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To provide for business development and trade promotion for Native Americans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 1998

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To provide for business development and trade promotion for Native Americans, 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 Busi-
5 ness Development, Trade Promotion, and Tourism Act of
6 1998”.

7 **SEC. 2. FINDINGS; PURPOSES.**

8 (a) FINDINGS.—Congress finds that—

9 (1) clause 3 of section 8 of article I of the
10 United States Constitution recognizes the special re-

1 relationship between the United States and Indian
2 tribes;

3 (2) beginning in 1970, with the inauguration by
4 the Nixon Administration, of the Indian self-deter-
5 mination era of the Federal Government, each Presi-
6 dent has confirmed the special government-to-gov-
7 ernment relationship between Indian tribes and the
8 United States;

9 (3) in 1994, President Clinton issued an Execu-
10 tive memorandum to the heads of departments and
11 agencies that obligated all Federal departments and
12 agencies, particularly those that have an impact on
13 economic development, to evaluate the potential im-
14 pacts of their actions on Indian tribes;

15 (4) consistent with the principles of inherent
16 tribal sovereignty and the special relationship be-
17 tween Indian tribes and the United States, tribes re-
18 tain the right to enter into contracts and agreements
19 to trade freely, and seek enforcement of treaty and
20 trade rights;

21 (5) Congress has carried out the responsibility
22 of the United States for the protection and preserva-
23 tion of Indian tribes and the resources of Indian
24 tribes through the endorsement of treaties, and the

1 enactment of other laws, including laws that provide
2 for the exercise of administrative authorities;

3 (6) the United States has an obligation to
4 guard and preserve the sovereignty of Indian tribes
5 in order to foster strong tribal governments, Indian
6 self-determination, and economic self-sufficiency
7 among Indian tribes;

8 (7) the capacity of Indian tribes to build strong
9 tribal governments and vigorous economies is hin-
10 dered by the inability of Indian tribes to engage
11 communities that surround Indian lands and outside
12 investors in economic activities on Indian lands;

13 (8) despite the availability of abundant natural
14 resources on Indian lands and a rich cultural legacy
15 that accords great value to self-determination, self-
16 reliance, and independence, American Indians and
17 Alaska Natives suffer higher rates of unemployment,
18 poverty, poor health, substandard housing, and asso-
19 ciated social ills than those of any other group in the
20 United States;

21 (9) the United States has an obligation to as-
22 sist Indian tribes with the creation of appropriate
23 economic and political conditions with respect to In-
24 dian lands to—

1 (A) encourage investment from outside
2 sources that do not originate with the tribes;
3 and

4 (B) facilitate economic ventures with out-
5 side entities that are not tribal entities;

6 (10) the economic success and material well-
7 being of American Indian and Alaska Native com-
8 munities depends on the combined efforts of the
9 Federal Government, tribal governments, the private
10 sector, and individuals;

11 (11) the lack of employment and entrepreneur-
12 ial opportunities in the communities referred to in
13 paragraph (8) has resulted in a multigenerational
14 dependence on Federal assistance that is—

15 (A) insufficient to address the magnitude
16 of needs; and

17 (B) unreliable in availability; and

18 (12) the twin goals of economic self-sufficiency
19 and political self-determination for American Indians
20 and Alaska Natives can best be served by making
21 available to address the challenges faced by those
22 groups—

23 (A) the resources of the private market;

24 (B) adequate capital; and

25 (C) technical expertise.

1 (b) PURPOSES.—The purposes of this Act are as fol-
2 lows:

3 (1) To revitalize economically and physically
4 distressed Indian reservation economies by—

5 (A) encouraging the formation of new busi-
6 nesses by eligible entities, the expansion of ex-
7 isting businesses; and

8 (B) facilitating the movement of goods to
9 and from Indian reservations and the provision
10 of services by Indians.

11 (2) To promote private investment in the econo-
12 mies of Indian tribes and to encourage the sustain-
13 able development of resources of Indian tribes and
14 tribal and Indian-owned businesses.

