

Written Testimony of Dr. Gavin Clarkson
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I. Summary

Upwards of \$50 billion in capital needs go unmet each year in Indian Country in such vital sectors as infrastructure, community facilities, housing, and enterprise development, in part due to the restrictions imposed on tribal access to the capital markets, specifically the ability of tribal governments to issue tax-exempt debt. Section 7871 of the Internal Revenue Code requires tribal tax-free bond proceeds to only be used for “essential governmental functions,” a restriction not applicable to state and municipal bonds. Section 7871(e) further limits the scope of available tax-exempt bonding authority by stating that “the term ‘essential government function’ shall not include any function which is not customarily performed by State and local governments with general taxing powers” without providing any guidance as to when a particular activity becomes “customary” for a municipal government.

These restrictions have severely limited tribal abilities to access the capital markets, and although American Indians make up more than 1.5% of the population, tribes issued less than 0.1% of the tax-exempt bonds between 2002 and 2004. These restrictions harm the poorer tribes the most, as the differential between tax-exempt and taxable interest rates often determines the feasibility of a project. Without access to tax-exempt rates, poorer tribes simply cannot afford the debt service required to begin to make a dent in the more than \$50 billion in unmet capital needs.

Tribal governments are also victims of a disproportionate number of enforcement actions by the Internal Revenue Service (“IRS”). Only approximately 1% of the more than 15,000 tax-exempt municipal offerings are audited by the IRS each year, but at least 40% of direct tribal tax-exempt issuances and 100% of tribal conduit issuances have been or are currently being challenged by the IRS. The ambiguity of the statute has led to a number of IRS enforcement actions that simply would not have happened had the issuer not been a tribe. In each of these cases, the tribes financed activities that had previously been financed by state and local governments without any challenge from the IRS. In at least one instance, the IRS Chief Counsel’s office recommended against the enforcement action because of the weakness of the IRS position.

When the capital markets face uncertainty, their logical response is to charge a price premium. The ambiguity in the statute coupled with the IRS’s extreme interpretation of that statute causes such uncertainty, and results in higher interest rates for tribal projects. Additionally, IRS actions have effectively destroyed the market for tax-exempt conduit bonds for tribal projects, even if those projects could have been financed by other conduit borrowers.

Under the status quo, the Tax Code and the IRS are systematically discriminating against tribal governments relative to state and local governments. Congress has the opportunity to rectify this differential treatment simply by rewriting section 7871 to treat tribes as states for all tax purposes, without qualification. Based on the models that I have constructed, the impact on tax revenues of such a change would likely be positive, or at least revenue neutral.

II. Background

*Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes the Court has recognized.*¹

Just like state and local governments, Indian tribes, as separate sovereign governments, have an obligation to improve the lives of their citizens. When such governmental entities engage in economic development activities to elevate the economic status of their constituencies, they often seek outside funding to finance those activities. Many tribal governments, however, are still suffering from the impacts of deleterious historical federal policies and are unable to provide the basic infrastructure that most Americans take for granted, such as passable roadways, affordable housing, and the plumbing, electricity, and telephone services that come with a modern home.² Additionally, tribal communities are often burdened with extremely low socio-economic factors, including low educational achievement, high unemployment, high poverty,³ and low per capita income.⁴

For many tribes the only sources of capital to address these problems are limited to grants and other assistance from the federal government, but such funds are often insufficient to address the myriad responsibilities facing tribal governments.⁵ Tribal governments are in desperate need of better and more affordable access to capital, such as the tax-exempt bond market, given that as much as \$50 billion in annual capital needs go unmet in Indian Country in such vital sectors as infrastructure, community facilities, housing, and enterprise development.⁶ This deficit stands in stark contrast to the widely publicized success of tribal gambling facilities.

Contrary to popular belief, gaming does not provide sufficient funds to meet the needs of all tribal governments, as most of the more than 560 federally recognized Indian tribes⁷ do not have any form of gaming operations,⁸ and of those that do, only a small handful generate significant revenues.⁹ While a small number of tribes near major metropolitan centers have started successful gaming enterprises, hundreds of tribes have not entered the gaming industry,

¹ *Kelo v. City of New London*, 125 S.Ct. 2658 (2005).

² See Raymond C. Etcitty, "Tribal Advice and Guidance Policy, Advisory Committee on Tax Exempt and Government Entities," p. II-7 (June 9, 2004), available at http://www.irs.gov/pub/irs-tege/act_rpt3_part2.pdf. See also Bureau of the Census, Statistical Brief, Housing of American Indian on Reservations – Plumbing (April 1995) (Approximately 20% of American Indian households on reservations lack complete plumbing facilities, compared to 1% of all U.S. households, and 1 in 5 American Indian reservation households disposed of sewage by means other than public sewer, septic tanks, or cesspool.)

³ The average percentage of American Indians living in poverty is 25.67%, compared 12.38% for the general population. See U.S. Census Bureau 2000.

⁴ Per capita income for American Indians is \$12,893.00, compared to the overall U.S. average of \$21,587.00. See U.S. Census 2000.

⁵ Etcitty at p. II-7

⁶ See Henson, E. and J. Taylor, *Native America at the New Millennium*, Harvard Project on American Indian Economic Development Working Paper, 2003.

⁷ "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," Federal Register, November 25, 2005 (Volume 70, Number 226), p. 71193

⁸ According to the National Indian Gaming Association, only 217 tribes have gaming operations of any kind.

⁹ See National Gambling Impact Survey Commission Report, p. 2-10 ("The 20 largest Indian gambling facilities account for 50.5 percent of total revenues, with the next 85 accounting for [only] 41.2 percent. Additionally, not all gambling facilities are successful. Some tribes operate their casinos at a loss and a few have even been forced to close money-losing facilities.")

and many that have operate casinos located far from population centers.¹⁰ Most reservations are characterized by extensive land bases, spread out communities, and homesteads mired in one long-standing poverty cycle.¹¹ In fact, the need for economic development in Indian Country remains acute and impacts nearly every aspect of reservation life, as most Indian tribes have an economy that is on par with many third world countries. The unemployment rate, for example, hovers around 50 percent for Indians who live on reservations, nearly ten times that for the nation as a whole, and almost one third of American Indians live in poverty.¹²

All too many tribal governments lack the ability to provide the basic infrastructure most U.S. citizens take for granted, such as passable roadways, affordable housing, and the plumbing, electricity and telephone services that come with a modern home. According to the U.S. Census Bureau, approximately 20% of American Indian households on reservations lack complete plumbing facilities, compared to 1% of all U.S. households. About 1 in 5 American Indian reservation households dispose of sewage by means other than public sewer, septic tanks, or cesspool.¹³

The Navajo reservation is the same size as West Virginia, yet it only has 2,000 miles of paved roads while West Virginia has 18,000 miles.¹⁴ Obviously, roads, telephones, electricity, and the like are taken for granted by investors and employers even in the most distressed inner cities of the United States. Their absence from large portions of Indian country poses a daunting barrier to tribal leaders' attempts to attract new private sector investment and jobs.

Such realities highlight the importance of stimulating economic development to create economic opportunity for tribal members. Many scholars, investors, and tribal officials charged with developing their economies are well aware that access to capital for tribes and individual Indian entrepreneurs is a significant and pressing problem. The unanswered question is one of capital formation: How do tribes obtain the necessary capital to build a permanent economic base? The answer should be to access the capital markets in the same way that state and local governments do to finance their own economic development activities, but unfortunately severe impediments to a level playing field continue to plague Indian Country.

