

§ 4302. Definitions

In this chapter:

(1) Director

The term “Director” means the Director of Native American Business Development appointed pursuant to section 4303(a)(2) of this title.

(2) 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.

(3) Indian

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

(4) 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.

(5) 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).

(6) 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).

(7) Indian Tribe

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

(8) Office

The term “Office” means the Office of Native American Business Development established by section 4303(a)(1) of this title.

(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.)