15 (3) To promote the long-range sustained growth
16 of the economies of Indian tribes.

17 (4) To raise incomes of Indians in order to re-
18 duce poverty levels and provide the means for
19 achieving a higher standard of living on Indian res-
20 ervations.

21 (5) To encourage intertribal, regional, and
22 international trade and business development in
23 order to assist in increasing productivity and the
24 standard of living of members of Indian tribes and

1 improving the economic self-sufficiency of the gov-
2 erning bodies of Indian tribes.

3 (6) To promote economic self-sufficiency and
4 political self-determination for Indian tribes and
5 members of Indian tribes.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

8 (1) BOARD.—The term “Board” has the mean-
9 ing given that term in the first section of the Act
10 entitled “To provide for the establishment, oper-
11 ation, and maintenance of foreign-trade zones in
12 ports of entry in the United States, to expedite and
13 encourage foreign commerce, and for other pur-
14 poses”, approved June 18, 1934 (19 U.S.C. 81a).

15 (2) ELIGIBLE ENTITY.—The term “eligible en-
16 tity” means an Indian tribe, tribal organization, In-
17 dian arts and crafts organization, tribal enterprise,
18 tribal marketing cooperative, or Indian-owned busi-
19 ness.

20 (3) FEDERAL AGENCY.—The term “Federal
21 agency” means an agency, as that term is defined
22 in section 551(1) of title 5, United States Code.

23 (4) FOUNDATION.—The term “Foundation”
24 means the Rural Development Foundation.

1 (5) INDIAN.—The term “Indian” has the mean-
2 ing given that term in section 4(d) of the Indian
3 Self-Determination and Education Assistance Act
4 (25 U.S.C. 450b(d)).

5 (6) INDIAN ARTS AND CRAFTS ORGANIZA-
6 TION.—The term “Indian arts and crafts organiza-
7 tion” has the meaning given that term under section
8 2 of the Act of August 27, 1935 (49 Stat. 891,
9 chapter 748; 25 U.S.C. 305a).

10 (7) INDIAN GOODS AND SERVICES.—The term
11 “Indian goods and services” means—

12 (A) Indian goods, within the meaning of
13 section 2 of the Act of August 27, 1935 (com-
14 monly known as the “Indian Arts and Crafts
15 Act”) (49 Stat. 891, chapter 748; 25 U.S.C.
16 305a);

17 (B) goods produced or originating within
18 an eligible entity; and

19 (C) services provided by eligible entities.

20 (8) INDIAN LANDS.—The term “Indian lands”
21 has the meaning given that term in section 4(4) of
22 the Indian Gaming Regulatory Act (25 U.S.C.
23 2703(4)).

24 (9) INDIAN-OWNED BUSINESS.—The term “In-
25 dian-owned business” means an entity organized for

1 the conduct of trade or commerce with respect to
2 which at least 50 percent of the property interests
3 of the entity are owned by Indians or Indian tribes
4 (or a combination thereof).

5 (10) INDIAN TRIBE.—The term “Indian tribe”
6 has the meaning given that term in section 4(e) of
7 the Indian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 450b(e)).

9 (11) SECRETARY.—The term “Secretary”
10 means the Secretary of Commerce.

11 (12) TRIBAL ENTERPRISE.—The term “tribal
12 enterprise” means a commercial activity or business
13 managed or controlled by an Indian tribe.

14 (13) TRIBAL MARKETING COOPERATIVE.—The
15 term “tribal marketing cooperative” shall have the
16 meaning given that term by the Secretary, in con-
17 sultation with the Secretary of the Interior.

18 (14) TRIBAL ORGANIZATION.—The term “tribal
19 organization” has the meaning given that term in
20 section 4(l) of the Indian Self-Determination and
21 Education Assistance Act (25 U.S.C. 450b(l)).