State and local governments obtain revenues to finance their operations primarily through three channels: tax revenues, borrowing, and federal grants.¹⁵ Borrowing has increasingly become a favored method of raising revenue for state and local governments.¹⁶ These entities may, with some exceptions, issue so called tax-exempt bonds.¹⁷ This tax-exempt status of

¹⁰ See Donald L. Barlett and James B. Steele, *Wheel of Misfortune*, TIME, December 16, 2002.

¹¹ "Entrepreneurial Sector is the Key to Indian Country Development," Indian Country Today, September 6, 2002 at p. A2.

¹² See Tex Hall, The Native American Capital Formation and Economic Development Act of 2003: Testimony on Senate Bill 519, 2003.

¹³ Statistical Brief, Housing of American Indian on Reservations - Plumbing. 1995, Bureau of the Census

¹⁴ Michael J. Kurman, *Indian Investment and Employment Tax Incentives*, 41 FED. B. NEWS & J. 578 (1994).

¹⁵ M. David Gelfand, STATE AND LOCAL GOVERNMENT DEBT FINANCING, §1.04, Clark Boardman Callaghan (2003)

¹⁶ Such obligations fall under the heading of "municipal securities" in Section 3(a)(29) of the 1934 Act. The applicable definition under this section for our purposes describes a municipal security as "direct obligations of, or obligations guaranteed as to principal or interest by, a State or any political subdivision thereof, or any agency or instrumentality of a State or any political subdivision thereof, an any municipal corporate instrumentality of one or more states..." Therefore, municipal security or municipal debt, when used in this article, can refer to a state, municipality, or an agency or instrumentality of either.

¹⁷ I.R.C. §103 (1986).

municipal bonds has been a part of the Federal Tax Code since its adoption in 1913.¹⁸ Fippinger explains that a tax-exempt bond is “a debt security in which the interest portion of the debt service paid is not included in gross income.”¹⁹ The tax-exempt status of municipal debt allows state and local governments to issue bonds at lower interest rates, since the income from those bonds results in the same net level of income for taxpayers in higher tax brackets.

To illustrate this phenomenon, assume that a taxpayer, whose effective tax rate is 40 percent, purchases a \$1000 taxable bond from a corporation that pays interest of 10 percent. She will receive an annual interest payment of \$100, but she must pay \$40 of that in taxes, resulting in a net income of \$60. If she were to purchase a \$1000 tax-exempt bond from a municipality that pays 6 % in interest, she would still receive \$60 and would be economically indifferent between the two bonds, assuming that all other attributes of the bonds were equivalent, such as the risk of default and the dates of payment. Thus, the municipality can raise the same amount of capital as the corporation for substantially less in interest expense.

Unfortunately, such advantage is not universally available in Indian Country. Although a number of tribal economies have been able to expand²⁰ and obtain debt financing from a variety of lenders²¹ to finance economic development activities and infrastructure improvements,²² most tribes are still unable to access the capital markets competitively, if at all. A primary roadblock to capital markets is the discriminatory provisions of the 1982 Indian Tribal Governmental Tax Status Act (“Tribal Tax Status Act”),²³ part of the Internal Revenue Code (“Tax Code”). While the goal of the Tribal Tax Status Act was to treat tribes just as states are treated in the Tax Code,²⁴ the act fell far short of achieving the goal of equal treatment desired by tribes,²⁵ and in fact substantially limits the ability of tribes to raise debt for economic development activities. Although the Tribal Tax Status Act extended “certain tax provisions to American Indian Tribal governments on the same basis as such provisions apply to States,”²⁶ it did not recognize tribes as equivalent to states for *all* tax purposes, specifically denying them the elements of public finance that they desired most.²⁷

While the federal policy of exempting from federal taxation interest paid on state bonds issued to finance and effectuate state policy is a recognition and affirmation of that state’s sovereignty, a similar recognition and affirmation of sovereignty unfortunately does not extend to Indian tribes because tribes face two additional restrictions that do not apply to their state and local governmental counterparts. In the first instance, unlike state and local governments, Indian

¹⁸ Eric J. Gouvin, *Radical Tax Reform, Municipal Finance, and the Conservative Agenda*, 56 RUTGERS L. REV. 409, 424 (2004).

¹⁹ Robert A. Fippinger, *THE SECURITIES LAW OF PUBLIC FINANCE*, §1:2.2, Practising Law Institute (2002).

²⁰ See FELIX COHEN’S HANDBOOK OF AMERICAN INDIAN LAW, 2005 ed., §21.03, hereinafter HANDBOOK (Professor Clarkson was a contributing author for this most recent edition of the HANDBOOK, providing material on tribal finance, tribal corporations, economic development, and intellectual property).

²¹ Fitch Ratings Report, “Tribal Governments in the Bond Market,” February 4, 2004, p. 1

²² Townsend Hyatt, Perry E. Israel, Alan Benjamin, *An Introduction to Indian Tribal Finance* (published by Orrick, Herrington & Sutcliffe LLP) 2004. See also HANDBOOK, §21.03.

²³ Title II of Pub. L. No. 97-473, 96 Stat. 2608 (1982) (codified at I.R.C. §7871) (2004) [hereinafter Tribal Tax Status Act].

²⁴ See 127 Cong. Rec. S5666, S5667 (daily ed. June 2, 1981) (remarks of Sen. Wallop (R-Wyo.)).

²⁵ See, e.g., Ellen P. Aprill, *Tribal Bonds: Indian Sovereignty and the Tax Legislative Process*, 46 ADM. L. REV. 333 (Summer 1994); Robert A. Williams, *Small Steps on the Long Road to Self-Sufficiency for Indian Nations: The Indian Tribal Governmental Tax Status Act of 1982*, 22 HARV. J. ON LEGIS. 335 (1985).

²⁶ Senate Report No. 97-646 (1982), section I (summary).

²⁷ See HANDBOOK *supra* note 20, §21.03[2][c].

tribes cannot issue private activity bonds.²⁸ Worse, however, is the act's "additional requirement"²⁹ that tribal tax-free bond proceeds can only be used for "essential governmental functions,"³⁰ a restriction not applicable to state and municipal bonds.³¹

The damage to tribal economic prospects was compounded when the act was amended in 1987 to clarify that tribes can only issue tax-free bonds for projects "customarily"³² financed by states and local governments (e.g., schools, roads, government buildings, etc.).³³ Thus, Indian tribes can only issue tax-exempt debt if "substantially all" of the borrowed proceeds "are to be used in the exercise of any essential governmental function."³⁴ In addition, section 7871(e) states that "the term 'essential government function' shall not include any function which is not customarily performed by State and local governments with general taxing powers" but does not provide any guidance as to when a particular activity becomes "customary" for a municipal government. As the tax-base of a tribe is usually insufficient for a tribe to issue general obligation bonds³⁵ and since the revenue from a revenue bond is usually linked to the project being financed,³⁶ this additional restriction to "customary" governmental activity places tribes at a tremendous disadvantage relative to the capital markets and is inequitable when compared to other forms of municipal debt.³⁷

III. Direct Statutory Harm

By restricting the scope of what can be financed with tax-exempt debt, poor tribes in particular are denied the opportunity to address their glaring infrastructure and economic development needs. Tribes with substantial natural resources or significant gaming operations have the option of financing certain activities on a taxable basis even if, absent a restrictive Tax Code, they would be able to finance those activities on a tax-exempt basis. Poorer tribes, however, do not have that luxury, and upwards of \$50 billion in annual capital needs go unmet in Indian Country,³⁸ in part because the debt service required to finance the projects to meet those needs is too expensive at taxable rates. Tribal governments need the ability to issue tax-exempt debt on the same basis as state and local governments. To continue to deny them such ability is to continue to foster discrimination in the Tax Code.

