

111TH CONGRESS
2D SESSION

S. 3331

To establish a Native American Economic Advisory Council, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2010

Mr. INOUE (for himself, Mr. BEGICH, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To establish a Native American Economic Advisory Council,
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 Eco-
5 nomic Advisory Council Act of 2010”.

6 **SEC. 2. FINDINGS.**

7 Congress finds—

8 (1) the United States has a special political and
9 legal relationship and responsibility to promote the

1 welfare of the Native American people of the United
2 States;

3 (2) evaluations of indicators and criteria of so-
4 cial well-being, education, health, unemployment,
5 housing, income, rates of poverty, justice systems,
6 and nutrition by agencies of Government and others
7 have consistently found that Native American com-
8 munities rank below other groups of United States
9 citizens and many are at or near the bottom in those
10 evaluations;

11 (3) Native Americans, like other people in the
12 United States, have been hit hard by the deepest re-
13 cession of the United States economy in over 50
14 years, causing a significant decline in employment
15 and economic activity across the United States;

16 (4) Native American communities have been de-
17 scribed as “emerging economies” and consequently
18 have been stalled in the efforts of the communities
19 to build sustainable growing economies for the peo-
20 ple of the communities and are being adversely af-
21 fected faster than the rest of the United States;

22 (5) economic stimulus programs to help Native
23 American communities generate jobs and stronger
24 economic performance will require United States fi-
25 nancial and tax incentives to increase both local and

1 expanded investment that is tailored to the unique
2 needs and circumstances of Native American com-
3 munities;

4 (6) the impacts of the ongoing recession and
5 the near collapse of the financial and banking sys-
6 tems require a review of assumptions about the fu-
7 ture, the need for new growth strategies, and a focus
8 on laying the groundwork for economic success in
9 the 21st century;

10 (7) there is a continuing need for direct eco-
11 nomic stimulus, including needs for improving rural
12 infrastructure and alternative energy in rural and
13 Native American communities of the United States
14 and providing Native Americans leaders with the
15 tools to create jobs and improve economic conditions;

16 (8) in light of the role of Native American com-
17 munities as emerging markets within the United
18 States, there are opportunities and needs that
19 should be addressed, including consideration of
20 United States support for the pooling of resources to
21 create an Indigenous Sovereign Wealth Fund that is
22 similar to those Funds created around the world to
23 diversify revenue streams, attract more resources,
24 invest more wisely, and create jobs;

1 (9) Native Americans should be participants
2 when major economic decisions are made that affect
3 the property, lives, and future of Native Americans;
4 and

5 (10) Native Americans should fully participate
6 in rebuilding Native American communities and have
7 necessary tools and resources.

8 **SEC. 3. PURPOSE.**

9 The purpose of this Act is to authorize and establish
10 a Native American Economic Advisory Council to consult,
11 coordinate with, and make recommendations to the Execu-
12 tive Office of the President, Cabinet officers, and Federal
13 agencies—

14 (1) to improve the focus, effectiveness, and de-
15 livery of Federal economic aid and development pro-
16 grams to Native Americans and, as a result, improve
17 substandard economic conditions in Native American
18 communities;

19 (2) to build and expand on the capacity of lead-
20 ers in Native American organizations and commu-
21 nities to take positive and innovative steps—

22 (A) to create jobs;

23 (B) to establish stable and profitable busi-
24 ness enterprises;

25 (C) to enhance economic conditions; and

1 (D) to use Native American-owned re-
 2 sources for the benefit of members; and

3 (3) to achieve the long-term goal of improving
 4 the quality of Native American life and living condi-
 5 tions and access to basic public services to the levels
 6 enjoyed by the average citizen and community of the
 7 United States by the year 2025.

8 **SEC. 4. ESTABLISHMENT OF NATIVE AMERICAN ECONOMIC**
 9 **ADVISORY COUNCIL.**

10 (a) IN GENERAL.—There is established a Native
 11 American Economic Advisory Council (referred to in this
 12 Act as the “Council”) to advise and assist the Executive
 13 Office of the President and Federal agencies to ensure
 14 that Native Americans (including Native American mem-
 15 bers, communities and organizations) have—

16 (1) the means and capacity to generate and
 17 benefit from economic stimulus and growth; and

18 (2) fair access to, and reasonable opportunities
 19 to participate in, Federal economic development and
 20 job growth programs.

21 (b) MEMBERS.—

22 (1) IN GENERAL.—The Council shall consist of
 23 5 members appointed by the President.

24 (2) INITIAL APPOINTMENTS.—Not later than
 25 180 days after the date of enactment of this Act, the

1 President shall appoint the initial members of the
2 Council.

3 (3) COMPOSITION.—Of the members of the
4 Council—

5 (A) 1 member shall be an Alaska Native;

6 (B) 1 member shall be a Hawaiian Native;

7 and

8 (C) 3 members shall represent American
9 Native groups and organizations from other
10 States.

11 (4) CHAIRPERSON.—The President shall des-
12 ignate 1 of the members of the Council to serve as
13 Chairperson.

14 (c) EXPERIENCE.—Each member of the Council shall
15 be a Native American who, as a result of work experience,
16 training, and attainment, is well qualified—

17 (1) to identify, analyze, and understand the at-
18 tributes and background of successful business en-
19 terprises and economic programs in Native Amer-
20 ican communities and cultures;

21 (2) to appraise the economic development pro-
22 grams and activities of Federal agencies in the con-
23 text of the goals and purposes of this Act; and

24 (3) to recommend programs, policies, and need-
25 ed program modifications to improve access to and

1 effectiveness in the delivery of economic development
2 programs in Native American communities.

