

places, take such testimony, and receive such evidence as the Commission considers to be advisable to carry out the duties of the Commission under this section, except that the Commission shall hold not less than 5 hearings in Native communities.

(B) **PUBLIC REQUIREMENT.**—The hearings of the Commission under this paragraph shall be open to the public.

(2) **WITNESS EXPENSES.**—

(A) **IN GENERAL.**—A witness requested to appear before the Commission shall be paid the same fees and allowances as are paid to witnesses under section 1821 of title 28, United States Code.

(B) **PER DIEM AND MILEAGE.**—The fees and allowances for a witness shall be paid from funds made available to the Commission.

(3) **INFORMATION FROM FEDERAL, TRIBAL, AND STATE AGENCIES.**—

(A) **IN GENERAL.**—The Commission may secure directly from a Federal agency such information as the Commission considers to be necessary to carry out this section.

(B) **TRIBAL AND STATE AGENCIES.**—The Commission may request the head of any tribal or State agency to provide to the Commission such information as the Commission considers to be necessary to carry out this Act.

(4) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(5) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property related to the purpose of the Commission.

(h) **COMMISSION PERSONNEL MATTERS.**—

(1) **TRAVEL EXPENSES.**—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(2) **DETAIL OF FEDERAL EMPLOYEES.**—

(A) **IN GENERAL.**—On the affirmative vote of 2/3 of the members of the Commission—

(i) the Attorney General, the Secretary, the Secretary of Education, and the Secretary of the Health and Human Services shall each detail, without reimbursement, 1 or more employees of the Department of Justice, the Department of the Interior, the Department of Education, and the Department of Health and Human Services; and

(ii) with the approval of the appropriate Federal agency head, an employee of any other Federal agency may be, without reimbursement, detailed to the Commission.

(B) **EFFECT ON DETAILEES.**—Detail under this paragraph shall be without interruption or loss of civil service status, benefits, or privileges.

(3) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—

(A) **IN GENERAL.**—On request of the Commission, the Attorney General shall provide to the Commission, on a reimbursable basis, reasonable and appropriate office space, supplies, and administrative assistance.

(B) **NO REQUIREMENT FOR PHYSICAL FACILITIES.**—The Administrator of General Services shall not be required to locate a permanent, physical office space for the operation of the Commission.

(4) **MEMBERS NOT FEDERAL EMPLOYEES.**—No member of the Commission, the Native Advisory Committee, or the Native Children Subcommittee shall be considered to be a Federal employee.

(i) **TERMINATION OF COMMISSION.**—The Commission shall terminate 90 days after the date on which the Commission submits the report under subsection (f).

(j) **NONAPPLICABILITY OF FACA.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission, the Native Advisory Committee, or the Native Children Subcommittee.

(k) **EFFECT.**—This Act shall not be construed to recognize or establish a government-to-government relationship with—

(1) any entity not recognized on or before the date of enactment of this Act by the Federal Government through an Act of Congress, Executive action, judicial decree, or any other action; or

(2) any entity not included in the list authorized pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from American Samoa (Mrs. RADEWAGEN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from American Samoa.

GENERAL LEAVE

Mrs. RADEWAGEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from American Samoa?

There was no objection.

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

I rise today in support of S. 246, the Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act. This bill would establish a commission in the Office of Tribal Justice at the Department of Justice. The commission would be composed of 11 members appointed by the President and congressional leadership. Each commissioner would be required to have significant expertise in Indian affairs, healthcare issues facing Native children, Indian education, juvenile justice programs focused on reducing incarceration and recidivism, and social services programs used by Native children.

□ 1645

The commission would report to Congress and to the President with legislative and administrative recommendations for improving support for mental and physical health and increased educational opportunities for Native children.

Protecting Native children and providing safe and supportive communities has always been a top priority identified by tribal leaders, yet the lack of sufficient coordinated research on the full scope of the causes, existing issues, and challenges inhibits the Federal and tribal governments from developing appropriate tailored programs to deliver the most efficient and targeted services to Native children.

S. 246 is a companion bill to H.R. 2751, sponsored by the gentlewoman from Minnesota (Ms. MCCOLLUM). I urge adoption of S. 246.