²⁸ See Williams *supra* note 25, at 382; Aprill *supra* note 25 at 335; see also Hyatt, Israel, *et al*, *supra* note 22, p. 19 ("State and local governments often issue tax-exempt private activity bonds for the benefit of nonprofit corporations, or to finance mortgage loans for first-time low- and moderate-income home buyers, or to finance low- and moderate-income residential rental property. Private activity bonds are also issued for airports, docks, and wharves, solid waste facilities, sewage facilities, and certain other facilities."). Under current law, Indian tribes are barred from issuing private activity bonds for anything other than a tribal manufacturing facility. 26 USC §§7871(c)(2)-(c)(3).

²⁹ I.R.C. §7871(c).

³⁰ I.R.C. §7871(c)(1).

³¹ See HANDBOOK *supra* note 20, §21.03[2][c].

³² I.R.C. §7871(e)

³³ See H. R. No. 100-391 at 1139, 100th Cong., 1st Sess. (1987).

³⁴ 26 USC §7871(c)(1). "Substantially all" is not defined in the statute but is believed to mean at least 95% of the proceeds. See Hyatt, Israel, *et al*, *supra* note 22, p. 18

³⁵ See Williams, *supra* note 25, at 385 ("few Indian communities enjoy the thriving economic environment necessary to sustain a stable tax base").

³⁶ See Aprill, *supra* note 25, at 342.

³⁷ Although legislative proposals have been offered in the past that would put tribal debt on an equal footing with municipal debt for tax law purposes, such legislation has yet to pass. See *e.g.* H.R. 2253, 107th Congress (2001)

³⁸ See Henson, E. and J. Taylor, *supra* note 6.

The deleterious impact of these discriminatory restrictions can be seen in the relative paucity of tribal tax-exempt financings. For the years 2002, 2003, and 2004, state and local governments issued an average of 14,038 short- and long-term tax exempt bonds.³⁹ Over the same period, tribal government annually issued an average of five short- and long-term tax-exempt bonds.⁴⁰ In dollar terms, for the years 2002-2004, state and local governments issued on average \$363.6 billion of tax-exempt debt⁴¹ while tribal governments issued on average only \$202 million of tax-exempt debt.⁴²

Given the relative numbers of municipal and tribal issuers, the expected number of tribal tax-exempt issues should be more than an order of magnitude higher. American Indians account for more than 1.5% of the national population, yet tribes issue less than one tenth of one percent of the tax-exempt bonds each year.

	2002 Issues	2002 Par Amount (US\$ mil)	2003 Issues	2003 Par Amount (US\$ mil)	2004 Issues	2004 Par Amount (US\$ mil)
State authority	1,943	125,595.7	1,978	119,013.3	1,884	102,837.4
Local authority	2,109	59,156.1	2,141	62,572.7	1,837	57,197.4
District	4,351	54,509.7	4,613	56,560.5	4,298	58,235.3
City, Town or Village	4,062	46,948.4	4,330	54,526.9	3,782	53,368.7
State	272	34,042.4	262	48,401.7	241	47,042.6
County /Parish	1,047	23,325.1	1,146	24,479.3	961	23,182.0
College or University	199	7,045.9	226	8,929.4	235	8,860.1
Direct Issuer	69	3,991.1	56	4,244.1	68	5,781.3
Co-op Utility	4	930.0	-	-	-	-
Total	14,056	355,544.4	14,752	378,727.9	13,306	356,504.8
Indian tribe	4	194.4	6	233.2	5	178.4

Source: Thompson Financial

³⁹ See Spreadsheet and letter from Lisett Rodriguez of Thomson Financial on May 12, 2006. For 2002, 2003, and 2004, state and local governments issued 14,056, 14,752, and 13,306 tax-exempt short and long-term bonds respectively. *Id.*; See also BOND BUYER ONLINE ARCHIVES, ANNUAL MUNICIPAL DEBT SALES, LONG TERM BONDS, NUMBER OF ISSUES, available at, http://www.bondbuyer.com/msa_displayquickreport.html?prod=decade_bondissues (last viewed 12/12/2005); BOND BUYER ONLINE ARCHIVES, ANNUAL MUNICIPAL DEBT SALES, SHORT TERM BONDS, NUMBER OF ISSUES, available at, http://www.bondbuyer.com/msa_displayquickreport.html?prod=decade_noteissues (last viewed 12/12/2005), stating that for 2002, 2003, and 2004, state and local governments issued 12,517, 13,251, and 11,993 tax-exempt long term bonds respectively and for 2002, 2003, and 2004, state and local governments issued 3,435, 3,300, and 3,172 tax-exempt short term bonds respectively.

⁴⁰ See Spreadsheet and letter from Lisett Rodriguez of Thomson Financial on May 12, 2006. For 2002, 2003, and 2004, tribal governments issued 4, 6, and 5 tax-exempt short and long-term bonds respectively. *Id.*; See also BOND BUYER ONLINE ARCHIVES, LONG TERM BONDS, *supra*, note ; BOND BUYER ONLINE ARCHIVES, SHORT TERM BONDS, *supra*, note . For the years 2002, 2003, and 2004, tribal governments issued 6, 9, and 5 long term bonds respectively. For the years 2002, 2003, and 2004, tribal governments issued 0, 0, and 1 short term bonds respectively. (These Bond Buyer tribal bond statistics likely include some taxable bonds and therefore the Thomson figures provide a more accurate picture of tribal tax-exempt debt issuances).

⁴¹ *Id.* For 2002, 2003, and 2004, state and local governments issued \$355,545.5 billion, \$378,961 billion, and \$356,504.8 billion dollars of tax-exempt debt respectively. *Id.*

⁴² *Id.* For 2002, 2003, and 2004 tribal governments issued \$194.4 million, \$233.3 million, and \$178.4 million dollars of tax-exempt debt respectively. *Id.*

Although many municipal bonds fund infrastructure projects, a significant number fund projects related to tourism and economic development. Tourism is a major economic force for many municipalities and is vital to the economic prospects of several communities. As an example, post-Katrina New Orleans is almost wholly dependent on a rebound in tourism for its long-term economic viability. Tourism and tourism-related economic development can include hotels, golf resorts, and convention centers, even racetracks and casinos, all of which cannot be financed by tribes with tax-exempt debt. In contrast, the IRS has acknowledged that several thousand municipal golf courses have been financed with tax-exempt debt, and billions of tax-exempt bonds have been used by non-tribal governments to build hotels (see Appendix A) and convention centers (See Appendix B).

