

108TH CONGRESS
2D SESSION

S. 519

AN ACT

To determine the feasibility of establishing an Indian Tribal
Development Corporation.

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 “Indian Tribal Develop-
5 ment Corporation Feasibility Study Act of 2004”.

1 **SEC. 2. FEASIBILITY STUDY.**

2 Section 4(b) of the Native American Business Devel-
 3 opment, Trade Promotion, and Tourism Act of 2000 (25
 4 U.S.C. 4303(b)) is amended—

5 (1) by redesignating paragraph (6) as para-
 6 graph (7); and

7 (2) by inserting after paragraph (5) the fol-
 8 lowing:

9 “(6) TRIBAL DEVELOPMENT CORPORATION
 10 FEASIBILITY STUDY.—

11 “(A) IN GENERAL.—The Secretary shall
 12 establish the Tribal Development Corporation
 13 Feasibility Study Group (referred to in this
 14 paragraph as the ‘Group’).

15 “(B) MEMBERS.—The Group shall be com-
 16 prised of 12 members, as follows:

17 “(i) REPRESENTATIVES OF INDIAN
 18 TRIBES.—Five members of the Group shall
 19 be representatives of federally recognized
 20 Indian tribes.

21 “(ii) REPRESENTATIVES OF THE
 22 ALASKA NATIVE COMMUNITY.—Three
 23 members of the Group shall be representa-
 24 tives of the Alaska Native Community.

25 “(iii) REPRESENTATIVE OF THE NA-
 26 TIVE HAWAIIAN COMMUNITY.—One mem-

ber of the Group shall be a representative of the Native Hawaiian Community.

“(iv) REPRESENTATIVE OF THE PRIVATE SECTOR.—Two members of the Group shall be representatives of non-governmental economic activities carried out by private enterprises in the private sector.

“(v) FEDERAL OFFICIALS.—One member of the Group shall be a representative of the Department of the Treasury with demonstrated experience in international economic development and international financial institutions.

“(C) CHAIRPERSON.—The members of the Group shall select a Chairperson.

“(D) PERSONNEL AND SERVICES.—

“(i) IN GENERAL.—The Chairperson of the Group may appoint and terminate such personnel as are necessary to enable the Group to perform its duties.

“(ii) PROCUREMENT OF SERVICES.—The Chairperson may procure such services as are necessary to enable the Group to perform the duties of the Group.

1 “(E) STUDY.—

2 “(i) IN GENERAL.—Not later than
3 270 days after the date of enactment of
4 this subparagraph, the Group shall—

5 “(I) conduct a study to deter-
6 mine the feasibility of establishing an
7 Indian Tribal Development Corpora-
8 tion (referred to in this subparagraph
9 as the ‘Corporation’); and

10 “(II) submit to the Committee on
11 Indian Affairs and the Committee on
12 Appropriations of the Senate and the
13 Committee on Resources and the
14 Committee on Appropriations of the
15 House of Representatives a report
16 that describes the results of the study
17 and any recommendations of the
18 Group for further legislative action.

19 “(ii) CONTENTS.—The report shall
20 contain—

21 “(I) a discussion and determina-
22 tion of the financial feasibility of the
23 Corporation, including whether the
24 Corporation can be, over the long
25 term, financially self-sustainable;

1 “(II) a discussion and determina-
2 tion of the probable economic impact
3 of the Corporation, including a dem-
4 onstration of the quantitative and
5 qualitative economic impact on Native
6 American communities;

7 “(III) a discussion and deter-
8 mination of the best alternatives in
9 the structure, organization, and lend-
10 ing terms and conditions of the Cor-
11 poration, including the most appro-
12 priate structure of capital contribu-
13 tions to best serve, and be acceptable
14 to, Native interests;

15 “(IV) a discussion and deter-
16 mination of the basic terms and con-
17 ditions under which funding would be
18 provided to member Indian tribes;

19 “(V) a discussion of nonfinancial
20 and advisory activities to be under-
21 taken by the Corporation, including
22 the use of diagnostic studies by the
23 Corporation to—

24 “(aa) identify tribal, Fed-
25 eral, or State policies and legal

1 and regulatory conditions and in-
 2 frastructure deficiencies that im-
 3 pede investment, both private
 4 and public, needed to promote
 5 economic development;

6 “(bb) provide specific rec-
 7 ommendations for remedial ac-
 8 tions that can be undertaken by
 9 an Indian tribe to overcome such
 10 inhibitors of investment; and

11 “(cc) identify and establish
 12 the terms for pre-appraisal stud-
 13 ies of investment opportunities,
 14 both private and public, that can
 15 be developed and promoted by an
 16 Indian tribe; and

17 “(VI) a discussion and deter-
 18 mination of—

19 “(aa) the capital structure
 20 of the Corporation, including the
 21 optimal level of initial capital
 22 contributions by both Indian
 23 tribes and the United States
 24 Government; and

1 “(bb) the financial instru-
2 ments that will be required by
3 the Corporation to ensure its suc-
4 cess.

5 “(F) TERMINATION OF STUDY GROUP.—
6 The Group shall terminate 120 days after the
7 date on which the Group submits the report
8 under subparagraph (E).

9 “(G) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There are authorized to be appro-
11 priated to carry out this paragraph—

12 “(i) \$3,000,000 for fiscal year 2005;
13 and
14 “(ii) \$2,000,000 for fiscal year
15 2006.”.

Passed the Senate November 19, 2004.

Attest:

Secretary.

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