

106TH CONGRESS
2D SESSION

S. 2282

To encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 2000

Mr. CAMPBELL (for himself, Mr. JOHNSON, and Mr. INOUE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture, 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 Agri-
5 cultural Research, Development and Export Enhancement
6 Act of 2000”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) Clause 3 of section 8 of article I of the
5 United States Constitution recognizes the special re-
6 lationship between the United States and Indian
7 tribes.

8 (2) Beginning in 1970, with the inauguration
9 by the Nixon Administration of the Indian self-de-
10 termination era, each successive President has re-
11 affirmed the special government-to-government rela-
12 tionship between Indian tribes and the United
13 States.

14 (3) In 1994, President Clinton issued an execu-
15 tive memorandum to the heads of all Federal depart-
16 ments and agencies that obligated all such depart-
17 ments and agencies, particularly those that have an
18 impact on economic development, to evaluate the po-
19 tential impacts of their actions on Indian tribes.

20 (4) The United States has an obligation to
21 guard and preserve the agricultural and related re-
22 newable resources of Indian tribes in order to foster
23 strong tribal governments, Indian self-determination,
24 and economic self-sufficiency among Indian tribes.

25 (5) Despite the availability of abundant natural
26 resources on Indian lands and a rich cultural legacy

1 that accords great value to self-determination, self-
2 reliance, and independence, Native Americans suffer
3 higher rates of unemployment, poverty, poor health,
4 substandard housing, and associated social ills than
5 those of any other group in the United States.

6 (6) Reservation-based Indians tend to be the
7 most rural of any minority group. They tend to be
8 geographically isolated, resource limited, and the
9 least likely of any farm group to receive payment or
10 loans from the United States.

11 (7) Indian land represents close to 55,000,000
12 acres, or about 2 percent of the United States land
13 base, with nearly 47,000,000 of these acres con-
14 sisting of range and cropland.

15 (8) Indian agriculture constitutes the second
16 largest revenue generator and employer in Indian
17 country and is not limited to farming and ranching,
18 but often includes such products as forestry, bison,
19 wild rice and fruits, cotton, tobacco and other Na-
20 tive-made or grown products.

21 (9) Because of the lack of Federal intra-agency
22 and inter-agency coordination in agriculture pro-
23 grams and policies, the development of Indian agri-
24 culture and related tribal business and economic de-
25 velopment potential has been hindered.

1 (10) It is estimated that about 20 percent of
2 reservation grazing land and about 70 percent of
3 cropland is leased to non-Indian producers.

4 (11) American Indians today use their lands
5 and natural resources for agriculture and agri-
6 business to provide food and other staples for con-
7 sumption, improving their economic self-sufficiency,
8 agriculture income and reservation employment.

9 (12) Although there are many programs within
10 Department of Agriculture for which tribal and indi-
11 vidual Indian producers are eligible, Indian pro-
12 ducers have not fully benefited from these programs
13 because of insufficient coordination within the De-
14 partment of Agriculture.

15 (13) The United States has an obligation to as-
16 sist Indian tribes with the creation of appropriate
17 economic and political conditions with respect to In-
18 dian lands to—

19 (A) encourage investment from outside
20 sources that do not originate with the tribes;
21 and

22 (B) facilitate economic ventures with out-
23 side entities that are not tribal entities.

24 (14) The economic success and material well-
25 being of Native American communities depends on

1 the combined efforts of the Federal Government,
2 tribal governments, the private sector, and individ-
3 uals.

4 (b) PURPOSE.—It is the purpose of this Act to—

5 (1) promote the coordination of existing agricul-
6 tural and related programs within the Department
7 of Agriculture to provide the maximum benefit to In-
8 dian tribes and their members;

9 (2) encourage intertribal, regional, and inter-
10 national trade and business development in order to
11 assist in increasing productivity and the standard of
12 living of members of Indian tribes and improving the
13 economic self-sufficiency of the Indian tribes;

14 (3) through improving the administration of
15 Federal program, improve the access of Indian tribes
16 to capital, specialty markets, export promotions, and
17 marketing assistance that non-Indian agriculture
18 producers currently have access to;

19 (4) improve the development and coordination
20 of Indian agriculture and related value-added indus-
21 tries to promote self-sustaining Native economies
22 and communities; and

23 (5) promote economic self-sufficiency and polit-
24 ical self-determination for Indian tribes and mem-
25 bers of Indian tribes.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **ELIGIBLE ENTITY.**—The term “eligible enti-
4 ty” means an Indian tribe, a tribal organization, a
5 tribal enterprise, a tribal marketing cooperative, or
6 any other Indian-owned business.

7 (2) **INDIAN.**—The term “Indian” has the mean-
8 ing given that term in section 4(d) of the Indian
9 Self-Determination and Education Assistance Act
10 (25 U.S.C. 450b(d)).

11 (3) **INDIAN GOODS AND SERVICES.**—The term
12 “Indian goods and services” means—

13 (A) goods produced or originated by an eli-
14 gible entity; or

15 (B) services provided by eligible entities.