Repurchasing ancestral homeland is another potential use for tax-exempt bonds, yet statutory restrictions and the extreme interpretation by the IRS have resulted in some highly unfortunate outcomes. In one instance, a tribe was interested in repurchasing some ancestral homeland adjacent to land that it already owned. Unfortunately, the land in question was farmland with an existing crop of corn nearing maturity. The tribe wanted to issue tax-exempt bonds to purchase the land but was advised that if they harvested the corn, the tax-exempt status of their bonds could be jeopardized. The tribe was thus forced to let the corn rot in order to preserve the tax-exempt status of the bonds.

In another case, a tribe had the opportunity to repurchase 23,000 acres of ancestral homeland for approximately \$5.5 million. Most of the land in question had been over forested, but a small section containing harvestable timber remained that would help the tribe afford the land purchase. Again, the restrictions in the Tax Code meant that the tribe would not be able to harvest timber on the land, and they could barely afford the interest payments even at tax-exempt rates. Working with a colleague of mine, we were fortunately able to develop a structure that allowed the tribe to afford the necessary debt service, and the tribe was able to purchase the land.

IV. Harm Resulting from Agency Interpretation and Enforcement

In the wake of the 1987 amendment to the Tribal Tax Status Act, one issue facing tribes seeking to utilize tax free debt obligations is that Congress has provided little guidance, other than the limiting language in the 1987 Conference Report, as to what is and what is not an essential governmental function customarily performed by states.⁴³ As noted above, the uncertainty engendered by these terms provides little guidance for regulated entities, in this case, Indian tribes,⁴⁴ and much leeway to regulators, in this case, the IRS.

For the years 2002, 2003, and 2004, the Tax Exempt Bonds Office closed an average of 363 audits each year.⁴⁵ Assuming that an exam takes two years to complete,⁴⁶ this time period

⁴³ A recent letter sent by Eric Solomon, the Treasury Department's acting deputy assistant secretary for tax policy, seems to have only added to the uncertainty. See Alison L. McConnell, *Enforcement: Treasury Letter Leaves Lawyers Debating Tribal Bonds Issue*, BOND BUYER, January 19, 2006. While some have interpreted the letter as validating the IRS's current enforcement stance, others argued that "Solomon's juxtaposition of "essential governmental function" with "customary" activities of state and local governments...sustained tribes' arguments for financing commercial facilities with tax-exempt bonds." *Id.*

⁴⁴ Indian Country Today has noted the possibility that "tribes could be penalized for not complying with a dodgy definition." Rebecca L. Adamson, *The Taxman Cometh*, INDIAN COUNTRY TODAY, January 14, 2003.

⁴⁵ TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION, *Statistical Portrayal of the Tax Exempt Bond Office's Enforcement Activities From Fiscal Year 2002 through Fiscal Year 2004* (September 2005), available at, <http://www.treas.gov/tigta/auditreports/2005reports/200510186fr.pdf>.

⁴⁶ The length of a bond audit is variable and recent reports detail means to shorten the audit cycle. See ADVISORY COMMITTEE ON TAX EXEMPT AND GOVERNMENT ENTITIES, AUDIT CYCLE TIME AND COMMUNICATIONS: EMPLOYEE

results in approximately 1.29% of all state and local tax-exempt issues being audited. The percent of tribal bond issues audited is more than an order of magnitude greater than 1.29%. In a March 2005 *Bond Buyer* article, Charles Anderson, field operations manager for the IRS tax-exempt bond office, stated the intention to conduct “a dozen or more examinations of tribal bond issues within the next year or so.”⁴⁷ In September 2005, Charles Anderson stated that twelve tribal tax-exempt bonds, six tribal conduit bonds and six direct tribal issues, are currently being challenged by the IRS.⁴⁸ Christie Jacobs of the office of Indian Tribal Governments at the IRS stated during February, 2006, that eight to ten tribal tax-exempt issues were currently under audit.⁴⁹ Current research efforts thus appear to reveal that 100% of tribal conduit bonds issued since 2002 and at least 40% of direct tribal bonds issued since 2002 have been subject to IRS examinations.⁵⁰ In a January 12, 2006, Memorandum, several Dorsey & Whitney tax attorneys expressed the following opinion regarding the IRS’ enforcement practices:

We believe that, if the Service were forced to defend its position before a court, the tribes should prevail on both of these issues [direct tribal issues and conduit issues]. Our concern is that, by initiating numerous audits against individual tribal issuers, the Service is (a) taking on the tribes one by one, (b) without the tribes being able to coordinate their analysis, research and arguments, (c) in a situation where it is very difficult to get the issues before a court for review.⁵¹

This high rate of tribal audits appears even more disturbing in light of the fact that tribal tax-exempt issues make up only one-tenth of one percent of the tax-exempt bond market.⁵² The focus of IRS resources on issuances making up merely .1% of the total market by itself raises questions of IRS bias against tribal governments. Even the venerable Wall Street firm of Merrill Lynch is on record decrying the inequity of the tax treatment of tribes relative to municipalities.⁵³

One of the more egregious examples of hostile and adverse treatment of tribes is the case of the Las Vegas Paiute Tribe. The tribe was not in a position to compete in the gaming market, but they did have sufficient land thirty miles north of Las Vegas to develop a golf course. The Paiutes used proceeds from a tax-free bond issuance to finance construction of a public golf course with a clubhouse, a retail store that sells golf-related items, and a restaurant, all of which

PLANS AND TAX EXEMPT BONDS (June 9, 2004), available at, http://www.irs.gov/pub/irs-tege/act_rpt3_part4.pdf. For the purposes of this article, two years is believed to be representative of the average cycle time. Even if the average cycle time is more or less than two years, the underlying point of disparate between state and local and tribal tax-exempt issuances remains true.

⁴⁷ Emily Newman, *IRS Looking for Evidence of Arbitrage Abuse*, BOND BUYER, March 16, 2005.

⁴⁸ See Alison L. McConnell, *IRS’ Anderson Says Attorneys At Fault for Tribal Bond Confusion*, BOND BUYER, September 22, 2005.

⁴⁹ Figure taken from phone conversation with Christie Jacobs on February 14, 2006.

⁵⁰ The percentage of direct tribal issues is obtained by using Charles Anderson’s figure of six direct issues under audit from the September 22, 2005 *Bond Buyer* article, see note 48, and dividing this figure by 15, the *Thomson Financial* reported number of tribal issues since 2002, see note 39. The actual figure is likely higher because Anderson’s figure of six direct issues does not likely cover all direct issue audits of bonds issued since 2002.

⁵¹ Mark A. Jarboe, LynDee Wells, Thomas D. Vander Molen, Mary J. Streitz of Dorsey & Whitney, *Memorandum to Tribal Clients Concerning Tribal Tax-Exempt Financings* (January 12, 2006).

⁵² See Spreadsheet and letter from Lisett Rodriguez of Thomson Financial on May 12, 2006.

⁵³ See e.g. Merrill Lynch Municipal Credit Research, “Indian Gaming Bond Pricing Update,” May 24, 2004 (tribes are forced to contend with “inequities in the Tax Code”)

were open to the general public.⁵⁴

In August of 2002, however, the IRS issued a Field Service Advice Memorandum (“FSA”) and advised the Las Vegas Paiutes that construction of a public golf course is “other than an essential governmental function within the meaning of §7871(e).”⁵⁵ Although the IRS acknowledged that “as of 1998 there were 2,645 publicly owned, municipal golf courses in the United States,”⁵⁶ and “it is likely that construction and operation of golf courses are customary governmental functions,”⁵⁷ it nonetheless decided to deny the tax-exemption based on its determination of “customary use.” In a letter to the IRS, Mary J. Streitz of Dorsey & Whitney complained that by

[o]ver-relying on selected portions of the legislative history, the FSA suggested that tribal governments may not finance “commercial or industrial facilities” with tax-exempt bonds *even where such facilities satisfy the customary performance test*. Although the House Ways and Means Committee had indicated a concern about tribal governments financing commercial and industrial activities with tax-exempt bonds, the committee chose to adopt only the customary performance test to address its concerns.⁵⁸ (emphasis in original).

