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TO ENHANCE AND INTEGRATE NATIVE AMERICAN TOURISM, EMPOWER NATIVE AMERICAN COMMUNITIES, INCREASE COORDINATION AND COLLABORATION BETWEEN FEDERAL TOURISM ASSETS, AND EXPAND HERITAGE AND CULTURAL TOURISM OPPORTUNITIES IN THE UNITED STATES

JANUARY 12, 2016.—Ordered to be printed

Mr. BARRASSO, from the Senate Committee on Indian Affairs, submitted the following

R E P O R T

[To accompany S. 1579]

The Committee on Indian Affairs, to which was referred the bill (S. 1579) to enhance and integrate Native American tourism, empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

The purpose of S. 1579 is to enhance and integrate Native American tourism into the National Travel and Tourism Strategy and increase culturally appropriate Native American tourism opportunities. The bill would foster the creation of tourism jobs and support economic development for Native American communities.

NEED FOR LEGISLATION

The bill, S. 1579, is needed to create new economic development in Native American communities through the expansion of cultural and heritage tourism. Current Federal tourism policies and programs lack the coordination and integration needed for American Indians, Alaska Natives and Native Hawaiians to capitalize on the available Federal resources to promote tourism.

BACKGROUND

The Department of Commerce estimates there were 34.938 million overseas travelers to the United States.[1] One out of 18 Americans is employed by a travel or tourism related business.[2]

In 2014, tourism in the United States was a $221 billion industry.[3]

According to the American Indian and Alaska Native Tourism Association, there is growing interest in Indian Country as a tourist attraction.[4] According to the Department of Commerce surveys, more than 1.65 million overseas travelers visited Indian Country.[5] Visitors to Indian Country increased from 3.5% (975,910) in 2011 to 4.8% (1.65 million) in 2014.[6] From 2013 2014 American Indian communities saw increases in travelers from China, the United Kingdom, and France.[7]

Many Native American owned businesses and Indian tribes are using culturally appropriate tourism as an economic development strategy. For example, the Standing Rock Sioux Tribe annually conducts hundreds of tours on reservation land for international and domestic tourists.[8]

LEGISLATIVE HISTORY

On June 16, 2015, Senator Schatz introduced S. 1579, along with Senators Thune, Udall, Heller, Tester, Franken, Murkowski, Rounds, Sullivan, Heitkamp, Hoeven and Peters. The bill was referred to the Committee on Indian Affairs, which held a duly called business meeting on October 7, 2015 to consider the bill. By voice vote, the bill was ordered reported favorably without amendment.

A companion bill, H.R. 3477, was introduced in the House, on September 10, 2015, by Representative Mullin along with Representatives Cole, Cramer, McCollum, Noem, Titus, and Young cosponsors. The bill was referred to the House Natural Resources Subcommittee on Indian, Insular and Alaska Native Affairs on September 21, 2015. No further action has been taken on the bill.

In the 113th Congress, on June 25, 2014, the Committee held an oversight hearing on *Economic Development: Encouraging Investment in Indian Country*, where the Committee received testimony about the need for legislation to address tourism in Indian Country and Native American communities.

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[1] U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (December 2015).

[2] *2015 Top Markets Report Travel and Tourism: A Market Assessment Tool for U.S. Exports*. Department of Commerce, International Trade Administration, Industry & Analysis. (July 2015) Pg. 3. Accessed at: *http://trade.gov/topmarkets/pdf/Travel__and__Tourism__Top__Markets__Report.pdf*.

[3] U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (October 2015). Accessed at: *http://travel.trade.gov/outreachpages/download__data__table/Overseas.pdf*.

[4] Testimony of American Indian Alaska Native Tourism Association, President Sherry Rupert. *Senate Committee on Indian Affairs*. Oversight Hearing. June 25, 2015.

[5] U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (2015).

[6] U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (2015).

[7] U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (2015).