I reserve the balance of my time.

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

The studies indicate that Native youth experience significantly more

challenges in virtually every aspect of their development from birth to adolescence than any other population. Native infants experience higher infant mortality rates than those of other racial or ethnic groups. Native children are overrepresented in foster care, at more than 2.1 times the general population, and 37 percent of Native children live in poverty.

Finally, it is most troubling that Native youth face a higher risk and rate of premature death than other youth. In fact, suicide is the second leading cause of death, 2.5 times the national rate, for Native youth in the 15 to 24 age group.

We need to take a comprehensive look at the health and well-being of Native children and to find the root causes of and real solutions to the problems and issues that are leading to these disturbing trends. This is why I wholeheartedly support S. 246 and the establishment of the Alyce Spotted Bear and Walter Soboleff Commission on Native Children.

The commission will be comprised of experts in the areas of juvenile justice, social work, education, and mental and physical health, working alongside a Native advisory committee composed of Native tribal representatives. They will conduct a comprehensive study of current Federal and local programs, grants, and support available for Native communities and children, and will report our recommendations for legislative and administrative actions and modifications and improvements to better serve our Native children.

I want to thank Senator HEITKAMP for introducing this important legislation and for tirelessly advocating for the creation of this commission. I also want to thank the gentlewoman from Minnesota (Ms. MCCOLLUM) for championing the House version of the bill, H.R. 2751.

Mr. Speaker, I know that the Alyce Spotted Bear and Walter Soboleff Commission on Native Children will be successful in its endeavor, and I encourage my colleagues to swiftly adopt this legislation. Native children cannot wait any longer.

I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN) that the House suspend the rules and pass the bill, S. 246, 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.

#### NATIVE AMERICAN TOURISM AND IMPROVING VISITOR EXPERIENCE ACT

Mrs. RADEWAGEN. Mr. Speaker, I move to suspend the rules and pass the

bill (S. 1579) to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1579

*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 “Native American Tourism and Improving Visitor Experience Act” or the “NATIVE Act”.

#### SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to enhance and integrate Native American tourism—

(A) to empower Native American communities; and

(B) to advance the National Travel and Tourism Strategy;

(2) to increase coordination and collaboration between Federal tourism assets to support Native American tourism and bolster recreational travel and tourism;

(3) to expand heritage and cultural tourism opportunities in the United States to spur economic development, create jobs, and increase tourism revenues;

(4) to enhance and improve self-determination and self-governance capabilities in the Native American community and to promote greater self-sufficiency;

(5) to encourage Indian tribes, tribal organizations, and Native Hawaiian organizations to engage more fully in Native American tourism activities to increase visitation to rural and remote areas in the United States that are too difficult to access or are unknown to domestic travelers and international tourists;

(6) to provide grants, loans, and technical assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations that will—

(A) spur important infrastructure development;

(B) increase tourism capacity; and

(C) elevate living standards in Native American communities; and

(7) to support the development of technologically innovative projects that will incorporate recreational travel and tourism information and data from Federal assets to improve the visitor experience.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term “agency” has the meaning given the term in section 551 of title 5, United States Code.

(2) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) NATIVE HAWAIIAN ORGANIZATION.—The term “Native Hawaiian organization” means a nonprofit organization—

(A) that serves the interests of Native Hawaiians;

(B) in which Native Hawaiians serve in substantive and policymaking positions; and

(C) that is recognized for having expertise in Native Hawaiian culture and heritage, including tourism.

