

borrowers and to Indian (both Tribal and individual) borrowers (including information about such assistance as a percentage of need for Indian borrowers and for non-Indian borrowers, assistance to Indian borrowers and to non-Indian borrowers as a percentage of total applicants, and such assistance to Indian borrowers as individuals as compared to such assistance to Indian Tribes) through the loan programs, the loan guarantee programs, or bond guarantee programs of the—

- (i) Department of the Interior;
- (ii) Department of Agriculture;
- (iii) Department of Housing and Urban Development;
- (iv) Department of Energy;
- (v) Small Business Administration; and
- (vi) Community Development Financial Institutions Fund of the Department of the Treasury.

**(C) Tax incentives**

The study shall assess and quantify the extent of the assistance and allocations afforded for non-Indian projects and for Indian projects pursuant to each of the following tax incentive programs:

- (i) New market tax credit.
- (ii) Low income housing tax credit.
- (iii) Investment tax credit.
- (iv) Renewable energy tax incentives.
- (v) Accelerated depreciation.

**(D) Tribal investment incentive**

The study shall assess various alternative incentives that could be provided to enable and encourage Tribal governments to invest in an Indian community development investment fund or bank.

(Pub. L. 106-464, §8, as added Pub. L. 116-261, §3(d)(2), Dec. 30, 2020, 134 Stat. 3308.)

**Editorial Notes**

REFERENCES IN TEXT

Section 4 of the Indian Tribal Regulatory Reform and Business Development Act of 2000 (25 U.S.C. 4301 note), referred to in subsec. (a)(3), is section 4 of Pub. L. 106-447, which is set out as a note under section 4301 of this title.

PRIOR PROVISIONS

A prior section 8 of Pub. L. 106-464, which was classified to section 4307 of this title, was redesignated section 10 of Pub. L. 106-464 by Pub. L. 116-261, §3(d)(1), Dec. 30, 2020, 134 Stat. 3308.

**§ 4307. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this chapter, to remain available until expended.

(Pub. L. 106-464, §10, formerly §8, Nov. 7, 2000, 114 Stat. 2018; renumbered §10, Pub. L. 116-261, §3(d)(1), Dec. 30, 2020, 134 Stat. 3308.)

**CHAPTER 44A—NATIVE AMERICAN TOURISM AND IMPROVING VISITOR EXPERIENCE**

- Sec. 4351. Purposes.
- 4352. Definitions.
- 4353. Integrating Federal tourism assets to strengthen Native tourism opportunities.

- Sec. 4354. Native American tourism and branding enhancement.
- 4355. Effect.

**§ 4351. Purposes**

The purposes of this chapter are—

(1) to enhance and integrate Native American tourism—

- (A) to empower Native American communities; and
- (B) to advance the National Travel and Tourism Strategy;

(2) to increase coordination and collaboration between Federal tourism assets to support Native American tourism and bolster recreational travel and tourism;

(3) to expand heritage and cultural tourism opportunities in the United States to spur economic development, create jobs, and increase tourism revenues;

(4) to enhance and improve self-determination and self-governance capabilities in the Native American community and to promote greater self-sufficiency;

(5) to encourage Indian tribes, tribal organizations, and Native Hawaiian organizations to engage more fully in Native American tourism activities to increase visitation to rural and remote areas in the United States that are too difficult to access or are unknown to domestic travelers and international tourists;

(6) to provide grants, loans, and technical assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations that will—

- (A) spur important infrastructure development;
- (B) increase tourism capacity; and
- (C) elevate living standards in Native American communities; and

(7) to support the development of technologically innovative projects that will incorporate recreational travel and tourism information and data from Federal assets to improve the visitor experience.

(Pub. L. 114-221, §2, Sept. 23, 2016, 130 Stat. 847.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 114-221, §1, Sept. 23, 2016, 130 Stat. 847, provided that: “This Act [enacting this chapter] may be cited as the ‘Native American Tourism and Improving Visitor Experience Act’ or the ‘NATIVE Act’.”

**§ 4352. Definitions**

In this chapter:

**(1) Agency**

The term “agency” has the meaning given the term in section 551 of title 5.

