

critical bills in many areas, from natural resources to indigenous peoples and beyond.

Many of these bills actually come to us from the Senate and, if passed here, will go on directly to the President, so this is a productive agenda that we have here with every expectation that these bills will advance.

I also want to say, on behalf of the majority, that I fully endorse the ranking member's commendations to the staff that are with us today and in our Natural Resources Committee. He makes an important and vital point. We all appreciate our staff. We are blessed by their service. We are blessed by their expertise, and I would be remiss if I did not say, on behalf of our chair, Chair GRIJALVA, that we all endorse those comments, and I thank him for those very kind comments.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I thank the gentleman from Hawaii for yielding.

Mr. Speaker, I rise today in support of H.R. 1049, the National Heritage Area Act. I thank Chairman GRIJALVA and the staff of the committee for their longtime support and effort here. And I thank Ranking Member BISHOP for recognizing the value of this legislation and working with us on this.

The national heritage areas connect us, and perhaps more importantly, future generations with the voices and places that have shaped who we are as Americans. These sites deliver more than just a significant economic return; they help us reveal the diverse and sometimes hidden gems of our cultural heritage and fill us with a sense of place that brings our complex history to life.

For the first time, this bill establishes a standardized set of criteria for the designation of new national heritage areas and a rigorous process for existing national heritage areas to ensure accountability.

H.R. 1049 has 221 cosponsors, and strong bipartisan, and wide geographic support that speaks to the value of this program locally and nationally. Members recognize what heritage area investment means to their given communities and regions, and similar proposals have been introduced and championed by both the Bush and Obama administrations.

The National Heritage Area, or NHA, program is one of the Department of the Interior's most cost-effective initiatives, relying on public-private partnerships in which every Federal dollar is matched with an average of \$5.50 in other funding.

For my part, I greatly appreciate the good that the Erie Canalway National Heritage Corridor and the Maurice D. Hinchey Hudson River Valley National Heritage Corridor have done for my district and for upstate New York.

I commend the Alliance of National Heritage Areas and the National Parks Conservation Association for their hard work on this critical legislation.

I also want to thank my friends, our former colleague, Charlie Dent, and Congressmembers MCKINLEY and G.T. THOMPSON, for their hard work on this legislation and continued support for heritage areas.

While the ranking member cited staff on both sides, I would endorse that. I also add to the compliments my legislative person, Emily Silverberg, for the outstanding work she has done and her longtime dedication and devotion to the effort.

H.R. 1049 is a bipartisan, common-sense bill, and I urge my colleagues to support this legislation.

The SPEAKER pro tempore. Without objection, the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) will control the balance of the time.

There was no objection.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I rise in strong support of H.R. 1049, the National Heritage Area Act.

Since 1984, the National Heritage Area program has played a vital role in preserving the history, culture and natural beauty of our Nation's most historically and naturally significant communities. It has worked closely with those communities to help make them vibrant and ensure their place as part of the national landscape.

In my home State of Rhode Island, the Blackstone River Valley National Heritage Corridor plays a vital role in preserving the history of communities in Blackstone Valley, the birthplace of the American Industrial Revolution.

In addition to preserving this history, the coordinating entity for the Blackstone Valley Heritage Corridor works hand in hand with the National Park Service to support the continued development of the Blackstone River Valley National Historical Park, which runs from Providence and Pawtucket through Worcester, Massachusetts.

I was proud to lead the House effort to establish this national park in 2014 and look forward to seeing its continued growth and development in close coordination with the Blackstone Heritage Corridor.

The relationship between the Blackstone Heritage Corridor and the Blackstone Valley National Historical Park plays a vital role in telling the story of how America became a prosperous nation through its mills and factories, and the immigrant communities in Rhode Island and Massachusetts that worked in those industries and that helped build the foundation of our country.

The National Heritage Area Act will ensure that this relationship can continue by authorizing funds for heritage areas through 2034 and fostering new opportunities for relationships between heritage areas and the National Park Service to grow.

While the Trump administration has proposed eliminating this critical program year after year, I am grateful for the work of my colleague from New York, Congressman PAUL TONKO, for his leadership on this issue. And I thank Chairman GRIJALVA and the Natural Resources Committee for their efforts to bring this legislation to the floor.

I urge passage of H.R. 1049, to support the National Heritage Area program and to continue preserving our Nation's history and natural beauty.

