

(9) Secretary

The term “Secretary” means the Secretary of Commerce.

(10) Tribal enterprise

The term “Tribal enterprise” means a commercial activity or business managed or controlled by an Indian Tribe.

(11) Tribal organization

The term “Tribal organization” has the meaning given that term in section 5304(l) of this title.

(Pub. L. 106-464, § 3, Nov. 7, 2000, 114 Stat. 2013; Pub. L. 116-261, § 3(b), (e), Dec. 30, 2020, 134 Stat. 3307, 3311.)

Editorial Notes**AMENDMENTS**

2020—Par. (1). Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (1), could not be executed because the term “tribe” does not appear. See below.

Pub. L. 116-261, § 3(b)(2), added par. (1). Former par. (1) redesignated (2).

Par. (2). Pub. L. 116-261, § 3(e)(3), substituted “Tribal” for “tribal” wherever appearing.

Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (1), was executed by making the substitution in par. (2) in light of the intervening amendment by Pub. L. 116-261, § 3(b)(1), redesignating former par. (1) as (2), to reflect the probable intent of Congress. See below.

Pub. L. 116-261, § 3(b)(1), redesignated par. (1) as (2). Former par. (2) redesignated (3).

Par. (3). Pub. L. 116-261, § 3(b)(1), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Par. (4). Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (4), could not be executed because the term “tribe” does not appear. See below.

Pub. L. 116-261, § 3(b)(1), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Par. (5). Pub. L. 116-261, § 3(b)(1), redesignated par. (4) as (5). Former par. (5) redesignated (6).

Par. (5)(B)(i). Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (4), was executed by making the substitution in par. (5)(B)(i), in light of the intervening amendment by Pub. L. 116-261, § 3(b)(1), redesignating former par. (4) as (5), to reflect the probable intent of Congress. See above.

Par. (6). Pub. L. 116-261, § 3(e)(2), substituted “Tribes” for “tribes”.

Pub. L. 116-261, § 3(e)(1)(B), which directed substitution of “The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’” for “The term ‘Indian tribe’ has the meaning given that term” in par. (6), could not be executed because the phrase “The term ‘Indian tribe’ has the meaning given that term” does not appear. See below.

Pub. L. 116-261, § 3(b)(1), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Par. (7). Pub. L. 116-261, § 3(e)(1)(B), which directed substitution of “The term ‘Indian Tribe’ has the meaning given the term ‘Indian tribe’” for “The term ‘Indian tribe’ has the meaning given that term” in par. (6), was executed by making the substitution in par. (7) in light of the intervening amendment by Pub. L. 116-261, § 3(b)(1), redesignating former par. (6) as (7), to reflect the probable intent of Congress. See below.

Pub. L. 116-261, § 3(b)(1), redesignated par. (6) as (7). Former par. (7) redesignated (9).

Par. (8). Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (8), could not be executed because the term “tribe” does not appear. See below.

Pub. L. 116-261, § 3(b)(3), added par. (8). Former par. (8) redesignated (10).

Par. (9). Pub. L. 116-261, § 3(b)(1), redesignated par. (7) as (9). Former par. (9) redesignated (11).

Par. (10). Pub. L. 116-261, § 3(e)(3), substituted “Tribal” for “tribal”.

Pub. L. 116-261, § 3(e)(1)(A), which directed substitution of “Tribe” for “tribe” in par. (8), was executed by making the substitution in par. (10) in light of the intervening amendment by Pub. L. 116-261, § 3(b)(1), redesignating former par. (8) as (10), to reflect the probable intent of Congress. See below.

Pub. L. 116-261, § 3(b)(1), redesignated par. (8) as (10).

Par. (11). Pub. L. 116-261, § 3(e)(3), substituted “Tribal” for “tribal”.

Pub. L. 116-261, § 3(b)(1), redesignated par. (9) as (11).

§ 4303. Office of Native American Business Development**(a) In general****(1) Establishment**

There is established within the Office of the Secretary an office known as the Office of Native American Business Development.

(2) Director

The Office shall be headed by a Director, appointed by the Secretary, whose title shall be the Director of Native American Business Development. The Director shall be compensated at a rate not to exceed level V of the Executive Schedule under section 5316 of title 5.