[8] Testimony of American Indian Alaska Native Tourism Association, President Sherry Rupert. *Senate Committee on Indian Affairs*. Oversight Hearing. June 25, 2015.

SECTION-BY-SECTION ANALYSIS OF BILL AS ORDERED REPORTED

Sec. 1—Short title

Section 1 states that the Act may be cited as the 'Native American Tourism and Improving Visitor Experience Act' or the 'NATIVE Act'.

Sec. 2—Purposes

This section states the purpose of the bill which is to enhance and integrate Native American tourism through Federal agency coordination and collaboration. The bill is intended to facilitate tribal economic development in heritage and cultural tourism by improving tribal self-determination and self-governance and promoting self-sufficiency and Native American communities.

The bill would facilitate an increase in domestic and international visitors to rural and remote Native American communities, provide grants, loans, and technical assistance to Indian tribes and Indian organizations for infrastructure development and tourism capacity, and elevate living standards in Native American communities. The bill would support innovative technology projects that will improve visitor experiences on Federal websites.

Sec. 3—Definitions

Section 3 sets forth the definitions. This section defines "agency" as the term is defined in section 551 of title 5 United States Code; "Indian tribe" as the term is defined in Section 4 of the Indian Self-Determination and Education Assistance Act;[9] "tribal organization" as the term is defined in section 4 of the Indian Self-Determination and Education Assistance Act;[10] and "Native Hawaiian organization" as the term is defined in section 7207 of the Native Hawaiian Education Act.[11]

Sec. 4—Integrating Federal tourism assets to strengthen Native tourism opportunities

Section 4(a) directs the Secretaries of Commerce and the Interior to update management plans and tourism initiatives to include Indian tribes and tribal organizations.

Section 4(b) directs other heads of agencies with management and tourism initiatives to update management plans and tourism initiatives to include Indian tribes and tribal organizations.

Section 4(c) requires an outline of policy proposals for the Federal Native American tourism plans. The policy outline includes collecting travel and tourism data; incrementally streamlining Federal agencies' maintenance of public records, publications, and websites; creating a better user experience on websites for domestic and international travelers; aligning Federal agency websites and publications; identifying agency programs that support tourism capacity building and that sustain tourism infrastructure for Native American communities; developing website visitor portals for tourism destinations; developing bilingual interpretive and directional signage that include the local Native American language or lan-

[9] 25 U.S.C. 450b.
[10] 25 U.S.C. 450b.
[11] 20 U.S.C. 7517.

guages; improving access to transportation programs to build tourism and trade capacity for visitor enhancement and safety.

This section also directs the Departments of Commerce and Interior to consult with Indian tribes and the Native American community on their inclusion in Federal Native American tourism plans.

Section 4(d) directs the Department of the Interior to enter into a Memorandum of Understanding (MOU) or a cooperative agreement with an entity dedicated to advancing American Indian, Alaska Native, and Native Hawaiian tourism which would be a facilitator between the Secretaries of the Interior and Commerce and Indian tribes and tribal organizations.

The MOU or cooperative agreement will facilitate identifying technical assistance and training areas of participation for Indian tribes and tribal organizations in the tourism industry and provide a means of delivery for technical assistance and training.

Subject to appropriations, the head of each agency, including the Secretaries of the Interior, Commerce, Transportation, Health and Human Services, and Labor, can use any funds made available to the head of an agency for administrative funds for the entity or organization used to facilitate the tourism agreements.

The Secretaries of the Interior and Commerce will develop metrics to measure the effectiveness of each entity or organization.

Section (e) requires the Departments of the Interior and Commerce to submit a report within one year of enactment of this Act to Congress. The report requires an analysis of how both Departments of Commerce and the Interior are including tribes and tribal organizations in management plans and tourism initiatives. The report will also describe how the entities or organizations that enter into MOUs or cooperative agreements are creating participation of Indian tribes and tribal organizations in the tourism industry and the effectiveness of the entities or organizations based on the metrics developed by the Secretaries of the Interior and Commerce.

