

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2253

To amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2001

Mr. CAMP (for himself, Mr. WELLER, Mr. CANNON, Mr. HAYWORTH, Mrs. BONO, and Mr. REHBERG) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

To amend the Internal Revenue Code of 1986 to provide for the issuance of tax-exempt bonds by Indian tribal governments, and for other purposes.

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 “Tribal Government  
5 Tax-Exempt Bond Authority Reform Act of 2001”.

1 **SEC. 2. MODIFICATIONS OF AUTHORITY OF INDIAN TRIBAL**  
2 **GOVERNMENTS TO ISSUE TAX-EXEMPT**  
3 **BONDS.**

4 Subsection (c) of section 7871 of the Internal Rev-  
5 enue Code of 1986 (relating to Indian tribal governments  
6 treated as States for certain purposes) is amended to read  
7 as follows:

8 “(c) **ADDITIONAL REQUIREMENTS FOR TAX-EXEMPT**  
9 **BONDS.—**

10 “(1) **IN GENERAL.—**Subsection (a) of section  
11 103 shall apply to any obligation issued by an In-  
12 dian tribal government (or subdivision thereof)  
13 only—

14 “(A) if such obligation is part of an issue  
15 95 percent or more of the net proceeds of which  
16 are to be used to finance any facility located on  
17 or in close proximity to an Indian reservation,  
18 or

19 “(B) in the case of an obligation not de-  
20 scribed in subparagraph (A) because the facility  
21 to be financed is not located on or in close prox-  
22 imity to an Indian reservation, if such obliga-  
23 tion is part of an issue substantially all of the  
24 proceeds of which are to be used in the exercise  
25 of an essential governmental function.

1           “(2) EXCLUSION OF GAMING.—A facility de-  
2           scribed in paragraph (1)(A) may not include a build-  
3           ing to be used for purposes of conducting or housing  
4           class I, II, or III gaming (as defined in section 4 of  
5           the Indian Gaming Regulatory Act (25 U.S.C.  
6           2703)).

7           “(3) DEFINITIONS.—For purposes of this  
8           subsection—

9           “(A) INDIAN TRIBE.—The term ‘Indian  
10           tribe’ means any Indian tribe, band, nation,  
11           pueblo, or other organized group or community,  
12           including any Alaska Native village, or regional  
13           or village corporation, as defined in or estab-  
14           lished pursuant to the Alaska Native Claims  
15           Settlement Act (43 U.S.C. 1601 et seq.), which  
16           is recognized as eligible for the special pro-  
17           grams and services provided by the United  
18           States to Indians because of their status as In-  
19           dians.

20           “(B) INDIAN RESERVATION.—The term  
21           ‘Indian reservation’ means—

22           “(i) a reservation, as defined in sec-  
23           tion 4(10) of the Indian Child Welfare Act  
24           of 1978 (25 U.S.C. 1903(10)), or

1           “(ii) lands held under the provisions  
2           of the Alaska Native Claims Settlement  
3           Act (43 U.S.C. 1601 et seq.) by a Native  
4           corporation as defined in section 3(m) of  
5           such Act (43 U.S.C. 1602(m)).

6           “(C) IN CLOSE PROXIMITY TO.—The term  
7           ‘in close proximity to’ means—

8                   “(i) located within a metropolitan sta-  
9                   tistical area (within the meaning of section  
10                   143(k)(2)(B)) that is within 1 mile of the  
11                   boundaries of an Indian reservation, or

12                   “(ii) located within a nonmetropolitan  
13                   area (as defined in section  
14                   42(d)(5)(C)(iv)(IV)) that is within 20  
15                   miles of the boundaries of an Indian res-  
16                   ervation.”.

17 **SEC. 3. EXEMPTION FROM REGISTRATION REQUIREMENTS.**

18           The first sentence of section 3(a)(2) of the Securities  
19           Act of 1933 (15 U.S.C. 77c(a)(2)) is amended by inserting  
20           “or by any Indian tribal government or subdivision thereof  
21           (within the meaning of section 7871 of the Internal Rev-  
22           enue Code of 1986),” after “or Territories,”.

1 **SEC. 4. EFFECTIVE DATE.**

2       The amendment made by this Act shall apply to obli-  
3 gations issued after the date of the enactment of this Act.

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