(b) Duties of the Secretary**(1) In general**

The Secretary, acting through the Director, shall ensure the coordination of Federal programs that provide assistance, including financial and technical assistance, to eligible entities for increased business, the expansion of trade by eligible entities, and economic development on Indian lands.

(2) Interagency coordination

The Secretary, acting through the Director, shall coordinate Federal programs relating to Indian economic development, including any such program of the Department of the Interior, the Small Business Administration, the Department of Labor, or any other Federal agency charged with Indian economic development responsibilities.

(3) Activities

In carrying out the duties described in paragraph (1), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

(A) Federal programs designed to provide legal, accounting, or financial assistance to eligible entities;

(B) market surveys;

(C) the development of promotional materials;

(D) the financing of business development seminars;

(E) the facilitation of marketing;

(F) the participation of appropriate Federal agencies or eligible entities in trade fairs;

(G) any activity that is not described in subparagraphs (A) through (F) that is related to the development of appropriate markets; and

(H) any other activity that the Secretary, in consultation with the Director, determines to be appropriate to carry out this section.

(4) Assistance

In conjunction with the activities described in paragraph (3), the Secretary, acting through the Director, shall provide—

(A) financial assistance, technical assistance, and administrative services to eligible entities to assist those entities with—

- (i) identifying and taking advantage of business development opportunities; and
- (ii) compliance with appropriate laws and regulatory practices; and

(B) such other assistance as the Secretary, in consultation with the Director, determines to be necessary for the development of business opportunities for eligible entities to enhance the economies of Indian Tribes.

(5) Priorities

In carrying out the duties and activities described in paragraphs (3) and (4), the Secretary, acting through the Director, shall give priority to activities that—

- (A) provide the greatest degree of economic benefits to Indians; and
- (B) foster long-term stable economies of Indian Tribes.

(6) Prohibition

The Secretary may not provide under this section assistance for any activity related to the operation of a gaming activity on Indian lands pursuant to the Indian Gaming Regulatory Act [25 U.S.C. 2701 et seq.].

(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 chapter; 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.

(Pub. L. 106-464, § 4, Nov. 7, 2000, 114 Stat. 2015; Pub. L. 116-261, § 3(c), (e)(2), Dec. 30, 2020, 134 Stat. 3308, 3311.)

Editorial Notes

REFERENCES IN TEXT

The Indian Gaming Regulatory Act, referred to in subsec. (b)(6), is Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, as amended, which is classified principally to chapter 29 (§2701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

AMENDMENTS

2020—Subsec. (a)(1). Pub. L. 116-261, § 3(c)(1)(A), substituted “Office of the Secretary” for “Department of Commerce” and struck out “(referred to in this chapter as the ‘Office’)” before period at end.

Subsec. (a)(2). Pub. L. 116-261, § 3(c)(1)(B), struck out “(referred to in this chapter as the ‘Director’)” after “Development”.

Subsec. (b)(4)(B), (5)(B). Pub. L. 116-261, § 3(e)(2), substituted “Tribes” for “tribes”.

Subsec. (c). Pub. L. 116-261, § 3(c)(2), added subsec. (c).

§ 4304. Native American trade and export promotion

(a) In general

The Secretary, acting through the Director, shall carry out a Native American export and trade promotion program (referred to in this section as the “program”).

(b) Coordination of Federal programs and services

In carrying out the program, the Secretary, acting through the Director, and in cooperation with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

- (1) develop the economies of Indian Tribes; and
- (2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) Activities

In carrying out the duties described in subsection (b), the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

- (1) Federal programs designed to provide technical or financial assistance to eligible entities;
- (2) the development of promotional materials;
- (3) the financing of appropriate trade missions;
- (4) the marketing of Indian goods and services;
- (5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and
- (6) any other activity related to the development of markets for Indian goods and services.

(d) Technical assistance

In conjunction with the activities described in subsection (c), the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

- (1) the identification of appropriate markets for Indian goods and services;
- (2) entering the markets referred to in paragraph (1);