3 (d) VACANCIES.—A vacancy on the Council—

4 (1) shall not affect the authority of the Com-
5 mission; and

6 (2) shall be filled in the same manner as the
7 initial appointments to the Council.

8 (e) EXPENSES.—Each Member of the Council shall
9 be allowed travel expenses, including per diem in lieu of
10 subsistence, at the rate authorized for employees of agen-
11 cies under subchapter I of chapter 57 of title 5, United
12 States Code, while away from the homes or regular places
13 of business of the employees in the performance of services
14 for the Council.

15 (f) STAFF.—

16 (1) IN GENERAL.—The Council may, without
17 regard to the civil service laws (including regula-
18 tions), appoint and terminate an executive director
19 and such other staff as are necessary to enable the
20 Council to perform the duties required under this
21 Act.

22 (2) COMPENSATION.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), the Council may fix the compensa-
25 tion of the executive director and other per-

sonnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM AMOUNT.—The rate of pay for the executive director and other personnel of the Council shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) DETAIL OF EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Council without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

(h) TEMPORARY SERVICES.—The Council may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(i) ADMINISTRATIVE SERVICES.—The Secretary of Commerce shall provide necessary office space and admin-

1 istrative services for the Council (including staff of the
2 Council).

3 **SEC. 5. DUTIES.**

4 (a) IN GENERAL.—The Council shall advise and
5 make recommendations to Federal agencies on—

6 (1) proposing sustainable economic growth and
7 poverty reduction policies in a manner that promotes
8 self-determination, self-sufficiency, and independence
9 in urban and remote Native American communities
10 while preserving the traditional cultural values of
11 those communities;

12 (2) ensuring that Native Americans (including
13 Native American communities and organizations)
14 have equal access to Federal economic aid, training,
15 and assistance programs;

16 (3) developing economic growth strategies, fi-
17 nance, and tax policies that will enable Native Amer-
18 ican organizations to stimulate the local economies
19 of Native Americans and create meaningful new jobs
20 in Native American communities;

21 (4) increasing the effectiveness of Federal pro-
22 grams to address the economic, employment, med-
23 ical, and social needs of Native American commu-
24 nities;

1 (5) administering Federal economic develop-
2 ment assistance programs with an understanding of
3 the unique needs of Native American communities
4 with the objectives of—

5 (A) making Native American leaders
6 knowledgeable about best business practices and
7 successful economic and job growth strategies;

8 (B) promoting investment and economic
9 growth and reducing unemployment and pov-
10 erty in Native American communities;

11 (C) enhancing governance, entrepreneur-
12 ship, and self-determination in Native American
13 communities; and

14 (D) fostering demonstrations of trans-
15 formational changes in economic conditions in
16 remote Native American communities through
17 the use of innovative technology, targeted in-
18 vestments, and the use of Native American-
19 owned natural and scenic resources;

20 (6) improving the effectiveness of economic de-
21 velopment assistance programs through the integra-
22 tion and coordination of assistance to Native Amer-
23 ican communities;

24 (7) recommending educational and business
25 training programs for Native Americans that in-

1 crease the capacity of Native Americans for eco-
2 nomic well-being and to further the purposes of this
3 Act; and

4 (8) initiating proposals, as needed, for fellow-
5 ship and mentoring programs to meet the economic
6 development needs of Native American communities.

7 (b) ADDITIONAL DUTIES.—The Council shall—

8 (1) prepare a compilation of successful business
9 enterprises and joint ventures conducted by Native
10 American organizations, including tribal enterprises
11 and the commercial ventures of Native Corporations
12 (as defined in section 102 of the Alaska National In-
13 terest Lands Conservation Act (16 U.S.C. 3102)) in
14 the State of Alaska; and

15 (2) periodically sponsor and arrange con-
16 ferences and training workshops on Native American
17 business activities, including providing mentors, re-
18 source people, and speakers to address financing,
19 management, marketing, resource development, and
20 best business practices in Native American business
21 enterprises.

1 **SEC. 6. ASSESSMENT OF IMPACTS OF LEGISLATIVE PRO-**
2 **POSALS ON NATIVE AMERICAN ECONOMIC**
3 **PROSPECTS AND OPPORTUNITY.**

4 In preparing and communicating the comments and
5 recommendations of the President on proposed legislation
6 to committees and leadership of Congress, the Director of
7 the Office of Management and Budget and the head of
8 a Federal agency shall include an assessment of the im-
9 pacts of the proposed legislation on the economic and em-
10 ployment prospects and opportunities provided in the pro-
11 posed legislation to improve the quality of living conditions
12 of Native American communities, organizations, and mem-
13 bers to the levels enjoyed by most people of the United
14 States.

15 **SEC. 7. REPORTS.**

16 The Council shall—

17 (1) prepare periodic reports on the activities of
18 the Council; and

19 (2) make the reports available to—

20 (A) Native American communities, organi-
21 zations, and members;

22 (B) the General Services Administration;

23 (C) the Office of Management and Budget;

24 (D) the Domestic Policy Council;

25 (E) the National Economic Council;

26 (F) the Council of Economic Advisers;

- 1 (G) the Secretary of the Treasury;
- 2 (H) the Secretary of Commerce;
- 3 (I) the Secretary of Labor;
- 4 (J) the Secretary of the Interior;
- 5 (K) the Secretary of Energy; and
- 6 (L) members of the public.

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to carry out
9 this Act such sums as are necessary.

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