1 **TITLE I—TASK FORCE ON REGU-**
2 **LATORY REFORM AND BUSI-**
3 **NESS DEVELOPMENT**

4 **SEC. 101. ESTABLISHMENT OF TASK FORCE.**

5 (a) **IN GENERAL.**—In order to identify and subse-
6 quently remove obstacles to the business development and
7 the creation of wealth in the economies of Indian reserva-
8 tions, the Secretary, in consultation with the Secretary of
9 the Interior and other officials whom the Secretary deter-
10 mines to be appropriate, shall, not later than 90 days after
11 the date of enactment of this Act, establish a task force
12 on regulatory reform and business development in Indian
13 country (referred to in this title as the “task force”).

14 (b) **MEMBERSHIP.**—The task force established under
15 this section shall be composed of 16 members, of which
16 12 members shall be representatives of the Indian tribes
17 from the areas of the Bureau of Indian Affairs and each
18 such area shall be represented by such a representative.

19 (c) **INITIAL MEETING.**—Not later than 120 days
20 after the date of enactment of this Act, the task force shall
21 hold its initial meeting.

22 (d) **REVIEW.**—Beginning on the date of the initial
23 meeting under subsection (b), the task force shall conduct
24 a review of laws relating to activities occurring on Indian

1 lands (including regulations under title 25 of the Code of
2 Federal Regulations).

3 (e) MEETINGS.—The task force shall meet at the call
4 of the chairperson.

5 (f) QUORUM.—A majority of the members of the task
6 force shall constitute a quorum, but a lesser number of
7 members may hold hearings.

8 (g) CHAIRPERSON.—The task force shall select a
9 chairperson from among its members.

10 **SEC. 102. REPORT.**

11 Not later than 1 year after the date of enactment
12 of this Act, the task force shall prepare and submit to
13 the Committee on Indian Affairs in the Senate, and the
14 Committee on Resources in the House of Representatives,
15 and to the governing body of each Indian tribe a report
16 that includes—

17 (1) the findings of the task force concerning the
18 review conducted pursuant to section 101(d); and

19 (2) such recommendations concerning the pro-
20 posed revisions to the regulations under title 25 of
21 the Code of Federal Regulations and amendments to
22 other laws relating to activities occurring on Indian
23 lands as the task force determines to be appropriate.

1 **SEC. 103. POWERS OF THE TASK FORCE.**

2 (a) HEARINGS.—The task force may hold such hear-
3 ings, sit and act at such times and places, take such testi-
4 mony, and receive such evidence as the task force consid-
5 ers advisable to carry out the duties of the task force.

6 (b) INFORMATION FROM FEDERAL AGENCIES.—The
7 task force may secure directly from any Federal depart-
8 ment or agency such information as the task force consid-
9 ers necessary to carry out the duties of the task force.

10 (c) POSTAL SERVICES.—The task force may use the
11 United States mails in the same manner and under the
12 same conditions as other departments and agencies of the
13 Federal Government.

14 (d) GIFTS.—The task force may accept, use, and dis-
15 pose of gifts or donations of services or property.

16 **SEC. 104. TASK FORCE PERSONNEL MATTERS.**

17 (a) COMPENSATION OF MEMBERS.—Members of the
18 task force who are not officers or employees of the Federal
19 Government shall serve without compensation, except for
20 travel expenses, as provided under subsection (b). Mem-
21 bers of the task force who are officers or employees of
22 the United States shall serve without compensation in ad-
23 dition to that received for their services as officers or em-
24 ployees of the United States.

25 (b) TRAVEL EXPENSES.—The members of the task
26 force shall be allowed travel expenses, including per diem

1 in lieu of subsistence, at rates authorized for employees
2 of agencies under subchapter I of chapter 57 of title 5,
3 United States Code, while away from their homes or regu-
4 lar places of business in the performance of services for
5 the task force.

6 (c) STAFF.—

7 (1) IN GENERAL.—The chairperson of the task
8 force may, without regard to the civil service laws,
9 appoint and terminate such personnel as may be
10 necessary to enable the task force to perform its du-
11 ties.