□ 1730

Mr. CASE. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, H.R. 1049, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### LEECH LAKE BAND OF OJIBWE RESERVATION RESTORATION ACT

Mr. CASE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 199) to provide for the transfer of certain Federal land in the State of Minnesota for the benefit of the Leech Lake Band of Ojibwe.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Leech Lake Band of Ojibwe Reservation Restoration Act".

#### SEC. 2. LEECH LAKE BAND OF OJIBWE RESERVATION RESTORATION.

(a) FINDINGS.—Congress finds that—

(1) the Federal land described in subsection (b)(1) was taken from members of the Leech Lake Band of Ojibwe during a period—

(A) beginning in 1948;

(B) during which the Bureau of Indian Affairs incorrectly interpreted an order of the Secretary of the Interior to mean that the Department of the Interior had the authority to sell tribal allotments without the consent of a majority of the rightful landowners; and

(C) ending in 1959, when the Secretary of the Interior was—

(i) advised that sales described in subparagraph (B) were illegal; and

(ii) ordered to cease conducting those sales;

(2) as a result of the Federal land described in subsection (b)(1) being taken from members of the Leech Lake Band of Ojibwe, the Leech Lake Band of Ojibwe hold the smallest percentage of its original reservation lands of any Ojibwe bands in Minnesota;

(3)(A) the applicable statute of limitations prohibits individuals from pursuing through litigation the return of the land taken as described in paragraph (1); but

(B) a Federal judge ruled that the land could be restored to the affected individuals through the legislative process;

(4) a comprehensive review of the Federal land demonstrated that—

(A) a portion of the Federal land is encumbered by—

- (i) utility easements;
- (ii) rights-of-way for roads; and
- (iii) flowage and reservoir rights; and

(B) there are no known cabins, campgrounds, lodges, or resorts located on any portion of the Federal land; and

(5) on reacquisition by the Tribe of the Federal land, the Tribe—

(A) has pledged to respect the easements, rights-of-way, and other rights described in paragraph (4)(A); and

(B)(i) does not intend immediately to modify the use of the Federal land; but

(ii) will keep the Federal land in tax-exempt fee status as part of the Chippewa National Forest until the Tribe develops a plan that allows for a gradual subdivision of some tracts for economic and residential development by the Tribe.

(b) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the approximately 11,760 acres of Federal land located in the Chippewa National Forest in Cass County, Minnesota, the boundaries of which shall be depicted on the map, and described in the legal description, submitted under subsection (d)(1)(B).

(B) INCLUSIONS.—The term “Federal land” includes—

(i) any improvement located on the Federal land described in subparagraph (A); and

(ii) any appurtenance to the Federal land;

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(3) TRIBE.—The term “Tribe” means the Leech Lake Band of Ojibwe.

(c) TRANSFER TO RESERVATION.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Secretary shall transfer to the administrative jurisdiction of the Secretary of the Interior all right, title, and interest of the United States in and to the Federal land.

(2) TREATMENT.—Effective immediately on the transfer under paragraph (1), the Federal land shall be—

(A) held in trust by the United States for the benefit of the Tribe; and

(B) considered to be a part of the reservation of the Tribe.

(d) SURVEY, MAP, AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 180 days after the date of enactment of this Act, complete a plan of survey to establish the boundaries of the Federal land; and

(B) as soon as practicable after the date of enactment of this Act, submit a map and legal description of the Federal land to—

(i) the Committee on Natural Resources of the House of Representatives; and

(ii) the Committee on Indian Affairs of the Senate.

(2) FORCE AND EFFECT.—The map and legal description submitted under paragraph (1)(B) shall have the same force and effect as if included in this Act, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description submitted under paragraph (1)(B) shall be on file and available for public inspection in the office of the Secretary.

(e) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise expressly provided in this section, nothing in this section affects any right or claim of the Tribe, as in existence on the date of enact-

ment of this Act, to any land or interest in land.

(2) PROHIBITIONS.—

(A) EXPORTS OF UNPROCESSED LOGS.—Federal law (including regulations) relating to the export of unprocessed logs harvested from Federal land shall apply to any unprocessed logs that are harvested from the Federal land.

(B) NON-PERMISSIBLE USE OF LAND.—The Federal land shall not be eligible or used for any gaming activity carried out under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(3) FOREST MANAGEMENT.—Any commercial forestry activity carried out on the Federal land shall be managed in accordance with applicable Federal law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. CASE) and the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. CASE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. CASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 199, the Leech Lake Band of Ojibwe Reservation Restoration Act, introduced by Senator TINA SMITH from Minnesota, directs the Department of Agriculture to transfer approximately 11,760 acres of Federal land in the Chippewa National Forest to the Department of the Interior to be held in trust for the benefit of the Tribe.