Streitz also pointed out that “[t]he entire legislative history reinforces that the statutory test turns on the frequency of a government practice, not on any other requirement.”⁵⁹

The argument set forth by the IRS is that the golf course was not “intended to meet the recreational needs of [the] Tribe.”⁶⁰ Although thousands of other public golf courses have been considered essential governmental functions, the IRS took the position that Indian tribes cannot utilize tax-free debt to construct golf courses and accompanying club houses because, in its opinion, the course was not of the type that would be used by tribal golfers. The FSA admits that all publicly built and operated golf courses “are developed to enhance the lifestyle of both golfing and non-golfing citizens of the community and perhaps to create jobs,”⁶¹ and in-house counsel recommended not litigating the bond exemption because it would “be difficult to argue that Golf Course is so commercial in nature that state and local governments would not own and operate similar enterprises.”⁶² Additionally, the FSA acknowledged that “some courts, including the Tenth Circuit, have adopted the principle that federal statutes are to be construed liberally in favor of Native Americans, with ambiguous provisions interpreted to their benefit.”⁶³ In short, the IRS’ position was untenable based on existing public practices and judicial rulings, but it denied the tax-exemption anyway.

Thus, the FSA essentially says that Indian tribes cannot utilize tax-free debt to construct golf courses and accompanying club houses if the courses pass a subjective line of being too nice for tribal members, or in the alternative, nice enough that it might attract non-tribal members. One wonders if courses funded with tax-exempt bonds such as Torrey Pines would encounter

⁵⁴ IRS Field Service Advice Memorandum No: 20024712 (date of release Nov. 22, 2002) [hereinafter FSA].

⁵⁵ FSA at 1.

⁵⁶ FSA at 2.

⁵⁷ FSA at 1.

⁵⁸ Mary J. Streitz, *Letter to Timothy L. Jones, Internal Revenue Service, Tax Exempt Bonds* (November 26, 2002).

⁵⁹ *Id.* at 2.

⁶⁰ FSA at 5.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

these same difficulties. The FSA admits that all publicly built and operated golf courses “are developed to enhance the lifestyle of both golfing and non-golfing citizens of the community and perhaps to create jobs,” but nonetheless denies the tribe’s admitted effort to “further the economic development of [the] Tribe and to reduce [the] Tribe’s dependence on” its limited available resources,⁶⁴ because these are commercial rather than recreational pursuits.

Streitz criticizes this analysis by pointing out that the FSA overlooks the fact that “many state and local government golf courses are “destination” golf courses intended to attract visitors from *outside* the community in which the golf course is located, thus promoting economic development in the community and raising revenues for the state or local government.”⁶⁵ A list of such destination golf resorts is included in Appendix C.

V. Destruction of the Tribal Conduit Bond Market

Constricted by the discriminatory essential governmental function requirement, some tribes have chosen to finance projects such as hotels on a taxable basis; however, several tribes have attempted an alternative involving a tax-exempt “conduit financing.”⁶⁶ In conduit financing the tax-exempt security is actually issued by a local government agency (referred to as the conduit issuer) to finance a project for a third party (referred to as the conduit borrower). The security for this type of issue is either the credit of the conduit borrower or pledged revenues from the project itself rather than the credit of the conduit issuer. Such securities are not general obligations of the conduit issuer because the conduit borrower is liable for generating the pledged revenues. Since the conduit issuer is not subject to the “essential governmental function” test, the conduit mechanism should enable the tribe to finance projects with tax-exempt bonds that it might otherwise have to finance on a taxable basis.⁶⁷

This alternative method of raising revenue for income and job generating projects permits tribes to finance the development of such projects as hotels and convention centers but places the tribe in the position of borrower instead of issuer of the tax-exempt debt. Therefore, the tribe is the obligor, although not the issuer, of the tax-free debt obligation. This distinction is important as the essential governmental function requirement of section 7871(c)(1) only applies to obligations “issued by an Indian tribal government (or subdivision thereof).” Thus, conduit financing is debt financing, with the state acting as the middle-man.

Additionally, conduit financing is an established form of public finance typically utilized by 501(c)(3) (non-profit) organizations. Conduit financing has also won the endorsement of the Tax Court. In *Fairfax County Economic Development Authority v. Commissioner*,⁶⁸ the Tax Court held that the development authority was the real issuer of industrial development bonds used to build a facility, a portion of which would be leased to the United States Government Printing Office.⁶⁹ It reached this conclusion despite the fact that the federal government was the obligor of the bonds because the credit of the government as a lessor of the retail space backed the bonds.⁷⁰ The Tax Court reasoned that form governs substance in section 103 cases and held

⁶⁴ *Id.* (Note that this sentence was blacked out where the quote ends. This is the author’s interpretation of this part of the FSA).

⁶⁵ Streitz, *supra* note 58, at 3.

⁶⁶ Merrill Lynch has suggested that the use of conduit financing directly “stems from inequities in the tax code,” Merrill Lynch Municipal Credit Research, “Indian Gaming Bond Pricing Update,” May 24, 2004.

⁶⁷ See Hyatt, Israel, *et al*, *supra* note 22, p. 21.

⁶⁸ 77 T.C. 546 (1981).

⁶⁹ *Id.* at 546-49.

⁷⁰ *Id.*

that the development authority be respected as the issuer of the bonds, even though the federal government was the real obligor.⁷¹ Despite the formal legality of these arrangements, the IRS has effectively destroyed the ability to issue conduit bonds for tribal projects, arguing that tribes cannot do directly what they cannot do indirectly⁷² while other conduit borrowers of tax-exempt bond proceeds routinely do so without challenge. How else would private charities raise tax-exempt debt for facilities such as a hospital?

Despite the criticism of the IRS's aggressive approach in the 2002 FSA, the service has taken a hostile position against conduit financing by tribes as well. The IRS recently issued a Technical Advice Memorandum ("TAM") taking the position that tribal proceeds from conduit financings are subject to the "essential government function" test.⁷³ The IRS justified its hostility towards tribal conduit financing by suggesting that allowing tribes to use the conduit mechanism would "would run counter to Congressional intent."⁷⁴ This argument was criticized by Mark Jarboe of Dorsey & Whitney as an instance of the IRS taking "a results-oriented approach to creating [sic] an ambiguity because of what they think Congress meant rather than what Congress said."⁷⁵

Even though the very legislative history cited in the TAM suggests that water treatment plants fall squarely within the definition of an essential governmental function as evidenced by legislative history,⁷⁶ the IRS is nonetheless challenging the tax-exempt bonds issued by the Morongo tribe for "water and wastewater system improvements, roadway improvements, and public parking facilities."⁷⁷

Through its enforcement activities, the IRS continues to propagate discrimination in the Tax Code. Although the legislative restrictions resulted from demonstrably hostile motives,⁷⁸ the IRS has chosen to pursue the most restrictive interpretation possible in its enforcement, exacerbating the discriminatory effect.