12 (2) PROCUREMENT OF TEMPORARY AND INTER-
13 MITTENT SERVICES.—The chairperson of the task
14 force may procure temporary and intermittent serv-
15 ice under section 3109(b) of title 5, United States
16 Code, at rates for individuals that do not exceed the
17 daily equivalent of the annual rate of basic pay pre-
18 scribed under GS–13 of the General Schedule estab-
19 lished under section 5332 of title 5, United States
20 Code.

21 **SEC. 105. TERMINATION OF TASK FORCE.**

22 The task force shall terminate 90 days after the date
23 on which the task force has submitted, to the committees
24 of Congress specified in section 102, and to the governing

1 body of each Indian tribe, a copy of the report prepared
2 under that section.

3 **SEC. 106. EXEMPTION FROM FEDERAL ADVISORY COMMIT-**
4 **TEE ACT.**

5 All of the activities of the task force conducted under
6 this title shall be exempt from the Federal Advisory Com-
7 mittee Act (5 U.S.C. App.).

8 **TITLE II—NATIVE AMERICAN**
9 **BUSINESS DEVELOPMENT**

10 **SEC. 201. OFFICE OF NATIVE AMERICAN BUSINESS DEVEL-**
11 **OPMENT.**

12 (a) IN GENERAL.—

13 (1) ESTABLISHMENT.—There is established
14 within the Department of Commerce an office
15 known as the Office of Native American Business
16 Development (referred to in this title as the “Of-
17 fice”).

18 (2) DIRECTOR.—The Office shall be headed by
19 a Director, appointed by the Secretary, whose title
20 shall be the Director of Native American Business
21 Development (referred to in this title as the “Direc-
22 tor”). The Director shall be compensated at a rate
23 not to exceed level V of the Executive Schedule
24 under section 5316 of title 5, United States Code.

25 (b) DUTIES OF THE SECRETARY.—

1 (1) IN GENERAL.—The Secretary, acting
2 through the Director, shall ensure the coordination
3 of Federal programs that provide assistance, includ-
4 ing financial and technical assistance, to eligible en-
5 tities for increased business, the expansion of trade
6 by eligible entities, and economic development on In-
7 dian lands.

8 (2) ACTIVITIES.—In carrying out the duties de-
9 scribed in paragraph (1), the Secretary, acting
10 through the Director, shall ensure the coordination
11 of, or, as appropriate, carry out—

12 (A) Federal programs designed to provide
13 legal, accounting, or financial assistance to eli-
14 gible entities;

15 (B) market surveys;

16 (C) the development of promotional mate-
17 rials;

18 (D) the financing of business development
19 seminars;

20 (E) the facilitation of marketing;

21 (F) the participation of appropriate Fed-
22 eral agencies or eligible entities in trade fairs;

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

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

4 (3) ASSISTANCE.—In conjunction with the ac-
5 tivities described in paragraph (2), the Secretary,
6 acting through the Director, shall provide—

7 (A) financial assistance, technical assist-
8 ance, and administrative services to eligible en-
9 tities to assist those entities with—

10 (i) identifying and taking advantage
11 of business development opportunities; and

12 (ii) compliance with appropriate laws
13 and regulatory practices; and

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

19 (4) PRIORITIES.—In carrying out the duties
20 and activities described in paragraphs (2) and (3),
21 the Secretary, acting through the Director, shall give
22 priority to activities that—

23 (A) provide the greatest degree of eco-
24 nomic benefits to Indians; and

1 (B) foster long-term stable economies of
2 Indian tribes.

3 (5) PROHIBITION.—The Secretary may not pro-
4 vide under this section assistance for any activity re-
5 lated to the operation of a gaming activity on Indian
6 lands pursuant to the Indian Gaming Regulatory
7 Act (25 U.S.C. 2710 et seq.).

8 **SEC. 202. NATIVE AMERICAN TRADE AND EXPORT PRO-**
9 **MOTION.**

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

14 (b) COORDINATION OF FEDERAL PROGRAMS AND
15 SERVICES.—In carrying out the program, the Secretary,
16 acting through the Director, and in cooperation with the
17 heads of appropriate Federal agencies, shall ensure the co-
18 ordination of Federal programs and services designed to—

19 (1) develop the economies of Indian tribes; and

20 (2) stimulate the demand for Indian goods and
21 services that are available to eligible entities.