**(2) Indian tribe**

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

**(3) Native Hawaiian organization**

The term “Native Hawaiian organization” means a nonprofit organization—

- (A) that serves the interests of Native Hawaiians;

(B) in which Native Hawaiians serve in substantive and policymaking positions; and  
 (C) that is recognized for having expertise in Native Hawaiian culture and heritage, including tourism.

**(4) Tribal organization**

The term “tribal organization” has the meaning given the term in section 5304 of this title.

(Pub. L. 114–221, §3, Sept. 23, 2016, 130 Stat. 848.)

**§ 4353. Integrating Federal tourism assets to strengthen Native tourism opportunities**

**(a) Secretary of Commerce and Secretary of the Interior**

The Secretary of Commerce and the Secretary of the Interior shall update the respective management plans and tourism initiatives of the Department of Commerce and the Department of the Interior to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

**(b) Other agencies**

The head of each agency that has recreational travel or tourism functions or complementary programs shall update the respective management plans and tourism strategies of the agency to include Indian tribes, tribal organizations, and Native Hawaiian organizations.

**(c) Native American tourism plans**

**(1) In general**

The plans shall outline policy proposals—

(A) to improve travel and tourism data collection and analysis;

(B) to increase the integration, alignment, and utility of public records, publications, and Web sites maintained by Federal agencies;

(C) to create a better user experience for domestic travelers and international visitors;

(D) to align Federal agency Web sites and publications;

(E) to support national tourism goals;

(F) to identify agency programs that could be used to support tourism capacity building and help sustain tourism infrastructure in Native American communities;

(G) to develop innovative visitor portals for parks, landmarks, heritage and cultural sites, and assets that showcase and respect the diversity of the indigenous peoples of the United States;

(H) to share local Native American heritage through the development of bilingual interpretive and directional signage that could include or incorporate English and the local Native American language or languages; and

(I) to improve access to transportation programs related to Native American community capacity building for tourism and trade, including transportation planning for programs related to visitor enhancement and safety.

**(2) Consultation with Indian tribes and Native Americans**

In developing the plan under paragraph (1), the head of each agency shall consult with In-

dian tribes and the Native American community to identify appropriate levels of inclusion of the Indian tribes and Native Americans in Federal tourism activities, public records and publications, including Native American tourism information available on Web sites.

**(d) Technical assistance**

**(1) In general**

The Secretary of the Interior, in consultation with the Secretary of Commerce, shall enter into a memorandum of understanding or cooperative agreement with an entity or organization with a demonstrated record in tribal communities of defining, introducing, developing, and sustaining American Indian, Alaska Native, and Native Hawaiian tourism and related activities in a manner that respects and honors native traditions and values.

**(2) Coordination**

The memorandum of understanding or cooperative agreement described in paragraph (1) shall formalize a role for the organization or entity to serve as a facilitator between the Secretary of the Interior and the Secretary of Commerce and the Indian tribes, tribal organizations, and Native Hawaiian organizations—

(A) to identify areas where technical assistance is needed through consultations with Indian tribes, tribal organizations, and Native Hawaiian organizations to empower the Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(B) to provide a means for the delivery of technical assistance and coordinate the delivery of the assistance to Indian tribes, tribal organizations, and Native Hawaiian organizations in collaboration with the Secretary of the Interior, the Secretary of Commerce, and other entities with distinctive experience, as appropriate.

**(3) Funding**

Subject to the availability of appropriations, the head of each Federal agency, including the Secretary of the Interior, the Secretary of Commerce, the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Health and Human Services, and the Secretary of Labor shall obligate any funds made available to the head of the agency to cover any administrative expenses incurred by the organization or entity described in paragraph (1) in carrying out programs or activities of the agency.

**(4) Metrics**

The Secretary of the Interior and the Secretary of Commerce shall coordinate with the organization or entity described in paragraph (1) to develop metrics to measure the effectiveness of the entity or organization in strengthening tourism opportunities for Indian tribes, tribal organizations, and Native Hawaiian organizations.