VI. Conclusion

The authority to supplement tax revenue by issuing tax-free debt obligations is clearly a major part of any state's efforts to develop and maintain its infrastructure and economy. The policy of self-determination, along with the legal recognition of tribes as governments with responsibilities to their constituent populations, necessitates tax-free bond authority.

Yet tribes, to this day, and as a direct consequence of the essential governmental function requirement, do not enjoy such authority to any meaningful degree. Not only is section 7871 discriminatory against Indian tribes, inconsistent with the federal policy of self-determination, and contrary to the legal recognition of tribes as governments, it is a stifling repression of the efforts of the historically most impoverished, isolated, and disaffected minority group in the

⁷¹ *Id.*

⁷² See Susanna Duff Barnett, *\$145.5M Cabazon Deal Under Scrutiny IRS Steps Up Probes of Indian Tribes*, BOND BUYER, August 06, 2004 (quoting Charles Anderson, manager of field operations for the IRS tax exempt bond division).

⁷³ IRS Technical Advice Memorandum TAM-142470-05, PLR 200603028, 2005 PLR Lexis 1322 (October 11, 2005, release date January 20, 2006).

⁷⁴ *Id.* at 6.

⁷⁵ Alison L. McConnell, *IRS: 'Essential Government Function' Needed for Conduit Debt*, BOND BUYER, January 23, 2006.

⁷⁶ H.R. Conf. Rep. No. 97-984, at 16-17.

⁷⁷ See Rick Saskal, *IRS Takes Closer Look at Calif. Tribal Deal's Tax-Exempt Status*, BOND BUYER, August 30, 2005.

⁷⁸ See generally Williams *supra* note 25; Aprill *supra* note 25.

nation to improve their daily lives. Indeed, although the law now technically grants tribes tax-free bond authority, the essential governmental function test in reality renders this power one that exists in theory only.

Tribes are similarly situated to states in terms of their governmental obligations to their citizens. Tribes also enjoy a significant degree of sovereignty as domestic dependent nations. Therefore, tribes should, as a matter of both policy and equity, enjoy an identical status as states in the Tax Code, including the broad ability to issue tax-free debt.

Indian tribes have for centuries existed in a kind of dual world where they are sovereigns for some purposes but treated as if their governmental responsibilities are not real for other purposes. The Tax Code's restriction on tribal tax-free bonding authority is an example of the latter. This restriction is a blatant and unjustifiable discrimination against Indian tribes by the Congress in the enacting legislation and by the IRS in its enforcement actions. Moreover, the official federal policy of Indian Tribal Self-Determination requires meaningful access to the tax-free bond market if it is to be successful.

Based on models I have developed to account for taxes on wages paid by employees of projects that, absent the availability of tax-exempt financing, would simply not take place, I am confident that amending section 7871 to expand the scope of tribal tax-exempt bond authority would have a positive impact on federal tax revenues, or at least be revenue neutral. Thus, there is no budgetary impediment to making the necessary changes to the statute.

The Supreme Court's view of economic development as an essential governmental functions bears repeating:

Promoting economic development is a traditional and long accepted governmental function, and there is no principled way of distinguishing it from the other public purposes the Court has recognized.⁷⁹

Unfortunately, the Supreme Court was not opining on an Indian law case but was instead discussing economic development in the municipal context. The parallels are clear, however. Under the status quo, the Tax Code and the IRS are systematically discriminating against tribal governments relative to state and local governments. Congress has the opportunity to rectify this differential treatment simply by rewriting section 7871 to treat tribes as states for all tax purposes, without qualification.

⁷⁹ Kelo v. City of New London, 125 S.Ct. 2658 (2005)

Appendix A

Hotel projects involving tax-exempt issuances of hundreds of millions of dollars have commenced in a number of municipalities, including the following:

- The Austin City Council approved the authorization of up to \$275 million of tax-exempt bonds to finance an 800-room hotel near the city's newly expanded convention center.⁸⁰
- Baltimore issued \$305 million to build a Hilton convention hotel in downtown Baltimore.⁸¹
- The Chicago Metropolitan Pier and Exposition Authority issued \$133 million of tax-exempt hotel revenue bonds for a Hyatt Hotel⁸²
- The City of Omaha Convention Hotel Corporation sold \$103.5 million of tax-exempt bonds for a 450-room hotel to be managed by Hilton Hotel.⁸³
- The Denver Convention Center Hotel Authority issued \$349 million in revenue bonds to build a 1,100-room hotel managed by the Hyatt Corporation.⁸⁴
- The South Carolina Jobs-Economic Development Authority issued \$63.4 million in bonds to fund construction of a 404-room hotel to be operated by Radisson Hotels International Corporation.⁸⁵
- The Indianapolis Local Public Improvement Bond Bank issued \$18.2 million in tax-exempt bonds to help fund a 230-room luxury Hilton hotel.⁸⁶
- Overland Park, Kansas, issued \$87 million in bonds to build a 412-room, full-service convention center hotel operated under a 15-year contract by Sheraton Operating Corporation.⁸⁷
- The city of West Palm Beach, Florida, issued \$55 million in tax-exempt revenue bonds for a parking structure for CityPlace, a \$550 million mixed-used development downtown.⁸⁸
- The Virginia Economic Development Review Issued \$10 million in tax exempt bonds to renovate the Stonewall Jackson Hotel, which contains 124 deluxe guest rooms.⁸⁹
- The District of Columbia Council approved a measure authorizing the redevelopment of the Washington Convention Center site, which could eventually lead to up to \$1.3 billion

⁸⁰ Elizabeth Albanese, *Austin City Council Approves Bond Authorization for Hotel Financing*, BOND BUYER, March 14, 2001, at 5.

⁸¹ Andrew Ackerman, *Baltimore Convention Hotel Plan Gets Second Nod From City Council*, BOND BUYER, August 17, 2005, at 5.

⁸² Karen Pierog, *Chicago hotel revenue to back exposition authority bond sale*, BOND BUYER, February 26, 1996, at 1.

⁸³ Elizabeth Carvlin, *Deal in Focus: City-Backed Omaha Hotel Granted Rare Insurance Coverage*, BOND BUYER, April 10, 2002, at 34.

⁸⁴ Elizabeth Albanese, *Deal in Focus: Denver Selling \$349 Million for Convention Center Hotel*, BOND BUYER, June 17, 2003, at 27.

⁸⁵ Christine Albano, *Big Entrance: Hotel Deals Set Off Frenzied Buying, Earn High Yields*, BOND BUYER, June 6, 2001, at 1.

⁸⁶ Elizabeth Carvlin, *Indianapolis Bond Bank Plans \$28M For Hotel, With Moral Obligation*, BOND BUYER, May 4, 2004, at 4.

⁸⁷ Christine Albano, *High-Yield Focus: Kansas Hotel Deal's Revised Structure Eases Buy-Side Concerns*, BOND BUYER, December 20, 2000, at 7.

⁸⁸ Shelly Sigo, *West Palm Beach, Fla., Still Has All-Stars in Its Eyes*, BOND BUYER, July 20, 2001, at 37.

