

Union Calendar No. 366

109TH CONGRESS
2^D SESSION

H. R. 3350

[Report No. 109-626]

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

SEPTEMBER 6, 2006

Additional sponsor: Mr. FALEOMAVAEGA

SEPTEMBER 6, 2006

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Tribal Development
3 Corporation Feasibility Study Act of 2005”.

4 **SEC. 2. INDIAN ECONOMIC DEVELOPMENT FEASIBILITY**
5 **STUDY.**

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

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

11 (2) by inserting after paragraph (5) the fol-
12 lowing:

13 “(6) TRIBAL DEVELOPMENT CORPORATION
14 FEASIBILITY STUDY.—

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

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

21 “(i) REPRESENTATIVES OF INDIAN
22 TRIBES.—Five members of the Group shall
23 be representatives of federally recognized
24 Indian tribes.

25 “(ii) REPRESENTATIVES OF THE
26 ALASKA NATIVE COMMUNITY.—Three

1 members of the Group shall be representa-
2 tives of the Alaska Native Community.

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

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

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

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

21 “(D) PERSONNEL AND SERVICES.—

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

1 “(ii) PROCUREMENT OF SERVICES.—

2 The Chairperson may procure such serv-
3 ices as are necessary to enable the Group
4 to perform the duties of the Group.

5 “(E) STUDY.—

6 “(i) IN GENERAL.—Not later than
7 270 days after the date of enactment of
8 this subparagraph, the Group shall—

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

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

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

1 “(I) a discussion and determina-
2 tion of the financial feasibility of the
3 Corporation, including whether the
4 Corporation can be, over the long
5 term, financially self-sustainable;

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

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

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

24 “(V) a discussion of nonfinancial
25 and advisory activities to be under-

1 taken by the Corporation, including
2 the use of diagnostic studies by the
3 Corporation to—

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

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

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

23 “(VI) a discussion and deter-
24 mination of—

1 “(aa) the capital structure
2 of the Corporation, including the
3 optimal level of initial capital
4 contributions by both Indian
5 tribes and the United States
6 Government; and

7 “(bb) the financial instru-
8 ments that will be required by
9 the Corporation to ensure its suc-
10 cess.

11 “(F) TERMINATION OF STUDY GROUP.—
12 The Group shall terminate 120 days after the
13 date on which the Group submits the report
14 under subparagraph (E).

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

18 “(H) MATCHING REQUIREMENT.—Federal
19 funds made available to carry out this para-
20 graph must be matched dollar-for-dollar with
21 non-Federal funds.”.

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