

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

July 11, 2016

To: All Natural Resources Committee Members

From: Majority Committee Staff,
Subcommittee on Indian, Insular and Alaska Native Affairs (x6-9725)

Mark-Up: S. 1579 (Sen. Brian Schatz; D-HI), 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.
July 12-13, 2016; 1324 Longworth HOB

S. 1579, “NATIVE Act” or “Native American Tourism and Improving Visitor Experience Act”

Summary of the Bill

S. 1579 would direct federal agencies which have recreational travel and tourism functions to include Indian tribes, tribal, and Native Hawaiian organizations in their respective management plans and tourism initiatives. The bill requires the U.S. Departments of Commerce and Interior to report on how each department is including tribes in the development of tourism plans to improve travel and tourism data collection. A House companion bill, H.R. 3477 (Rep. Markwayne Mullin), received a hearing in the Subcommittee on Indian, Insular, and Alaska Native Affairs on February 24, 2016.

Cosponsors

Sens. Al Franken (D-MN), Heidi Heitkamp (D-ND), Dean Heller (R-NV), John Hoeven (R-ND), Lisa Murkowski (R-AK), Gary Peters (D-MI), Mike Rounds (R-SD), Dan Sullivan (R-AK), Jon Tester (D-MT), John Thune (R-SD), and Tom Udall (D-NM).

Background

During the first six months of 2015, the Department of Commerce estimated there were over 36 million overseas¹ travelers to the United States.² One out of 18 Americans is employed by a travel or tourism related business.³

¹ Includes: Canada, Mexico and International.

² U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office.
<http://travel.trade.gov/view/m-2015-I-001/index.html>.

³ 2015 Top Markets Report Travel and Tourism: A Market Assessment Tool for U.S. Exports. Department of Commerce, International Trade Administration, Industry & Analysis. (2015) at 3.
<http://trade.gov/topmarkets/pdf/TravelXandXTourismXTopXMarketsXReport.pdf>.

In 2014, tourism in the United States was a \$221 billion industry.⁴ The American Indian and Alaska Native Tourism Association cite a growing interest in Indian Country as a tourist destination. According to the Department of Commerce surveys, more than 1.65 million overseas travelers visited Indian Country in 2014, an increase of ten percent from 2013,⁵ with most travelers from China, the United Kingdom, and France.⁶

Many Native-owned businesses and tribes use culturally appropriate tourism as an economic development strategy. For example, the Standing Rock Sioux Tribe annually conducts hundreds of tours on its reservation; the Chickasaw Nation owns and operates the Chickasaw Cultural Center, which has been an integral part of tourism in the state of Oklahoma.

S. 1579 is intended to enhance Native American tourism through better coordination and collaboration among federal agencies that have tourism programs, without requiring any new appropriations. The bill is supported by the National Congress of American Indians, the U.S. Chamber of Commerce, the Inter-Tribal Council of the Five-Civilized Tribes, the American Indian Alaska Native Tourism Association and others.

Section-by-Section Analysis of S. 1579

Section 1. Short Title. “NATIVE Act”.

Sec. 2. Purposes. The purpose of the bill 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 in Native American communities.

Sec. 3. Definitions.

Sec. 4. Integrating Federal tourism assets to strengthen Native tourism opportunities. Subsection (a) directs the Secretaries of Commerce and the Interior to update management plans and tourism initiatives to include Indian tribes, tribal and Native Hawaiian organizations.

Subsection (b) directs other heads of agencies with management and tourism initiatives to update management plans and tourism initiatives to include Indian tribes, tribal and Native Hawaiian organizations.

Subsection (c) requires an outline of specified policy proposals for the Federal Native American tourism plans, and directs the Departments of Commerce and Interior to consult with the Native American community on their inclusion in such plans.

Subsection (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 Native tourism which would be a facilitator between the Secretaries of the Interior and Commerce and Indian tribes, tribal and Native Hawaiian organizations. Subject to appropriations, the head of

⁴ U.S. Department of Commerce, International Trade Administration, National Travel & Tourism Office. (2015). Accessed at: <http://travel.trade.gov/outreachpages/downloadXdataXtable/Overseas.pdf>.

⁵ *Id.*

⁶ *Id.*

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.

Subsection (e) requires the Departments of the Interior and Commerce to submit to Congress a report within one year of enactment of this Act containing an analysis of how both Departments of Commerce and the Interior are including tribes, tribal and Native Hawaiian organizations in management plans and tourism initiatives.

Sec. 5. Native American tourism and branding enhancement. Subsection (a) directs the heads of agencies to take actions to create display areas and/or events for Indian tribes, tribal and Native Hawaiian 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.

Subsection (b) makes Indian tribes, tribal, and Native Hawaiian organizations eligible for existing federal grants related to travel and tourism.

Subsection (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.

Sec. 6. Effect. Declares that nothing in this Act 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.

Cost

CBO estimates that enacting S. 1579 would not significantly affect the federal budget. CBO expects that enacting S. 1579 could increase direct spending for other entities with mandatory funding authority, such as the Corporation for Travel Promotion.⁷

Administration Position

The Interior Department testified in support of the bill in the February 24, 2016 Subcommittee hearing on H.R. 3477. A hearing on this bill was not held in the Senate.

Anticipated Amendments

None.

Effect on Current Law (Ramseyer)

None.

⁷ <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/costestimate/s1579.pdf>.