

109TH CONGRESS
1ST SESSION

H. R. 3350

To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000 to establish the Tribal Development Corporation Feasibility Study Group.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2005

Mr. POMBO introduced the following bill; which was referred to the Committee on Resources

A BILL

To amend the Native American Business Development, Trade Promotion, and Tourism Act of 2000 to establish the Tribal Development Corporation Feasibility Study Group.

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 Development
5 Corporation Feasibility Study Act of 2005”.

1 **SEC. 2. INDIAN ECONOMIC DEVELOPMENT FEASIBILITY**
2 **STUDY.**

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

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

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

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

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

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

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

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

1 “(iii) REPRESENTATIVE OF THE NA-
2 TIVE HAWAIIAN COMMUNITY.—One mem-
3 ber of the Group shall be a representative
4 of the Native Hawaiian Community.

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

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

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

19 “(D) PERSONNEL AND SERVICES.—

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

24 “(ii) PROCUREMENT OF SERVICES.—
25 The Chairperson may procure such serv-

1 ices as are necessary to enable the Group
2 to perform the duties of the Group.

3 “(E) STUDY.—

4 “(i) IN GENERAL.—Not later than
5 270 days after the date of enactment of
6 this subparagraph, the Group shall—

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

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

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

23 “(I) a discussion and determina-
24 tion of the financial feasibility of the
25 Corporation, including whether the

1 Corporation can be, over the long
2 term, financially self-sustainable;

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

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

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

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

1 “(aa) identify tribal, Fed-
2 eral, or State policies and legal
3 and regulatory conditions and in-
4 frastructure deficiencies that im-
5 pede investment, both private
6 and public, needed to promote
7 non-gaming economic develop-
8 ment;

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

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

20 “(VI) a discussion and deter-
21 mination of—

22 “(aa) the capital structure
23 of the Corporation, including the
24 optimal level of initial capital
25 contributions by both Indian

1 tribes and the United States
2 Government; and

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

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

11 “(G) AUTHORIZATION OF APPROPRIA-
12 TION.—There are authorized to be appropriated
13 to carry out this paragraph \$500,000.

14 “(H) MATCHING REQUIREMENT.—Federal
15 funds made available to carry out this para-
16 graph must be matched dollar-for-dollar with
17 non-Federal funds.”.

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