16 (4) **INDIAN-OWNED BUSINESS.**—The term “In-
17 dian-owned business” means an entity organized for
18 the conduct of trade or commerce with respect to
19 which at least 50 percent of the property interest of
20 the entity is owned by Indians or Indian tribes (or
21 a combination thereof).

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

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (7) TRIBAL ENTERPRISE.—The term “tribal en-
4 terprise” means a commercial activity or business
5 managed or controlled by an Indian tribe.

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

10 **SEC. 4. NATIVE AMERICAN RESEARCH, DEVELOPMENT AND**
11 **EXPORT OFFICE**

12 (a) IN GENERAL.—

13 (1) ESTABLISHMENT.—There is established
14 within the Department of Agriculture a Native
15 American Agricultural Research, Development and
16 Export Office (referred to this Act as the “Office”).

17 (2) DIRECTOR.—The Office shall be headed by
18 a Director of the Native American Agricultural Re-
19 search, Development and Export Office (referred to
20 in this Act as “Director”) to be appointed by the
21 Secretary. The Director shall be compensated at a
22 rate not to exceed that for level V of the Executive
23 Schedule under section 5316 of title 5, United
24 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 all programs that provide assistance to Native
4 American communities within the following 7 mis-
5 sion areas of the Department of Agriculture:

6 (A) Farm and foreign agricultural services.

7 (B) Food, nutrition, and consumer serv-
8 ices.

9 (C) Food safety.

10 (D) Marketing and regulatory programs.

11 (E) Natural resources and environment.

12 (F) Research, education and economics.

13 (G) Rural development.

14 (2) ACTIVITIES.—In carrying out paragraph
15 (1), the Secretary, acting through the Director, shall
16 ensure the coordination of, or, as appropriate, carry
17 out—

18 (A) activities to promote Indian agricul-
19 tural programs, including the development of
20 domestic and international trade programs;

21 (B) activities to facilitate water and waste
22 programs, housing, utility and other infrastruc-
23 ture development with respect to Native Amer-
24 ican communities;

1 (C) activities to provide assistance to In-
2 dian tribal college programs;

3 (D) activities to implement rural economic
4 development programs for Native American
5 communities; and

6 (E) activities to promote food and nutri-
7 tion services for Native American communities.

8 (3) INTERAGENCY COORDINATION.—In carrying
9 out Department of Agriculture programs, the Sec-
10 retary, acting through the Director, shall coordinate
11 with other Federal agencies, including the Depart-
12 ment of Energy, the Department of Housing and
13 Urban Development, the Department of the Interior,
14 the Department of Justice, the Department of Com-
15 merce, or any other Federal agency responsible for
16 administering related Indian programs.

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

20 (A) financial assistance, technical assist-
21 ance, and administrative services to eligible en-
22 tities to assist those entities in—

23 (i) identifying and taking advantage
24 of business development opportunities; and

1 (ii) complying with appropriate laws
2 and regulatory practices; and

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

8 (5) PRIORITIES.—In carrying out the duties
9 and activities described in paragraphs (3) and (4),
10 the Secretary, acting through the Director, shall give
11 priority to activities that—

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

14 (B) foster long-term stable economies of
15 Indian tribes.

16 **SEC. 5. NATIVE AMERICAN TRADE AND EXPORT PRO-**
17 **MOTION.**

18 (a) IN GENERAL.—The Secretary, acting through the
19 Director, shall establish and implement a Native American
20 export and trade promotion program (referred to in this
21 section as the “program”).

22 (b) COORDINATION OF FEDERAL PROGRAMS AND
23 SERVICES.—In carrying out the program, the Secretary,
24 acting through the Director and in cooperation with the
25 heads of appropriate Federal agencies, shall ensure the co-

1 ordination of Federal programs and services that are de-
2 signed to—

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

4 (2) stimulate the demand for Indian goods and
5 services that are available from eligible entities.

6 (c) ACTIVITIES.—In carrying out subsection (b), the
7 Secretary, acting through the Director, shall ensure the
8 coordination of, or, as appropriate, carry out—

9 (1) Federal programs that are designed to pro-
10 vide technical or financial assistance to eligible enti-
11 ties;

12 (2) activities to develop promotional materials
13 for eligible entities;

14 (3) activities for the financing of appropriate
15 trade missions;

16 (4) activities for the marketing of related In-
17 dian goods and services;

18 (5) activities for the participation of appro-
19 priate Federal agencies or eligible entities in inter-
20 national trade fairs; and

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

23 (d) TECHNICAL ASSISTANCE.—In conjunction with
24 the activities described in subsection (c), the Secretary,
25 acting through the Director, shall provide technical assist-

1 ance and administrative services to eligible entities to as-
2 sist those entities in—

3 (1) identifying appropriate markets for Indian
4 goods and services;

5 (2) entering the markets referred to in para-
6 graph (1);

7 (3) complying with foreign or domestic laws and
8 practices with respect to financial institutions con-
9 cerning the export and import of Indian goods and
10 services; and

11 (4) entering into financial arrangements to pro-
12 vide for the export and trade of Indian agricultural
13 and related products.

14 (e) PRIORITIES.—In carrying out the duties and ac-
15 tivities described in subsections (b) and (c), the Secretary,
16 acting through the Director, shall give priority to activities
17 that—

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

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

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