⁸⁹ Matthew Vadum, *VIRGINIAL: Hotel Gets Facelift*, BOND BUYER, October 27, 2005, at 35.

in tax-exempt bond issuances.⁹⁰

A similar practice involves the issuance of tax-exempt bonds to build hotels in economically depressed areas eligible by their empowerment zone status. Such was the situation in the following instances:

- Little Rock, Arkansas, voters approved the issuance of \$19 million in tax-exempt empowerment zone revenue bonds to renovate the Little Rock Hilton.⁹¹
- San Antonio issued \$130 million of tax-exempt empowerment zone bonds to finance a new Hyatt Corporation 1,000-room convention center hotel.⁹²
- The St. Louis Industrial Development Authority issued \$98 million of tax-exempt federal empowerment zone bonds to partially fund the construction of a convention center hotel.⁹³

Tax-exempt bonds have not only been used to build hotels and convention centers but also to finance horse tracks owned by counties or municipalities.

- In 1987, Polk County, Iowa officials issued \$40 million in tax-exempt bonds to build the Prairie Meadows Horse Racing Track.⁹⁴
- Retama Park outside of San Antonio was financed with \$75 million in tax-exempt debt financing, with a rate of 8.75% on 25-year bonds.⁹⁵ Retama Development, the nonprofit organization set to by the city to construct and equip the racetrack in 1997, subsequently issued \$93.9 million in refunding bonds.⁹⁶
- The Grand Prairie Sports Facilities Development Corporation refinanced “one of the most successful horse racing tracks in the state” in part by issuing \$15.2 million of tax-exempt debt.⁹⁷

⁹⁰ Matthew, Vadum, *Old D.C. Convention Center Site Gets Go-Ahead for Redevelopment*, BOND BUYER, June 8, 2005, at 4.

⁹¹ Elizabeth Albanese, *Little Rock Voters Approve Hotel Bond Issue*, BOND BUYER, July 11, 2002, at 3.

⁹² Elizabeth Albanese, *San Antonio Deal for Hyatt Hotel Empowered With Tax-Exemption*, BOND BUYER, April 26, 2005, at 1.

⁹³ Yvette Shields, *St. Louis' Hotel Financing Deal Wins Investment-Grade Rating*, BOND BUYER, November 15, 2000, at 3.

⁹⁴ *Will County Bet on Racetrack Bonds?* HOUSTON BUSINESS JOURNAL, August 24, 1992, at 1.

⁹⁵ Janin Friend, *Lone Star racetrack is set to issue debt, but some in industry say deal is risky*, BOND BUYER, July 7, 1994, at 1.

⁹⁶ Emily Newman, *Tax Enforcement: IRS: Texas Development Corp.'s \$171M of Debt May Be Taxable*, BOND BUYER, January 12, 2005, at 5.

⁹⁷ Darrell Preston, *Deal in Focus: Texas Town Cleans Up at the Track With Recent Refunding*, BOND BUYER, March 30, 1999, at 22.

Appendix B

Tax-Exempt Civic and Convention Center Financings, January 1, 1995 to February 2, 2005

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
07/02/2002	1,482.98	Metropolitan Pier & Expo Auth	IL	Revenue & Refunding Bonds
09/01/1998	524.46	Washington DC Convention Center	DC	Sr Lien Dedicated Tax Rev Bonds
09/15/1996	506.77	Metropolitan Pier & Expo Auth	IL	Refunding Bonds
02/01/1997	460.84	Anaheim Public Finance Auth	CA	Senior Lease Revenue Bonds
09/01/1999	420.58	Metropolitan Pier & Expo Auth	IL	Metro Pier & Expo Bonds
12/01/1996	340.56	San Francisco St Off Bldg Auth	CA	Lease Revenue Bonds
04/01/1998	326.23	Dallas City-Texas	TX	Revenue Refunding & Improv Bonds
08/05/2003	300.47	New Orleans Exhibition Hall Auth	LA	Revenue Bonds
07/15/2000	299.71	Orange Co-Florida	FL	Tourist Development Tax Rev Bonds
11/01/2002	292.43	San Jose Financing Auth	CA	Lease Revenue Bonds
05/01/2002	260.60	Florida Capital Trust Agency	FL	Revenue Bonds
04/01/2004	237.54	Omaha City-Nebraska	NE	GO Refunding Bonds
06/04/2003	235.52	Los Angeles Conv & Exhib Ctr Au	CA	Var Rte Lease Rev Ref Bonds
06/01/2003	226.05	Los Angeles Conv & Exhib Ctr Au	CA	Lease Revenue Refunding Bonds
09/01/1998	205.00	Convention Ctr Expansion Fin Auth	CA	Lease Revenue Bonds
12/01/1997	201.04	Marion Co Conven & Rec Facs Auth	IN	Excise Tax Lease Rev Rental Bonds
09/02/1998	200.74	Metropolitan Pier & Expo Auth	IL	Expansion Project and Ref Bonds
12/01/2000	198.00	Omaha City-Nebraska	NE	General Obligation Bonds
02/01/2001	194.21	Denver City and Co-Colorado	CO	Excise Tax Revenue Bonds
07/15/1997	193.49	Orange Co-Florida	FL	Tourist Dev Tax Ref Rev Bonds
07/01/2001	186.15	San Jose Financing Auth	CA	Lease Revenue Bonds
08/01/1999	184.74	Washington	WA	Certificates of Participation
03/01/1996	182.01	San Antonio City-Texas	TX	Hotel Occup Tax Rev Bonds
12/01/1998	177.89	Orange Co-Florida	FL	Tourist Dev Tax Ref Rev Bonds
07/02/1996	175.28	Dade Co-Florida	FL	Special Obligation & Refunding
01/15/1996	167.12	New Orleans Exhibition Hall Auth	LA	Special Tax Bonds
02/01/2000	158.42	Gtr Richmond Convention Ctr Auth	VA	Hotel Tax Revenue Bonds
11/01/1999	150.00	Las Vegas Conv & Visitors Auth	NV	Revenue Bonds
06/15/1995	143.91	Houston City-Texas	TX	Revenue Refunding Bonds
04/01/2001	140.50	Houston City-Texas	TX	Hotel Occupancy Tax Rev Ref Bonds
02/01/1996	137.26	Kansas City Munic Assist Corp	MO	Leasehold Ref Rev Bonds
06/14/2001	134.95	Austin Convention Enterprises	TX	Conv Ctr Hotel 2nd Tier Rev Bonds
05/15/2001	134.89	Oakland Joint Powers Fin Auth	CA	Lease Rev Ref Bonds
05/01/1999	130.00	Boston-Massachusetts	MA	BAN
02/15/1999	128.27	New Jersey Sports & Expo Auth	NJ	Convention Center Ref Bonds
03/01/1996	127.42	Metropolitan Pier & Expo Auth	IL	Hospitality Facilities Rev Bonds
11/01/1999	124.17	Maryland Economic Dev Corp	MD	Revenue Bonds
10/01/2000	121.62	King Co-Washington	WA	Unltd Tax GO Refunding Bonds
04/17/2003	118.58	St Louis Municipal Finance Corp	MO	Leasehold Rev Ref Bonds
04/15/2002	116.89	Boston-Massachusetts	MA	Special Obligation Bonds
08/01/2003	110.24	Regional Convention & Sports Comp	Autho	Refunding Bonds
06/14/2001	109.67	Austin Convention Enterprises	TX	Conv Ctr Hotel First Tier Bonds
07/11/2002	108.20	Minneapolis City-Minnesota	MN	Convention Center Bonds
11/01/2002	106.31	Hampton-Virginia	VA	Convention Center Revenue Bonds
03/02/2004	106.01	Hamilton Co Convention Facs Au	OH	Convention Facs Auth Rev Bonds
04/01/2002	102.97	Omaha Convention Hotel Corp	NE	First Tier Revenue Bonds
09/01/2003	102.25	Charlotte City-North Carolina	NC	Ref Certs of Participation
11/06/2001	101.32	Rhode Island Convention Ctr Auth	RI	Refunding Revenue Bonds
09/01/1996	97.43	Clark Co-Nevada	NV	GO Ltd Tax Bonds
06/24/1999	97.00	Minneapolis City-Minnesota	MN	General Obligation Bonds