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

#### SEC. 4. INTEGRATING FEDERAL TOURISM ASSETS TO STRENGTHEN NATIVE TOURISM OPPORTUNITIES.

(a) SECRETARY OF COMMERCE AND SECRETARY OF THE INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall update the respective management plans and tourism initiatives of the Department of Commerce and the Department of the Interior to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

(b) OTHER AGENCIES.—The head of each agency that has recreational travel or tourism functions or complementary programs shall update the respective management plans and tourism strategies of the agency to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

(c) NATIVE AMERICAN TOURISM PLANS.—

(1) IN GENERAL.—The plans shall outline policy proposals—

(A) to improve travel and tourism data collection and analysis;

(B) to increase the integration, alignment, and utility of public records, publications, and Web sites maintained by Federal agencies;

(C) to create a better user experience for domestic travelers and international visitors;

(D) to align Federal agency Web sites and publications;

(E) to support national tourism goals;

(F) to identify agency programs that could be used to support tourism capacity building and help sustain tourism infrastructure in Native American communities;

(G) to develop innovative visitor portals for parks, landmarks, heritage and cultural sites, and assets that showcase and respect the diversity of the indigenous peoples of the United States;

(H) to share local Native American heritage through the development of bilingual interpretive and directional signage that could include or incorporate English and the local Native American language or languages; and

(I) to improve access to transportation programs related to Native American community capacity building for tourism and trade, including transportation planning for programs related to visitor enhancement and safety.

(2) CONSULTATION WITH INDIAN TRIBES AND NATIVE AMERICANS.—In developing the plan under paragraph (1), the head of each agency shall consult with Indian tribes and the Native American community to identify appropriate levels of inclusion of the Indian tribes and Native Americans in Federal tourism activities, public records and publications, including Native American tourism information available on Web sites.

(d) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall enter into a memorandum of understanding or cooperative agreement with an entity or organization with a demonstrated record in tribal communities of defining, introducing, developing, and sustaining American Indian, Alaska Native, and Native Hawaiian tourism and related activities in a manner that respects and honors native traditions and values.

(2) COORDINATION.—The memorandum of understanding or cooperative agreement described in paragraph (1) shall formalize a role for the organization or entity to serve as a facilitator between the Secretary of the Interior and the Secretary of Commerce and the Indian tribes, tribal organizations, and Native Hawaiian organizations—

(A) to identify areas where technical assistance is needed through consultations with Indian tribes, tribal organizations, and Native Hawaiian organizations to empower

the Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(B) to provide a means for the delivery of technical assistance and coordinate the delivery of the assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations in collaboration with the Secretary of the Interior, the Secretary of Commerce, and other entities with distinctive experience, as appropriate.

(3) FUNDING.—Subject to the availability of appropriations, the head of each Federal agency, including the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Labor shall obligate any funds made available to the head of the agency to cover any administrative expenses incurred by the organization or entity described in paragraph (1) in carrying out programs or activities of the agency.

(4) METRICS.—The Secretary of the Interior and the Secretary of Commerce shall coordinate with the organization or entity described in paragraph (1) to develop metrics to measure the effectiveness of the entity or organization in strengthening tourism opportunities for Indian tribes, tribal organizations, and Native Hawaiian organizations.

(e) REPORTS.—Not later than 1 year after the date of enactment of this Act, and occasionally thereafter, the Secretary of the Interior and the Secretary of Commerce shall each submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the manner in which the Secretary of the Interior or the Secretary of Commerce, as applicable, is including Indian tribes, tribal organizations, and Native Hawaiian organizations in management plans;

(2) the efforts of the Secretary of the Interior or the Secretary of Commerce, as applicable, to develop departmental and agency tourism plans to support tourism programs of Indian tribes, tribal organizations, and Native Hawaiian organizations;

(3) the manner in which the entity or organization described in subsection (d)(1) is working to promote tourism to empower Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(4) the effectiveness of the entity or organization described in subsection (d)(1) based on the metrics developed under subsection (d)(4).

#### SEC. 5. NATIVE AMERICAN TOURISM AND BRANDING ENHANCEMENT.

(a) IN GENERAL.—The head of each agency shall—

(1) take actions that help empower Indian tribes, tribal organizations, and Native Hawaiian organizations to showcase the heritage, foods, traditions, history, and continuing vitality of Native American communities;

(2) support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations—

(A) to identify and enhance or maintain traditions and cultural features that are important to sustain the distinctiveness of the local Native American community; and

(B) to provide visitor experiences that are authentic and respectful;

(3) provide assistance to interpret the connections between the indigenous peoples of the United States and the national identity of the United States;

(4) enhance efforts to promote understanding and respect for diverse cultures and

subcultures in the United States and the relevance of those cultures to the national brand of the United States; and

(5) enter into appropriate memoranda of understanding and establish public-private partnerships to ensure that arriving domestic travelers at airports and arriving international visitors at ports of entry are welcomed in a manner that both showcases and respects the diversity of Native American communities.