**(e) Reports**

Not later than 1 year after September 23, 2016, and occasionally thereafter, the Secretary of the Interior and the Secretary of Commerce shall

each submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the manner in which the Secretary of the Interior or the Secretary of Commerce, as applicable, is including Indian tribes, tribal organizations, and Native Hawaiian organizations in management plans;

(2) the efforts of the Secretary of the Interior or the Secretary of Commerce, as applicable, to develop departmental and agency tourism plans to support tourism programs of Indian tribes, tribal organizations, and Native Hawaiian organizations;

(3) the manner in which the entity or organization described in subsection (d)(1) is working to promote tourism to empower Indian tribes, tribal organizations, and Native Hawaiian organizations to participate fully in the tourism industry; and

(4) the effectiveness of the entity or organization described in subsection (d)(1) based on the metrics developed under subsection (d)(4).

(Pub. L. 114-221, § 4, Sept. 23, 2016, 130 Stat. 848.)

**§ 4354. Native American tourism and branding enhancement**

**(a) In general**

The head of each agency shall—

(1) take actions that help empower Indian tribes, tribal organizations, and Native Hawaiian organizations to showcase the heritage, foods, traditions, history, and continuing vitality of Native American communities;

(2) support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations—

(A) to identify and enhance or maintain traditions and cultural features that are important to sustain the distinctiveness of the local Native American community; and

(B) to provide visitor experiences that are authentic and respectful;

(3) provide assistance to interpret the connections between the indigenous peoples of the United States and the national identity of the United States;

(4) enhance efforts to promote understanding and respect for diverse cultures and subcultures in the United States and the relevance of those cultures to the national brand of the United States; and

(5) enter into appropriate memoranda of understanding and establish public-private partnerships to ensure that arriving domestic travelers at airports and arriving international visitors at ports of entry are welcomed in a manner that both showcases and respects the diversity of Native American communities.

**(b) Grants**

To the extent practicable, grant programs relating to travel, recreation, or tourism administered by the Commissioner of the Administration for Native Americans, Chairman of the National Endowment for the Arts, Chairman of the National Endowment for the Humanities, or the head of an agency with assets or resources relat-

ing to travel, recreation, or tourism promotion or branding enhancement for which Indian tribes, tribal organizations, or Native Hawaiian organizations are eligible may be used—

(1) to support the efforts of Indian tribes, tribal organizations, and Native Hawaiian organizations to tell the story of Native Americans as the First Peoples of the United States;

(2) to use the arts and humanities to help revitalize Native communities, promote economic development, increase livability, and present the uniqueness of the United States to visitors in a way that celebrates the diversity of the United States; and

(3) to carry out this section.

**(c) Smithsonian**

The Advisory Council and the Board of Regents of the Smithsonian Institution shall work with Indian tribes, tribal organizations, Native Hawaiian organizations, and nonprofit organizations to establish long-term partnerships with non-Smithsonian museums and educational and cultural organizations—

(1) to share collections, exhibitions, interpretive materials, and educational strategies; and

(2) to conduct joint research and collaborative projects that would support tourism efforts for Indian tribes, tribal organizations, and Native Hawaiian organizations and carry out the intent of this section.

(Pub. L. 114-221, § 5, Sept. 23, 2016, 130 Stat. 850.)

**§ 4355. Effect**

Nothing in this chapter alters, or demonstrates congressional support for the alteration of, the legal relationship between the United States and any American Indian, Alaska Native, or Native Hawaiian individual, group, organization, or entity.

(Pub. L. 114-221, § 6, Sept. 23, 2016, 130 Stat. 851.)

**CHAPTER 45—PROTECTION OF INDIANS AND CONSERVATION OF RESOURCES**

Sec.	
5101.	Allotment of land on Indian reservations.
5102.	Existing periods of trust and restrictions on alienation extended.
5103.	Restoration of lands to tribal ownership.
5104.	Exchanges of land.
5105.	Title to lands.
5106.	Use of funds appropriated under section 5108.
5107.	Transfer and exchange of restricted Indian lands and shares of Indian tribes and corporations.
5108.	Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption.
5109.	Indian forestry units; rules and regulations.
5110.	New Indian reservations.
5111.	Allotments or holdings outside of reservations.
5112.	Indian corporations; appropriation for organizing.
5113.	Revolving fund; appropriation for loans.
5114.	Interest charges covered into revolving fund.
5115.	Vocational and trade schools; appropriation for tuition.