The Leech Lake Band of Ojibwe is a federally recognized Tribe with approximately 10,660 members with a reservation located within the National Chippewa Forest in Cass County, Minnesota. The Leech Lake Band has the largest population of all the Minnesota Tribes yet the smallest amount of land available for its use.

Much of the Tribe’s land was lost when many of its members were illegally dispossessed of their land via “secretarial transfers” during the 1950s. Secretarial transfers were a transaction where the Department of the Interior approved the sale or transfer of Tribal land and/or individually owned Indian allotments without the consent of the Tribe or the individual Indian allottees. This practice resulted in the Tribe having insufficient land to meet the current needs of its membership.

The return of the land through S. 199 will assist the Tribe in rebuilding its land base, enable the protection of sacred sites, and allow the construction of housing on some of the tracts near the Tribe’s existing communities.

The Tribe intends to respect all existing easements, rights of way, and

other encumbrances on the land and does not intend to immediately modify the current land uses. Additionally, the land will stay in tax-exempt fee status as part of the Chippewa National Forest until the Tribe develops a plan for future economic and residential use.

I want to especially commend the Tribe for working together with local electric co-ops on a memorandum of understanding regarding some of the last remaining issues so that we could bring the bill before us today in a bipartisan fashion.

I want to also extend sincere appreciation to our colleague from Minnesota (Ms. MCCOLLUM) for introducing the House companion of the legislation, H.R. 733, and for working diligently with the Natural Resources Committee, the Tribe, and the local interests to ensure that passage of this bill could become a reality.

Mr. Speaker, I urge quick adoption of S. 199, and I reserve the balance of my time.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. STAUBER).

Mr. STAUBER. Mr. Speaker, I rise today in support of S. 199, legislation that rights a historic wrong made against a Tribe in my district, the Leech Lake Band of Ojibwe.

Right after I took office, Chairman Jackson and other leaders from the Leech Lake Band approached me with a longstanding issue. In the 1950s, the Secretary of Agriculture claimed land owned by Leech Lake under a dubious administrative transfer, ignoring pleas from the Tribe and upending the Tribal tradition of land ownership.

Landholdings such as these are the foundation of Tribal sovereignty. Therefore, this wrong had to be righted with an act of Congress that transfers the roughly 11,000 acres back from the Agriculture Department to the Leech Lake Band of Ojibwe.

From the first conversation I had with the band, I supported this land exchange. This acreage was taken from Leech Lake and needed to be returned. Unfortunately, the legislation itself was flawed. It lacked any language allowing rural utilities access to long-standing rights of ways and easements to ensure maintenance for power and other services can be performed. It is crucial this transfer is done the right way, meaning electric cooperatives delivering power have the access they need for maintenance.

Therefore, I worked with the band and the rural electric cooperatives to achieve a win-win solution. Through a years-long negotiation, I am happy to see a signed memorandum of understanding between Leech Lake and the cooperatives delivering service in the area, which include Beltrami Electric, Lake Country Power, and Crow Wing Power.

After receiving and reviewing the memorandum to accompany the bill, I supported its passage through the

House Natural Resources Committee. With it now on the House floor, I look forward to its passage and the President signing the Leech Lake Band of Ojibwe Reservation Restoration Act into law.

Mr. CASE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM), who is the principal introducer of the House companion bill.

Ms. McCOLLUM. Mr. Speaker, I thank my classmate from Hawaii, who is overseeing this legislation on the floor today. I thank the chairman of the full committee as well as the sub-committee chair and the members of the Natural Resources Committee for their unanimous support of H.R. 733, the House companion to S. 199, the Leech Lake Band of Ojibwe Reservation Restoration Act.

I want to thank Leech Lake's Tribal leaders personally for entrusting me with the responsibility of advancing this bill as the sponsor in the House and introducing the bill in the way they wanted it to be introduced so that they could have negotiations to move this language forward. I am proud of the ability that we all had in working together to make today a reality and that we will be voting on this final version of the bill.

As I said, it has passed through the Senate, and it passed through the Senate unanimously. I look forward to seeing this legislation signed into law.

Join me in voting today to restore the land that was illegally taken from Tribal nations by the Federal Government during the allotment era. Today we, collectively—the U.S. Congress—have an opportunity to correct a past injustice by returning the land to the Leech Lake Band of Ojibwe that the Federal Government sold without the consent of the rightful owners, to have it returned to them.

