

106TH CONGRESS
1ST SESSION

S. 614

To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 1999

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

A BILL

To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

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 “Indian Tribal Regu-
5 latory Reform and Business Development Act of 1999”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) despite the availability of abundant natural
9 resources on Indian lands and a rich cultural legacy

1 that accords great value to self-determination, self-
2 reliance, and independence, American Indians and
3 Alaska Natives suffer rates of unemployment, pov-
4 erty, poor health, substandard housing, and associ-
5 ated social ills to a greater degree than any other
6 group in the United States;

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

13 (3) beginning in 1970, with the issuance by the
14 Nixon Administration of a special message to Con-
15 gress on Indian Affairs, each President has con-
16 firmed the special government-to-government rela-
17 tionship between Indian tribes and the United
18 States; and

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

23 (A) encourage investment from outside
24 sources that do not originate with the Indian
25 tribes; and

1 (B) facilitate economic development on In-
2 dian lands.

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

5 (1) To provide for a comprehensive review of
6 the laws (including regulations) that affect invest-
7 ment and business decisions concerning activities
8 conducted on Indian lands.

9 (2) To determine the extent to which those laws
10 unnecessarily or inappropriately impair—

11 (A) investment and business development
12 on Indian lands; or

13 (B) the financial stability and management
14 efficiency of tribal governments.

15 (3) To establish an authority to conduct the re-
16 view under paragraph (1) and report findings and
17 recommendations that result from the review to Con-
18 gress and the President.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) AUTHORITY.—The term “Authority” means
22 the Regulatory Reform and Business Development
23 on Indian Lands Authority.

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

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

8 (4) INDIAN LANDS.—The term “Indian lands”
9 has the meaning given that term in section 4(4) of
10 the Indian Gaming Regulatory Act (25 U.S.C.
11 2703(4)).

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

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce.

18 (7) 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*)).

22 **SEC. 4. ESTABLISHMENT OF AUTHORITY.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—Not later than 60 days after
25 the date of enactment of this Act, the Secretary, in

1 consultation with the Secretary of the Interior and
2 other officials whom the Secretary determines to be
3 appropriate, shall establish an authority to be known
4 as the Regulatory Reform and Business Develop-
5 ment on Indian Lands Authority.

6 (2) PURPOSE.—The Secretary shall establish
7 the Authority under this subsection in order to fa-
8 cilitate identifying and subsequently removing obsta-
9 cles to investment, business development, and the
10 creation of wealth with respect to the economies of
11 Indian reservations.

12 (b) MEMBERSHIP.—

13 (1) IN GENERAL.—The Authority established
14 under this section shall be composed of 21 members.

15 (2) REPRESENTATIVES OF INDIAN TRIBES.—12
16 members of the Authority shall be representatives of
17 the Indian tribes from the areas of the Bureau of
18 Indian Affairs. Each such area shall be represented
19 by such a representative.

20 (c) INITIAL MEETING.—Not later than 90 days after
21 the date of enactment of this Act, the Authority shall hold
22 its initial meeting.

23 (d) REVIEW.—Beginning on the date of the initial
24 meeting under subsection (c), the Authority shall conduct
25 a review of laws (including regulations) relating to invest-

1 ment, business, and economic development that affect in-
2 vestment and business decisions concerning activities con-
3 ducted on Indian lands.

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

6 (f) QUORUM.—A majority of the members of the Au-
7 thority shall constitute a quorum, but a lesser number of
8 members may hold hearings.

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

11 **SEC. 5. REPORT.**

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

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

20 (2) such recommendations concerning the pro-
21 posed revisions to the laws that were subject to re-
22 view as the Authority determines to be appropriate.

23 **SEC. 6. POWERS OF THE AUTHORITY.**

24 (a) HEARINGS.—The Authority may hold such hear-
25 ings, sit and act at such times and places, take such testi-

1 mony, and receive such evidence as the Authority con-
2 siders advisable to carry out the duties of the Authority.

3 (b) INFORMATION FROM FEDERAL AGENCIES.—The
4 Authority may secure directly from any Federal depart-
5 ment or agency such information as the Authority con-
6 siders necessary to carry out the duties of the Authority.

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

11 (d) GIFTS.—The Authority may accept, use, and dis-
12 pose of gifts or donations of services or property.

13 **SEC. 7. AUTHORITY PERSONNEL MATTERS.**

14 (a) COMPENSATION OF MEMBERS.—

15 (1) NON-FEDERAL MEMBERS.—Members of the
16 Authority who are not officers or employees of the
17 Federal Government shall serve without compensa-
18 tion, except for travel expenses, as provided under
19 subsection (b).

20 (2) OFFICERS AND EMPLOYEES OF THE FED-
21 ERAL GOVERNMENT.—Members of the Authority
22 who are officers or employees of the United States
23 shall serve without compensation in addition to that
24 received for their services as officers or employees of
25 the United States.

1 (b) TRAVEL EXPENSES.—The members of the Au-
2 thority shall be allowed travel expenses, including per diem
3 in lieu of subsistence, at rates authorized for employees
4 of agencies under subchapter I of chapter 57 of title 5,
5 United States Code, while away from their homes or reg-
6 ular places of business in the performance of services for
7 the Authority.

8 (c) STAFF.—

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

14 (2) PROCUREMENT OF TEMPORARY AND INTER-
15 MITTENT SERVICES.—The chairperson of the Au-
16 thority may procure temporary and intermittent
17 service under section 3109(b) of title 5, United
18 States Code, at rates for individuals that do not ex-
19 ceed the daily equivalent of the annual rate of basic
20 pay prescribed under GS-13 of the General Sched-
21 ule established under section 5332 of title 5, United
22 States Code.

23 **SEC. 8. TERMINATION OF THE AUTHORITY.**

24 The Authority shall terminate 90 days after the date
25 on which the Authority has submitted, to the committees

1 of Congress specified in section 5, and to the governing
2 body of each Indian tribe, a copy of the report prepared
3 under section 5.

4 **SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COM-**
5 **MITTEE ACT.**

6 The activities of the authority conducted under this
7 title shall be exempt from the Federal Advisory Committee
8 Act (5 U.S.C. App.).

9 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

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

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