa Murkowski (R–AK) joined as a co-sponsor. On May 18, 2022, the Committee met at a duly convened business meeting to consider S. 3789. Senator Schatz timely filed one amendment in the nature of a substitute to provide additional federal agencies with authority to implement the NATIVE Act grant program. Senator Schatz withdrew this amendment. Senators Schatz and Murkowski filed an untimely amendment in the nature of a substitute to provide additional federal agencies with authority to implement the NATIVE Act grant program. Pursuant to Committee Rule 5(c), the Schatz-Murkowski amendment was adopted and S. 3789 was ordered to be reported favorably with an amendment in the nature of a substitute. At this time, there is no House companion bill.

²For example, in FY 2022, the Department of the Interior partnered with the National Park Service to issue NATIVE Act grants to eligible Native Hawaiian organizations because ONHR currently does not have grant issuing authority.

COST AND BUDGETARY CONSIDERATIONS

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 2022.

Hon. BRIAN SCHATZ,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Indian Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Long-Term Point of Order?	Mandates	Contact
S. 3789	a bill to amend the Native American Tourism and Improving Visitor Experience Act to authorize grants to Indian tribes, tribal organizations, and Native Hawaiian organizations, and for other purposes	Ordered reported	05/18/22	450	0	0	Not estimated	No	No	No	Julia Aman

S. 3789 would authorize the appropriation of whatever amounts are necessary for the Bureau of Indian Affairs and the Office of Native Hawaiian Relations to award grants to Indian tribes, tribal organizations, and Native Hawaiian organizations for activities related to recreational travel and tourism. CBO estimates that enacting S. 3789 would not affect direct spending or revenues. CBO has not estimated the discretionary costs of implementing the bill. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 3789 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 3789.

CHANGES IN EXISTING LAW

On February 11, 2021 the Committee unanimously approved a motion to waive subsection 12 of rule XXVI of the Standing Rules of the Senate. In the opinion of the Committee, it is necessary to dispense with subsection 12 of rule XXVI of the Standing Rules of the Senate to expedite the business of the Senate.