22 (c) ACTIVITIES.—In carrying out the duties described
23 in subsection (b), the Secretary, acting through the Direc-
24 tor, shall ensure the coordination of, or, as appropriate,
25 carry out—

1 (1) Federal programs designed to provide tech-
2 nical or financial assistance to eligible entities;

3 (2) the development of promotional materials;

4 (3) the financing of appropriate trade missions;

5 (4) the marketing of Indian goods and services;

6 (5) the participation of appropriate Federal
7 agencies or eligible entities in international trade
8 fairs; and

9 (6) any other activity related to the develop-
10 ment of markets for Indian goods and services.

11 (d) TECHNICAL ASSISTANCE.—In conjunction with
12 the activities described in subsection (c), the Secretary,
13 acting through the Director, shall provide technical assist-
14 ance and administrative services to eligible entities to as-
15 sist those entities with—

16 (1) the identification of appropriate markets for
17 Indian goods and services;

18 (2) entering the markets referred to in para-
19 graph (1);

20 (3) compliance with foreign or domestic laws
21 and practices with respect to financial institutions
22 with respect to the export and import of Indian
23 goods and services; and

1 (4) entering into financial arrangements to pro-
2 vide for the export and import of Indian goods and
3 services.

4 (e) PRIORITIES.—In carrying out the duties and ac-
5 tivities described in subsections (b) and (c), the Secretary,
6 acting through the Director, shall give priority to activities
7 that—

8 (1) provide the greatest degree of economic ben-
9 efits to Indians; and

10 (2) foster long-term stable international mar-
11 kets for Indian goods and services.

12 **SEC. 203. INTERTRIBAL TOURISM DEMONSTRATION**
13 **PROJECTS.**

14 (a) IN GENERAL.—

15 (1) DEMONSTRATION PROJECTS.—The Sec-
16 retary, acting through the Director, shall conduct a
17 Native American tourism program to facilitate the
18 development and conduct of tourism demonstration
19 projects by Indian tribes, on a tribal, intertribal, or
20 regional basis.

21 (2) PROJECTS.—

22 (A) IN GENERAL.—Under the program es-
23 tablished under this section, in order to assist
24 in the development and promotion of tourism
25 on and in the vicinity of Indian lands, the Sec-

1 retary, acting through the Director, shall, in co-
2 ordination with the Foundation, assist eligible
3 entities in the planning, development, and im-
4 plementation of tourism development dem-
5 onstration projects that meet the criteria de-
6 scribed in subparagraph (B).

7 (B) PROJECTS DESCRIBED.—In selecting
8 tourism development demonstration projects
9 under this section, the Secretary, acting
10 through the Director, shall select projects that
11 have the potential to increase travel and tour-
12 ism revenues by attracting visitors to Indian
13 lands and in the vicinity of Indian lands, in-
14 cluding projects that provide for—

15 (i) the development and distribution
16 of educational and promotional materials
17 pertaining to attractions located on and
18 near Indian lands;

19 (ii) the development of educational re-
20 sources to assist in private and public tour-
21 ism development on and in the vicinity of
22 Indian lands; and

23 (iii) the coordination of tourism-relat-
24 ed joint ventures and cooperative efforts
25 between eligible entities and appropriate

1 State and local governments that have ju-
2 risdiction over areas in the vicinity of In-
3 dian lands.

4 (3) GRANTS.—To carry out the program under
5 this section, the Secretary, acting through the Direc-
6 tor, may award grants or enter into other appro-
7 priate arrangements with Indian tribes, tribal orga-
8 nizations, intertribal consortia, or other tribal enti-
9 ties that the Secretary, in consultation with the Di-
10 rector, determines to be appropriate.