(b) GRANTS.—To the extent practicable, grant programs relating to travel, recreation, or tourism administered by the Commissioner of the Administration for Native Americans, Chairman of the National Endowment for the Arts, Chairman of the National Endowment for the Humanities, or the head of an agency with assets or resources relating to travel, recreation, or tourism promotion or branding enhancement for which Indian tribes, tribal organizations, or Native Hawaiian organizations are eligible may be used—

(1) to support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations to tell the story of Native Americans as the First Peoples of the United States;

(2) to use the arts and humanities to help revitalize Native communities, promote economic development, increase livability, and present the uniqueness of the United States to visitors in a way that celebrates the diversity of the United States; and

(3) to carry out this section.

(c) SMITHSONIAN.—The Advisory Council and the Board of Regents of the Smithsonian Institution shall work with Indian tribes, tribal organizations, Native Hawaiian organizations, and nonprofit organizations to establish long-term partnerships with non-Smithsonian museums and educational and cultural organizations—

(1) to share collections, exhibitions, interpretive materials, and educational strategies; and

(2) to conduct joint research and collaborative projects that would support tourism efforts for Indian tribes, tribal organizations, and Native Hawaiian organizations and carry out the intent of this section.

#### SEC. 6. EFFECT.

Nothing in this Act alters, or demonstrates congressional support for the alteration of, the legal relationship between the United States and any American Indian, Alaska Native, or Native Hawaiian individual, group, organization, or entity.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from American Samoa (Mrs. RADEWAGEN) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from American Samoa.

#### GENERAL LEAVE

Mrs. RADEWAGEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from American Samoa?

There was no objection.

Mrs. RADEWAGEN. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 1579, the Native American Tourism and Improving Visitor Experience Act, commonly known as the NATIVE

Act. This bill would require Federal agencies with recreational travel and tourism functions to include Indian tribes and tribal organization in management plans. Furthermore, the bill requires the Department of Commerce and the Department of the Interior to report on how each Department is including tribes to develop Native American tourism plans to improve travel and tourism data collection.

The U.S. Travel Association estimates that the tourism industry in the United States topped \$220 billion in 2014. According to the American Indian Alaska Native Tourism Association, there is growing interest in Indian Country as a tourist attraction.

This bill would help strengthen coordination and collaboration between Federal agencies where tourism programs currently exist without requiring any new appropriations. By removing any silo systems within government, tribes can seek to seize economic opportunities.

S. 1579 is the companion bill to H.R. 3477, sponsored by the gentleman from Oklahoma, Congressman MARKWAYNE MULLIN. I want to thank him for his hard work on this legislation.

I include in the RECORD an exchange of letters between the chairman of Committee on Energy and Commerce and the Committee on House Administration regarding this bill, and we thank them for agreeing to help expedite consideration of this bill today.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, August 24, 2016.

Hon. CANDICE MILLER,  
Chairman, Committee on House Administration,  
Washington, DC.

DEAR MADAM CHAIRMAN: On July 13, 2016, the Committee on Natural Resources favorably reported S. 1579, Native American Tourism and Improving Visitor Experience Act, by unanimous consent. This bill was referred primarily to the Committee on Natural Resources, and in addition to the Committees on House Administration and Energy and Commerce. My staff has forwarded the reported text to your committee for review.

Based on this text, I ask that you allow the Committee on House Administration to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on House Administration be represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request, and I look forward to further opportunities to work with you this Congress.

Sincerely,

ROB BISHOP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
Washington, DC, August 24, 2016.  
Hon. ROB BISHOP,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding S. 1579. As you know, the bill was received in the House of Representatives on June 15, 2015, and referred primarily to the Committee on Natural Resources and in addition to the Committee on Energy and Commerce and the Committee on House Administration. The bill seeks to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States. On July 13, 2016, your Committee ordered S. 1579 to be reported by unanimous consent.

