

“(3) REPRESENTATIVES OF THE PRIVATE SECTOR.—No fewer than 4 members of the Authority shall be representatives of nongovernmental economic activities carried out by private enterprises in the private sector.

“(c) INITIAL MEETING.—Not later than 90 days after the date of enactment of this Act [Nov. 6, 2000], the Authority shall hold its initial meeting.

“(d) REVIEW.—Beginning on the date of the initial meeting under subsection (c), the Authority shall conduct a review of laws (including regulations) relating to investment, business, and economic development that affect investment and business decisions concerning activities conducted on Indian lands.

“(e) MEETINGS.—The Authority shall meet at the call of the chairperson.

“(f) QUORUM.—A majority of the members of the Authority shall constitute a quorum, but a lesser number of members may hold hearings.

“(g) CHAIRPERSON.—The Authority shall select a chairperson from among its members.

“SEC. 5. REPORT.

“Not later than 1 year after the date of enactment of this Act [Nov. 6, 2000], the Authority shall prepare and submit to the Committee on Indian Affairs of the Senate, the Committee on Resources [now Committee on Natural Resources] of the House of Representatives, and to the governing body of each Indian tribe a report that includes—

“(1) the findings of the Authority concerning the review conducted under section 4(d); and

“(2) such recommendations concerning the proposed revisions to the laws that were subject to review as the Authority determines to be appropriate.

“SEC. 6. POWERS OF THE AUTHORITY.

“(a) HEARINGS.—The Authority may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Authority considers advisable to carry out the duties of the Authority.

“(b) INFORMATION FROM FEDERAL AGENCIES.—The Authority may secure directly from any Federal department or agency such information as the Authority considers necessary to carry out the duties of the Authority.

“(c) POSTAL SERVICES.—The Authority may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(d) GIFTS.—The Authority may accept, use, and dispose of gifts or donations of services or property.

“SEC. 7. AUTHORITY PERSONNEL MATTERS.

“(a) COMPENSATION OF MEMBERS.—

“(1) NON-FEDERAL MEMBERS.—Members of the Authority who are not officers or employees of the Federal Government shall serve without compensation, except for travel expenses as provided under subsection (b).

“(2) OFFICERS AND EMPLOYEES OF THE FEDERAL GOVERNMENT.—Members of the Authority who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

“(b) TRAVEL EXPENSES.—The members of the Authority shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Authority.

“(c) STAFF.—

“(1) IN GENERAL.—The chairperson of the Authority may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the Authority to perform its duties.

“(2) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairperson of the Authority may procure temporary and intermittent services under

section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed under GS-13 of the General Schedule established under section 5332 of title 5, United States Code.

“SEC. 8. TERMINATION OF THE AUTHORITY.

“The Authority shall terminate 90 days after the date on which the Authority has submitted a copy of the report prepared under section 5 to the committees of Congress specified in section 5 and to the governing body of each Indian tribe.

“SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.

“The activities of the Authority conducted under this Act shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.”

§ 4302. Definitions

In this chapter:

(1) Eligible entity

The term “eligible entity” means an Indian tribe or tribal organization, an Indian arts and crafts organization, as that term is defined in section 305a of this title, a tribal enterprise, a tribal marketing cooperative (as that term is defined by the Secretary, in consultation with the Secretary of the Interior), or any other Indian-owned business.

(2) Indian

The term “Indian” has the meaning given that term in section 5304(d) of this title.

(3) Indian goods and services

The term “Indian goods and services” means—

- (A) Indian goods, within the meaning of section 305a of this title;
- (B) goods produced or originated by an eligible entity; and
- (C) services provided by eligible entities.

(4) Indian lands

(A) In general

The term “Indian lands” includes lands under the definition of—

- (i) the term “Indian country” under section 1151 of title 18; or
- (ii) the term “reservation” under—
 - (I) section 1452(d) of this title; or
 - (II) section 1903(10) of this title.

(B) Former Indian reservations in Oklahoma

For purposes of applying section 1452(d) of this title under subparagraph (A)(ii), the term “former Indian reservations in Oklahoma” shall be construed to include lands that are—

- (i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and
- (ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on November 7, 2000).

(5) Indian-owned business

The term “Indian-owned business” means an entity organized for the conduct of trade or

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

(6) Indian tribe

The term “Indian tribe” has the meaning given that term in section 5304(e) of this title.

(7) Secretary

The term “Secretary” means the Secretary of Commerce.

(8) Tribal enterprise

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

(9) 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.)

§ 4303. Office of Native American Business Development

(a) In general

(1) Establishment

There is established within the Department of Commerce an office known as the Office of Native American Business Development (referred to in this chapter as the “Office”).

(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 (referred to in this chapter as the “Director”). 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.].

(Pub. L. 106-464, § 4, Nov. 7, 2000, 114 Stat. 2015.)

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.

§ 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