

- (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 450b(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 450b(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4306 of this title.

§ 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 with the heads of appropriate Federal agencies, shall ensure the coordination of Federal programs and services designed to—

- (1) develop the economies of Indian tribes; and
- (2) stimulate the demand for Indian goods and services that are available from eligible entities.

(c) Activities

In carrying out the duties described in subsection (b) of this section, the Secretary, acting through the Director, shall ensure the coordination of, or, as appropriate, carry out—

- (1) Federal programs designed to provide technical or financial assistance to eligible entities;
- (2) the development of promotional materials;
- (3) the financing of appropriate trade missions;
- (4) the marketing of Indian goods and services;
- (5) the participation of appropriate Federal agencies or eligible entities in international trade fairs; and
- (6) any other activity related to the development of markets for Indian goods and services.

(d) Technical assistance

In conjunction with the activities described in subsection (c) of this section, the Secretary, acting through the Director, shall provide technical assistance and administrative services to eligible entities to assist those entities with—

- (1) the identification of appropriate markets for Indian goods and services;
- (2) entering the markets referred to in paragraph (1);

(3) compliance with foreign or domestic laws and practices with respect to financial institutions with respect to the export and import of Indian goods and services; and

(4) entering into financial arrangements to provide for the export and import of Indian goods and services.

(e) Priorities

In carrying out the duties and activities described in subsections (b) and (c) of this section, the Secretary, acting through the Director, shall give priority to activities that—

- (1) provide the greatest degree of economic benefits to Indians; and
- (2) foster long-term stable international markets for Indian goods and services.

(Pub. L. 106-464, §5, Nov. 7, 2000, 114 Stat. 2016.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4306 of this title.

§ 4305. Intertribal tourism demonstration projects

(a) Program to conduct tourism projects

(1) In general

The Secretary, acting through the Director, shall conduct a Native American tourism program to facilitate the development and conduct of tourism demonstration projects by Indian tribes, on a tribal, intertribal, or regional basis.

(2) Demonstration projects

(A) In general

Under the program established under this section, in order to assist in the development and promotion of tourism on and in the vicinity of Indian lands, the Secretary, acting through the Director, shall, in coordination with the Under Secretary of Agriculture for Rural Development, assist eligible entities in the planning, development, and implementation of tourism development demonstration projects that meet the criteria described in subparagraph (B).

(B) Projects described

In selecting tourism development demonstration projects under this section, the Secretary, acting through the Director, shall select projects that have the potential to increase travel and tourism revenues by attracting visitors to Indian lands and lands in the vicinity of Indian lands, including projects that provide for—

- (i) the development and distribution of educational and promotional materials pertaining to attractions located on and near Indian lands;
- (ii) the development of educational resources to assist in private and public tourism development on and in the vicinity of Indian lands; and
- (iii) the coordination of tourism-related joint ventures and cooperative efforts between eligible entities and appropriate State and local governments that have jurisdiction over areas in the vicinity of Indian lands.