The Committee on House Administration agrees to discharge from further consideration of S. 1579 to expedite floor consideration. It is the understanding of the Committee on House Administration that foregoing action on S. 1579 will not prejudice the Committee with respect to appointment of conferees or any future jurisdictional claim. I request that your letter and this response be included in the bill report filed by your Committee, as well as in the Congressional Record.

Sincerely,  
CANDICE MILLER,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON NATURAL RESOURCES,  
Washington, DC, September 6, 2016.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: On July 13, 2016, the Committee on Natural Resources favorably reported S. 1579, Native American Tourism and Improving Visitor Experience Act, by unanimous consent. This bill was referred primarily to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce and House Administration. My staff has forwarded the reported text to your committee for review.

Based on this text, I ask that you allow the Committee on Energy and Commerce to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Energy and Commerce be represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding, as well as in the Congressional Record.

Thank you for your consideration of my request, and I look forward to further opportunities to work with you this Congress.

Sincerely,  
ROB BISHOP,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, September 6, 2016.

Hon. ROB BISHOP,  
Chairman, Committee on Natural Resources,  
Washington, DC.

DEAR CHAIRMAN BISHOP: I write in regard to S. 1579, NATIVE Act, which was recently ordered to be reported by the Committee on

Natural Resources. As you are aware, the bill also was referred to the Committee on Energy and Commerce. I wanted to notify you that the Committee on Energy and Commerce will forgo action on S. 1579 so that it may proceed expeditiously to the House floor for consideration.

This is done with the understanding that the Committee on Energy and Commerce's jurisdictional interests over this and similar legislation are in no way diminished or altered.

I would appreciate your response confirming this understanding with respect to S. 1579 and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of the bill on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

Mrs. RADEWAGEN. Mr. Speaker, I urge adoption of S. 1579, and I reserve the balance of my time.

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

Like many other communities around the country, tribes and tribal organizations are looking for ways to attract the business of overseas tourists; and there is a significant opportunity for tribes and Native people to share and reinforce their cultures, generate income, create jobs, and improve their quality of life through increased tourism.

According to the Department of Commerce, as my colleague alluded to earlier, tourism was almost a quarter-of-a-trillion-dollar industry in 2014, with almost 34 million overseas travelers visiting the United States. And overseas travelers to the United States who visit national parks or tribal lands tend to stay longer in the United States, visit more destinations within the country, and are more likely to be repeat visitors.

However, there are currently no tourism initiatives at the Federal level that include tribes and tribal organizations. The NATIVE Act would remedy that situation by encouraging Federal programs that support tourism and tourism infrastructure to engage with our Native American communities. This will increase tribal opportunity to showcase the rich and diverse history of the indigenous peoples of the United States.

I commend Senator SCHATZ of Hawaii for this legislation. I ask my colleagues to support S. 1579.

Having no further speakers, I yield back the balance of my time.

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

Mr. FARR. Mr. Speaker, I am pleased to support S. 1579, the Native American Tourism and Improving Visitor Experience (NATIVE) Act. This bill will advance Indian Country tourism by requiring federal agencies with recreational travel and tourism functions to include Indian tribes and tribal organizations in updated management plans and develop Native American tourism.

Anecdotally, we know the foreign tourists have a keen interest in our Indian history and culture. This bill will enable the collection of vital travel and tourism data and analysis and,

importantly, increase integration of federal assets to Indian Country so they can advance their economic development goals and tribal sovereignty.

Indian Country is a mosaic with vibrant cultures and a rich assortment of languages and traditions. By promoting this vast array of authentic Native tourism assets, the United States can increase its ability to compete for international visitors seeking a uniquely American experience while ensuring that diverse Native communities contribute to, and benefit from, the economic benefits that travel affords.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from American Samoa (Mrs. RADEWAGEN) that the House suspend the rules and pass the bill, S. 1579.

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.