Between 1948 and 1955, approximately 17,000 acres were illegally transferred by the Department of the Interior. The bill we are considering today would return more than 11,000 of those acres to the Tribe. The return of this land from the Forest Service is vitally important to the Leech Lake Band. They currently own less than 5 percent of the land—5 percent of the land—within the boundaries of their reservation. This is the smallest percentage of any Minnesota Tribal nations.

The Chippewa National Forest holds over 75 percent of the land within their reservation. Tribal leaders at Leech Lake have worked diligently for many years in partnership with the Chippewa National Forest in Cass County to identify the illegally transferred parcels of land and to build local support for this legislation. They have addressed concerns with the transfer through open dialogue and have created a win-win situation for everyone involved.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CASE. Mr. Speaker, I yield an additional 1 minute to the gentle-

woman from Minnesota (Ms. McCOLLUM).

Ms. McCOLLUM. The chairman of the Leech Lake Band of Ojibwe has sent a letter that describes the injustices that were done when the land was illegally taken from Tribal members and the efforts that have gone into this bill that we will vote on today to create that injustice.

Mr. Speaker, I include this letter in the RECORD.

LEECH LAKE  
BAND OF OJIBWE,

*Cass Lake, MN, November 17, 2020.*

Hon. BETTY MCCOLLUM,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSWOMAN McCOLLUM: I write on behalf of the Leech Lake Band of Ojibwe to express our thanks to you for sponsoring H.R. 733, the Leech Lake Band of Ojibwe Reservation Restoration Act. H.R. 733 will right a historical injustice to the Leech Lake people by restoring 11,760 acres to tribal trust status that the Interior Department illegally transferred out of trust more than 70 years ago.

Previously, former Congressman Rick Nolan introduced a similar bill in the 115th Congress. While the identical companion bill passed the Senate by unanimous consent in December of 2018, it failed to advance in the House of Representatives before the end of the session.

In January of 2019, the Leech Lake Band of Ojibwe asked you to reintroduce the Leech Lake Reservation Restoration Act to the 116th Congress. As the former Co-Chair of the Congressional Native American Caucus, your sponsorship of the bill helped elevate the national importance of this legislation and highlighted the historic injustice of the federal takings of Leech Lake Reservation trust lands.

The Leech Lake Indian Reservation was established through a series of treaties with the United States and presidential executive orders from 1855 to 1874. The initial Leech Lake Reservation consisted of 588,684 acres of the Band's homelands and included the most valuable red and white pine in the region. These treaties and executive orders promised that the reserved lands would be the Band's permanent homeland.

The United States violated these promises through a series of federal laws and policies from 1889 to 1911, moving nearly 530,000 acres of our homelands out of trust status. These federal actions unilaterally sold off large swaths of our Reservation, and separately established what is now the Chippewa National Forest, all without consent of the Band.

In the 1940s and 1950s, the federal government, through unauthorized administrative actions, took approximately 17,000 acres of additional Leech Lake Reservation lands again without consent of the Band or individual tribal landowners. In these agency-to-agency transfers, known as "secretarial transfers", the Interior Department illegally transferred Leech Lake trust lands to the USDA-Forest Service. The Interior Department put a stop to the illegal transfers in 1955 when Department attorneys acknowledged that the actions violated federal law. Lawsuits were filed to restore these lands to trust status in federal courts, but the claims were time barred. As a result, the only means of achieving justice for the Leech Lake Band of Ojibwe is through federal legislation. H.R. 733/S. 199 would restore the portion of these illegal secretarial transfer lands located within Cass County back to the Interior Department to be held in trust for the Band.

The Leech Lake Band of Ojibwe has worked for many years to identify the illegally transferred land parcels, build local support and address any concerns with the bill. When it was clear the only recourse to recover these lands was federal legislation, the Band met on several occasions with leadership of the Chippewa National Forest to discuss the issue and draft the bill. The bill includes language consistent with the U.S. Forest Service's mission to adhere to national and local policies regarding the management of Federal lands. It directs the Secretary to work with the Chippewa National Forest Supervisor and the Band to identify Federal lands in Cass County near concentrations of the Leech Lake population and tribal government facilities to ensure that transferred lands address the immediate needs of the Band and reduce fragmentation of federal land holdings.

In addition, the Band has held several meetings with rural electric co-ops and other utilities that utilize federal lands to ensure the bill would protect rights of way on any transferred lands. Through meeting and open dialogue, we were able to address the concerns of the ROW permittees and ensure that access is maintained not only for citizens of our community relying on these essential utility services, but also for the companies crossing federal lands.