11 (4) LOCATIONS.—In providing for tourism de-
12 velopment demonstration projects under the pro-
13 gram under this section, the Secretary, acting
14 through the Director, shall provide for a demonstra-
15 tion project to be conducted—

16 (A) for Indians of the Four Corners area
17 located in the area adjacent to the border be-
18 tween Arizona, Utah, Colorado, and New Mex-
19 ico;

20 (B) for Indians of the northwestern area
21 that is commonly known as the Great North-
22 west (as determined by the Secretary);

23 (C) for the Oklahoma Indians in Okla-
24 homa; and

1 (D) for the Indians of the Great Plains
2 area (as determined by the Secretary).

3 (b) STUDIES.—The Secretary, acting through the Di-
4 rector, shall provide financial assistance, technical assist-
5 ance, and administrative services to participants that the
6 Secretary, acting through the Director, selects to carry out
7 a tourism development project under this section, with re-
8 spect to—

9 (1) feasibility studies conducted as part of that
10 project;

11 (2) market analyses;

12 (3) participation in tourism and trade missions;

13 and

14 (4) any other activity that the Secretary, in
15 consultation with the Director, determines to be ap-
16 propriate to carry out this section.

17 (c) INFRASTRUCTURE DEVELOPMENT.—The dem-
18 onstration projects conducted under this section shall in-
19 clude provisions to facilitate the development and financ-
20 ing of infrastructure, including the development of Indian
21 reservation roads in a manner consistent with title 23,
22 United States Code.

23 **SEC. 204. REPORT TO CONGRESS.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and annually thereafter,

1 the Secretary, in consultation with the Director, shall pre-
2 pare and submit to the Committee on Indian Affairs of
3 the Senate a report on the operation of the Office.

4 (b) CONTENTS OF REPORT.—Each report prepared
5 under subsection (a) shall include—

6 (1) for the period covered by the report, a sum-
7 mary of the activities conducted by the Secretary,
8 acting through the Director, in carrying out this
9 title; and

10 (2) any recommendations for legislation that
11 the Secretary, in consultation with the Director, de-
12 termines to be necessary to carry out this title.

13 **SEC. 205. FOREIGN-TRADE ZONE PREFERENCES.**

14 (a) PREFERENCE IN ESTABLISHMENT OF FOREIGN-
15 TRADE ZONES IN INDIAN ENTERPRISE ZONES.—In proc-
16 essing applications for the establishment of foreign-trade
17 zones pursuant to the Act entitled “To provide for the es-
18 tablishment, operation, and maintenance of foreign-trade
19 zones in ports of entry of the United States, to expedite
20 and encourage foreign commerce, and for other purposes”,
21 approved June 18, 1934 (19 U.S.C. 81a et seq.), the
22 Board shall consider, on a priority basis, and expedite, to
23 the maximum extent practicable, the processing of any ap-
24 plication involving the establishment of a foreign-trade
25 zone on Indian lands, including any Indian lands des-

1 ignated as an empowerment zone or enterprise community
2 pursuant to section 1391 of the Internal Revenue Code
3 of 1986.

4 (b) APPLICATION PROCEDURE.—In processing appli-
5 cations for the establishment of ports of entry pursuant
6 to the Act entitled “An Act making appropriations for
7 sundry civil expenses of the Government for the fiscal year
8 ending June thirtieth, nineteen hundred and fifteen, and
9 for other purposes”, approved August 1, 1914 (19 U.S.C.
10 2), the Secretary of the Treasury shall, with respect to
11 any application involving the establishment of a port of
12 entry that is necessary to permit the establishment of a
13 foreign-trade zone on Indian lands—

14 (1) consider on a priority basis; and

15 (2) expedite, to the maximum extent prac-
16 ticable, the processing of that application.

17 (c) APPLICATION EVALUATION.—In evaluating appli-
18 cations for the establishment of foreign-trade zones and
19 ports of entry in connection with Indian lands, to the max-
20 imum extent practicable and consistent with applicable
21 law, the Board and Secretary of the Treasury shall ap-
22 prove the applications.

○