#### BETTER ON-LINE TICKET SALES ACT OF 2016

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5104) to prohibit, as an unfair and deceptive act or practice in commerce, the sale or use of certain software to circumvent control measures used by Internet ticket sellers to ensure equitable consumer access to tickets for any given event, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5104

*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 "Better On-line Ticket Sales Act of 2016" or the "BOTS Act".*

##### SEC. 2. UNFAIR AND DECEPTIVE ACTS AND PRACTICES RELATING TO USE OF TICKET ACCESS CIRCUMVENTION SOFTWARE.

(a) *SALE OF SOFTWARE.*—It shall be unlawful for any person to sell or offer to sell, in commerce, any computer software, or part thereof, that—

(1) *is primarily designed or produced for the purpose of circumventing a technological measure that limits purchases made via a computerized event ticketing system;*

(2) *has only limited commercially significant purpose or use other than to circumvent a technological measure that limits purchases made via a computerized event ticketing system;* or

(3) *is marketed by that person for use in circumventing a technological measure that limits purchases made via a computerized event ticketing system.*

(b) *USE OF SOFTWARE.*—It shall be unlawful for any person to use any computer software, or part thereof, described in subsection (a) of this section, to purchase an event ticket via a computerized event ticketing system in violation of the system operator's posted limits on the sequence or number of transactions, frequency of transactions, or quantity of tickets purchased by a single user of the system, or on the geographic location of any transactions.

(c) *RESALE OF TICKETS.*—It shall be unlawful for any person to engage in the practice of reselling in commerce, event tickets acquired in violation of subsection (b) of this section if the person either—

(1) *participated directly in or had the ability to control the conduct in violation of subsection (b); or*

(2) *knew or should have known that the event tickets were acquired in violation of subsection (b).*

(d) *DEFINITIONS.*—As used in this section—

(1) *the term "computerized event ticketing system" means a system of selling event tickets, in commerce, via an online interactive computer system that effectively limits the sequence or number of ticket purchase transactions, frequency of ticket purchase transactions, quantity of tickets purchased, or geographic location of any ticket purchase transactions;*

(2) *the term "event ticket" means a ticket entitling one or more individuals to attend, in person, one or more events to occur on specific dates, times, and geographic locations; and*

(3) *to "circumvent a technological measure" means to avoid, bypass, remove, deactivate, or impair a technological measure, without the authority of the computerized event ticketing system operator.*

(e) *RULE OF CONSTRUCTION.*—Notwithstanding the prohibitions set forth in subsections (a) and (b), it shall not be unlawful under this section to create or use any computer software, or part thereof, to—

(1) *investigate or further the enforcement or defense of any alleged violation of this section; or*

(2) *engage in research necessary to identify and analyze flaws and vulnerabilities of a computerized event ticketing system, if these research activities are conducted to advance the state of knowledge in the field of computer system security or to assist in the development of computer security products.*

(f) *ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.*—A violation of subsection (a), (b), or (c) shall be treated as an unfair and deceptive act or practice in violation of a regulation issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(g) *ENFORCEMENT BY STATES.*—

(1) *AUTHORIZATION.*—Subject to paragraph (2), in any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by a violation of subsection (a), (b), or (c), the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) *RIGHTS OF FEDERAL TRADE COMMISSION.*—

(A) *NOTICE TO FTC.*—

(i) *IN GENERAL.*—Except as provided in clause (iii), the attorney general of a State shall notify the Federal Trade Commission in writing that the attorney general intends to bring a civil action under paragraph (1) before initiating the civil action against a person for a violation of subsection (a), (b), or (c).

(ii) *CONTENTS.*—The notification required by clause (i) with respect to a civil action shall include a copy of the complaint to be filed to initiate the civil action.

(iii) *EXCEPTION.*—If it is not feasible for the attorney general of a State to provide the notification required by clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) *INTERVENTION BY THE FTC.*—The Federal Trade Commission may—

(i) *intervene in any civil action brought by the attorney general of a State under paragraph (1); and*

(ii) *upon intervening, be heard on all matters arising in the civil action, and file petitions for appeal of a decision in the civil action.*

(3) *PENDING ACTION BY THE FEDERAL TRADE COMMISSION.*—If the Federal Trade Commission institutes a civil action or an administrative action with respect to a violation of subsection (a), (b), or (c), the attorney general of a State may