Thanks to the work in addressing concerns with the Leech Lake Reservation Restoration Act, the United States Senate once again passed the identical companion bill to H.R. 733, S. 199, by unanimous consent in June of 2019. Likewise, the House Natural Resources Committee approved the bill by unanimous voice vote on September 30, 2020.

Advancing this bill to final passage in the U.S. House of Representatives will restore a sense of justice that generations of our Leech Lake people have been working to achieve and provide the Leech Lake Band of Ojibwe the necessary land base to combat the housing and homelessness, longstanding problems that have been highlighted as urgent needs by the ongoing COVID-19 pandemic.

The Leech Lake Band of Ojibwe values your friendship and dedication to protecting and preserving tribal sovereignty. We look forward to continuing our work together on this bill and the many other policy issues facing Indian Country and our Nation in these trying times.

Sincerely,

FARON JACKSON, SR.,  
*Chairman.*

Ms. McCOLLUM. Mr. Speaker, restoring this land to the Leech Lake reservation will support Tribal communities while also preserving the area for public recreation. It will allow the Tribe to consistently apply their forest management plan across a greater portion of the reservation. It will also respect all the rights of ways of the utility permits.

It will be good for Leech Lake Band, good for the forest, and good for local communities. And it will be good to correct a historical injustice.

Mr. Speaker, I urge support for S. 199.

Miss GONZÁLEZ-COLÓN of Puerto Rico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as was just explained by my colleague across the aisle, S. 199 would place approximately 11,000 acres of Federal land managed by the U.S. Forest Service into trust for the Leech Lake Band.

The Tribe and the lands that would be held into trust under this bill are located in the Eighth Congressional District, which is represented by Republican Congressman PETE STAUBER. I want to thank Mr. STAUBER for his hard work on this legislation because, without it, we would not be here today.

After the House companion bill, H.R. 733, was introduced by Congresswoman McCOLLUM, it was determined that a number of the parcels affected by the bills had encumbrances, mainly those of public utility co-ops.

This was, again, another bill that was not properly vetted prior to introduction by a Member from this district. I truly believe that, since that time, Congressman STAUBER has been a leader in efforts to bring the Tribe and several utility co-ops together to come to a legal agreement to resolve those issues with these easements.

We have some concerns regarding the enforceability of this document but appreciate the willingness of all parties to seek a consensus. I think that is the important part today, that there is finally a consensus on this issue. That is a policy the Natural Resources Committee majority has little interest in pursuing because, unfortunately, S. 199 does not reflect this improvement in the bill text. Let's hope the parties will continue to act in good faith despite this.

I, again, thank Mr. STAUBER for his efforts and the members of the committee who worked across the aisle to make this happen today. I am pleased he joined our committee during this year. He has been one of the more active members of the committee during his short tenure.

Mr. Speaker, I yield back the balance of my time.

Mr. CASE. Mr. Speaker, I urge my colleagues to support this valuable legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. CASE) that the House suspend the rules and pass the bill, S. 199.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### INDIAN COMMUNITY ECONOMIC ENHANCEMENT ACT OF 2020

Mr. CASE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 212) to amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000, the Buy Indian Act, and the Native American Programs Act of 1974 to provide industry and economic development opportunities to Indian communities, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

S. 212

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Community Economic Enhancement Act of 2020".

#### SEC. 2. FINDINGS.

Congress finds that—

(1)(A) to bring industry and economic development to Indian communities, Indian Tribes must overcome a number of barriers, including—

- (i) geographical location;
- (ii) lack of infrastructure or capacity;
- (iii) lack of sufficient collateral and capital; and

- (iv) regulatory bureaucracy relating to—

- (I) development; and

- (II) access to services provided by the Federal Government; and

- (B) the barriers described in subparagraph (A) often add to the cost of doing business in Indian communities;

- (2) Indian Tribes—

- (A) enact laws and exercise sovereign governmental powers;

- (B) determine policy for the benefit of Tribal members; and

- (C) produce goods and services for consumers;

- (3) the Federal Government has—

- (A) an important government-to-government relationship with Indian Tribes; and

- (B) a role in facilitating healthy and sustainable Tribal economies;

- (4) the input of Indian Tribes in developing Federal policy and programs leads to more meaningful and effective measures to assist Indian Tribes and Indian entrepreneurs in building Tribal economies;

- (5)(A) many components of Tribal infrastructure need significant repair or replacement; and

