

108TH CONGRESS  
2D SESSION

# S. 519

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 20, 2004

Referred to the Committee on Resources

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## 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-

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

3           “(iv) REPRESENTATIVE OF THE PRI-  
4           VATE SECTOR.—Two members of the  
5           Group shall be representatives of non-  
6           governmental economic activities carried  
7           out by private enterprises in the private  
8           sector.

9           “(v) FEDERAL OFFICIALS.—One  
10          member of the Group shall be a represent-  
11          ative of the Department of the Treasury  
12          with demonstrated experience in inter-  
13          national economic development and inter-  
14          national financial institutions.

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

17          “(D) PERSONNEL AND SERVICES.—

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

22                 “(ii) PROCUREMENT OF SERVICES.—  
23                 The Chairperson may procure such serv-  
24                 ices as are necessary to enable the Group  
25                 to perform the duties of the Group.

“(E) STUDY.—

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

“(I) conduct a study to determine the feasibility of establishing an Indian Tribal Development Corporation (referred to in this subparagraph as the ‘Corporation’); and

“(II) submit to the Committee on Indian Affairs and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives a report that describes the results of the study and any recommendations of the Group for further legislative action.

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

“(I) a discussion and determination of the financial feasibility of the Corporation, including whether the Corporation can be, over the long 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

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: EMILY J. REYNOLDS,  
*Secretary.*