Sec. 5—Native American tourism and branding enhancement

Section 5(a) directs the heads of agencies to take actions to create display areas and/or events for Indian tribes and tribal organizations. The actions taken by the heads of agencies should support efforts to identify and maintain the local Native American community and should provide authentic and respectful visitor experiences. It directs the heads of agencies to provide assistance on explaining the relationship between indigenous people and the United States and the national identity. The heads of agencies will promote understanding and respect for diverse cultures and how those diverse cultures relate to the national tourism image of the United States. It allows for the heads of agencies to enter into MOUs with private organizations to display information regarding Indian tribes and tribal organizations for tourists at airports and ports of entry.

Section 5(b) makes grants from the Commission of the Administration for Native Americans, Chairman of the National Endowment for the Arts, Chairman of the National Endowment for the Humanities and any other agencies administering grant programs eligible for Indian tribes or tribal organizations. The grants are to be used to support Indian tribes and tribal organizations, as the

First Peoples of the United States, to use the arts and humanities to celebrate the diversity of the United States.

Section 5(c) directs the Advisory Council of the Smithsonian Institution and the Board of Regents of the Smithsonian Institution to work with Indian tribes, tribal organizations, and non-profit organizations to establish long-term partnerships with museums and organizations not affiliated with the Smithsonian. Through these partnerships, Indian tribes and tribal organizations will share information and conduct research to support tourism for Indian tribes and tribal organizations.

COST AND BUDGETARY CONSIDERATIONS

The following cost estimate, as provided by the Congressional Budget Office, dated November 13, 2015, was prepared for S. 1579:

NOVEMBER 13, 2015.

Hon. JOHN BARRASSO,
Chairman, Committee on Indian Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1579, the Native American Tourism and Improving Visitor Experience Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Megan Carroll.

Sincerely,

KEITH HALL.

Enclosure.

S. 1579—The Native American Tourism and Improving Visitor Experience Act

S. 1579 would direct the Secretaries of Commerce and the Interior and other federal agencies that administer programs related to recreation and tourism to update existing plans to promote tourism among Indian communities. The bill would require those secretaries to report to the Congress on efforts to support Indian tribes' tourism-related programs and clarify that tribal organizations are eligible to use certain federal grants for such purposes.

Based on information from the Bureau of Indian Affairs and other affected agencies about the extent of existing efforts to promote tourism on tribal lands, CBO estimates that enacting S. 1579 would not significantly affect the federal budget. Because tourism-related plans and programs administered by most federal agencies already address such efforts, CBO expects that any costs incurred by agencies to modify those plans and programs to meet the specific requirements of S. 1579 would not exceed $500,000; any such increase in spending would be subject to the availability of appropriated funds.

In addition CBO expects that enacting S. 1579 could increase direct spending for other entities with mandatory funding authority, such as the Corporation for Travel Promotion. Because the bill could affect direct spending, pay-as-you-go procedures apply; however, CBO estimates that any such effects would be negligible. Enacting S. 1579 would not affect revenues.

CBO estimates that enacting S. 1579 would not increase net direct spending or on-budget deficits by more than $5 billion in any of the next four consecutive 10-year periods beginning in 2026.

S. 1579 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Megan Carroll. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

EXECUTIVE COMMUNICATIONS

The Committee has received no communications from the Executive Branch regarding S. 1579.

REGULATORY AND PAPERWORK IMPACT STATEMENT

Paragraph 11(b) of rule XXVI of the Standing Rules of the Senate requires each report accompanying a bill to evaluate the regulatory and paperwork impact that would be incurred in carrying out the bill. The Committee believes that S. 1579 will have a minimal impact on regulatory or paperwork requirements.

CHANGES IN EXISTING LAW (CORDON RULE)

In compliance with subsection 12 of rule XXVI of the Standing Rules of the Senate, there are no changes to existing law made by S. 1579, as ordered reported.

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