- (B) access to private capital for projects in Indian communities—

- (i) may not be available; or

- (ii) may come at a higher cost than such access for other projects;

- (6)(A) Federal capital improvement programs, such as those that facilitate tax-exempt bond financing and loan guarantees, are tools that help improve or replace crumbling infrastructure;

- (B) lack of parity in treatment of an Indian Tribe as a governmental entity under Federal tax and certain other regulatory laws impedes, in part, the ability of Indian Tribes to raise capital through issuance of tax-exempt debt, invest as an accredited investor, and benefit from other investment incentives accorded to State and local governmental entities; and

- (C) as a result of the disparity in treatment of Indian Tribes described in subparagraph (B), investors may avoid financing, or demand a premium to finance, projects in Indian communities, making the projects more costly or inaccessible;

- (7) there are a number of Federal loan guarantee programs available to facilitate financing of business, energy, economic, housing, and community development projects in Indian communities, and those programs may support public-private partnerships for infrastructure development, but improvements and support are needed for those programs specific to Indian communities to facilitate more effectively private financing for infrastructure and other urgent development needs; and

- (8)(A) most real property held by Indian Tribes is trust or restricted land that essentially cannot be held as collateral; and

- (B) while creative solutions, such as leasehold mortgages, have been developed in response to the problem identified in subparagraph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to Tribal projects.

graph (A), some solutions remain subject to review and approval by the Bureau of Indian Affairs, adding additional costs and delay to Tribal projects.

#### SEC. 3. NATIVE AMERICAN BUSINESS DEVELOPMENT, TRADE PROMOTION, AND TOURISM ACT OF 2000.

(a) FINDINGS; PURPOSES.—Section 2 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4301) is amended by adding at the end the following:

"(C) APPLICABILITY TO INDIAN-OWNED BUSINESSES.—The findings and purposes in subsections (a) and (b) shall apply to any Indian-owned business governed—

"(1) by Tribal laws regulating trade or commerce on Indian lands; or

"(2) pursuant to section 5 of the Act of August 15, 1876 (19 Stat. 200, chapter 289; 25 U.S.C. 261)."

(b) DEFINITIONS.—Section 3 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4302) is amended—

- (1) by redesignating paragraphs (1) through (6) and paragraphs (7) through (9), as paragraphs (2) through (7) and paragraphs (9) through (11), respectively;

- (2) by inserting before paragraph (2) (as redesignated by paragraph (1)) the following:

- "(1) DIRECTOR.—The term 'Director' means the Director of Native American Business Development appointed pursuant to section 4(a)(2); and

- (3) by inserting after paragraph (7) (as redesignated by paragraph (1)) the following:

- "(8) OFFICE.—The term 'Office' means the Office of Native American Business Development established by section 4(a)(1)."

(c) OFFICE OF NATIVE AMERICAN BUSINESS DEVELOPMENT.—Section 4 of the Native American Business Development, Trade Promotion, and Tourism Act of 2000 (25 U.S.C. 4303) is amended—

- (1) in subsection (a)—

- (A) in paragraph (1)—

- (i) by striking "Department of Commerce" and inserting "Office of the Secretary"; and

- (ii) by striking "(referred to in this Act as the 'Office'))"; and

- (B) in paragraph (2), in the first sentence, by striking "(referred to in this Act as the 'Director'))"; and

- (2) by adding at the end the following:

- "(c) DUTIES OF DIRECTOR.—

- "(1) IN GENERAL.—The Director shall serve as—

- "(A) the program and policy advisor to the Secretary with respect to the trust and governmental relationship between the United States and Indian Tribes; and

- "(B) the point of contact for Indian Tribes, Tribal organizations, and Indians regarding—

- "(i) policies and programs of the Department of Commerce; and

- "(ii) other matters relating to economic development and doing business in Indian lands.

"(2) DEPARTMENTAL COORDINATION.—The Director shall coordinate with all offices and agencies within the Department of Commerce to ensure that each office and agency has an accountable process to ensure—

- "(A) meaningful and timely coordination and assistance, as required by this Act; and

- "(B) consultation with Indian Tribes regarding the policies, programs, assistance, and activities of the offices and agencies.

"(3) OFFICE OPERATIONS.—There are authorized to be appropriated to carry out this section not more than \$2,000,000 for each fiscal year."

(d) INDIAN COMMUNITY DEVELOPMENT INITIATIVES.—The Native American Business Development, Trade Promotion, and Tourism Act of 2000 is amended—