

Calendar No. 34

118TH CONGRESS }
1st Session }

SENATE

{ REPORT
118-9

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

APRIL 18, 2023.—Ordered to be printed

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

R E P O R T

[To accompany S. 385]

[Including cost estimate of the Congressional Budget Office]

The Committee on Indian Affairs, to which was referred the bill (S. 385) 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 without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 385 is to clarify that the U.S. Department of the Interior's 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. The legislation also confirms that other federal agencies have the authority to issue NATIVE Act grants.

BACKGROUND

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-

¹Native American Tourism and Improving Visitor Experience Act, Pub. L. No. 114-221, 130 Stat. 847 (2016).

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

NEED FOR LEGISLATION

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 S. 385 corrects this issue by clearly authorizing the BIA and ONHR, along with several other federal agencies, to issue these grants to Indian Tribes, Tribal organizations, or Native Hawaiian organizations, and authorizes appropriations of \$35 million for fiscal years 2023–2027.

LEGISLATIVE HISTORY

Senator Brian Schatz (D–HI) and Senator Lisa Murkowski (R–AK) introduced S. 385 on February 9, 2023. The bill was referred to the Committee on Indian Affairs on the same day. The Committee held a business meeting to consider S. 385 on February 15, 2023 and ordered the bill to be reported favorably without amendment.

117th Congress. On March 10, 2022, Senator Brian Schatz (D–HI) introduced S. 3789, a similar predecessor bill. The Senate referred the bill to the Committee on the same day, and 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. On December 6, 2022, the Committee reported S. 3789 with an amendment in the nature of a substitute, and the bill was placed on the Senate calendar the same day. No further action was taken on the bill before the conclusion of the 117th Congress.

SECTION-BY-SECTION ANALYSIS OF S. 385 AS ORDERED REPORTED

Section 1—Native American tourism grant programs

This section amends the NATIVE Act (25 U.S.C. 4351 *et seq.*) with technical edits in order to authorize the BIA and ONHR to make grants to Indian Tribes, Tribal organizations, and Native Hawaiian organizations. This section also clarifies that heads of other federal agencies, including the Secretaries of Commerce, Transportation, Agriculture, Health and Human Services, and Labor, may also make grants to and enter into agreements with Indian Tribes, Tribal organizations, and Native Hawaiian organizations to carry

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.

out the purposes of the NATIVE Act. This section also authorizes appropriations in the amount of \$35 million to implement the grant program for fiscal years 2023 through 2027.

COST AND BUDGETARY CONSIDERATIONS

MARCH 27, 2023.

S. 385, 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			
As ordered reported by the Senate Committee on Indian Affairs on February 15, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	35	35
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 385 would authorize the appropriation of \$35 million over the 2023 through 2027 period to carry out a grant program to support Native American tourism. Under the bill, the Bureau of Indian Affairs, the Office of Native Hawaiian Relations, and other federal agencies would award grants to Indian tribes, tribal organizations, and Native Hawaiian organizations.

For this estimate, CBO assumes that the bill will be enacted before the end of fiscal year 2023 and that the authorized amount will be provided in 2023. Based on spending patterns for similar programs, CBO estimates that implementing S. 385 would cost \$35 million over the 2023–2028 period, assuming appropriation of the authorized amount.

The costs of the legislation, detailed in Table 1, fall within budget function 450 (community and regional development).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 385

	By fiscal year, millions of dollars—						
	2023	2024	2025	2026	2027	2028	2023–2028
Authorization ^a	35	0	0	0	0	0	35
Estimated Outlays	*	15	9	6	3	2	35

* = between zero and \$500,000.

^aThe bill would authorize the appropriation of \$35 million over the 2023–2027 period but does not specify amounts for specific years. For this estimate, CBO has placed the entire authorized amount in 2023.

The CBO staff contact for this estimate is Julia Aman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

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. 385 will have minimal impact on regulatory or paperwork requirements.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 385.

CHANGES IN EXISTING LAW

On February 9, 2023 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.