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
03/24/2004	93.94	Ernest N Morial Exhib Hall Auth	LA	Special Tax Refunding Bonds
06/01/2001	93.00	Washoe Co-Nevada	NV	GO Convention Center Ref Bonds
03/01/1999	92.43	Beverly Hills Public Fin Auth	CA	Lease Revenue Bonds
10/07/2003	90.88	Detroit City-Michigan	MI	Conven Facs Spec Tax Rev Bonds
01/01/2000	85.62	Washoe Co-Nevada	NV	GO Convention Center Bonds
07/02/2002	85.00	San Jose Financing Auth	CA	Lease Revenue BANs
12/13/2001	84.58	Grand Rapids Building Authority	MI	General Obligation Bonds
12/01/1997	84.00	Franklin Co-Ohio	OH	Tax and Lease Anticipation Bonds
02/01/2000	82.52	New Jersey Sports & Expo Auth	NJ	State Contract Bonds
02/01/2001	81.94	Portland City-Oregon	OR	Limited Tax Revenue Bonds
02/25/2004	81.34	Palm Beach Co-Florida	FL	Public Improvement Rev Ref Bonds
10/19/2004	80.89	Kansas City Munic Assist Corp	MO	Leasehold Improvement Rev Bonds
05/01/2001	80.71	Palm Beach Co-Florida	FL	Public Improv Rev Bonds
09/21/2000	80.00	Minneapolis City-Minnesota	MN	GO Convention Center Bonds
03/22/2001	75.00	Denver City and Co-Colorado	CO	Excise Tax Revenue Bonds
05/20/2003	74.00	Florida Capital Trust Agency	FL	Revenue Bonds
07/01/1999	70.00	California Infrstr & Eco Dev Bank	CA	Revenue Bonds
01/09/2003	67.67	San Francisco Redev Agency	CA	Lease Rev Ref Bonds
09/15/1997	67.29	North Charleston-South Carolina	SC	Ref Certificates of Participation
06/01/2000	67.03	College Park Business & IDA	GA	Civic Center Proj Rev Bonds
12/30/2003	65.86	Vancouver City-Washington	WA	Conference Ctr Sr Rev Bonds
05/10/2001	65.00	Gwinnett Co Development Auth	GA	Var Rte Revenue Bonds
01/01/2002	64.57	Birmingham-Jefferson Civ Ctr Au	AL	Special Tax Refunding Bonds
11/01/2002	64.10	NYC Industrial Dev Agency	NY	Civic Facilities Revenue Bonds
06/03/2004	62.40	Palm Springs Financing Authority	CA	Lease Revenue Bonds
11/14/2002	60.00	San Jose Financing Auth	CA	Lease Revenue Bonds
11/14/2002	60.00	San Jose Financing Auth	CA	Lease Revenue Bonds
05/01/1998	58.52	Baltimore Mayor & City Council	MD	Convention Center Ref Rev Bonds
06/01/2003	58.29	Rhode Island Convention Ctr Auth	RI	Refunding Revenue Bonds
11/15/1998	57.05	Salt Lake Co Muni Bldg Auth	UT	Lease Revenue Bonds
04/14/2004	57.00	Cobb-Marietta Coliseum & Exhib Au	GA	Revenue Bonds
08/20/2003	55.95	NYC Convention Center Operating C	NY	Certificates of Participation
08/01/2003	55.87	Regional Convention & Sports Comp	MO	Conv Cntr & Sport Facs Ref Bonds
04/29/1996	55.87	St Paul Housing & Redev Auth	Autho	Conv Cntr & Sport Facs Ref Bonds
11/19/2003	55.30	Kentucky St Property & Bldg Comm	MN	Sales Tax Rev Refunding Bonds
11/01/2002	54.41	Franklin Co Convention Facs Auth	KY	Revenue Bonds
07/01/1995	54.14	Metropolitan Pier & Expo Auth	OH	Tax & Lease Rev Antic Ref Bonds
11/01/2001	53.70	San Marcos Public Facs Auth	IL	Dedicated State Tax Rev Bds
07/01/1998	52.95	Cumberland Co-North Carolina	CA	Public Imp Ref Revenue Bonds
11/02/2000	52.50	San Francisco City & Co Fin Corp	NC	Ref Certificates of Participation
11/02/2000	52.50	San Francisco City & Co Fin Corp	CA	Lease Revenue Bonds
11/02/2000	52.50	San Francisco City & Co Fin Corp	CA	Lease Revenue Bonds
11/02/2000	52.50	San Francisco City & Co Fin Corp	CA	Lease Revenue Bonds
03/01/2001	52.11	Overland Park City-Kansas	CA	Lease Revenue Bonds
01/01/1995	51.58	Cumberland Co-North Carolina	KS	Internal Improvement Bonds
05/24/1995	51.39	Escondido Jt Powers Fin Auth	NC	Certificates of Participation
09/19/2000	50.28	Illinois	CA	Lease Revenue Bonds
03/01/2000	49.77	Manchester Housing Authority	IL	Civic Center Bonds
09/15/1998	49.59	NYC Industrial Dev Agency	NH	Authority Revenue Bonds
11/07/2002	48.40	Minneapolis City-Minnesota	NY	Civic Fac Ref and Equip Rev Bonds
09/01/1995	47.39	Empire State Development Corp	MN	GO Convention Center Bonds
03/01/1998	46.68	Clark Co-Nevada	NY	Project Revenue Refund Bonds
08/01/2001	44.90	West Allis City-Wisconsin	NV	GO Limited Tax Bonds
02/15/2000	44.40	Fort Worth City-Texas	WI	Var Rte Dem Rev Bonds
12/01/1997	43.66	Long Beach Bond Finance Authority	TX	Comb Tax & Rev Cert of Oblig
			CA	Lease Revenue Refunding Bonds

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
04/01/1999	42.20	Nassau Co Industrial Dev Agency	NY	Civic Fac Ref & Improv Rev Bonds
04/24/2002	41.65	NYC Trust for Cultural Resources	NY	Revenue Bonds
06/01/2001	40.85	South Carolina Jobs Econ Dev Au	SC	Senior Revenue Bonds
04/23/1997	40.65	Bakersfield City-California	CA	Certificates of Participation
09/04/2002	40.12	Des Peres-Missouri	MO	Tax Increment Bonds
07/01/2001	39.80	Hot Springs City-Arkansas	AR	Sales & Use Tax Ref & Imp Bonds
06/24/2004	39.74	Minneapolis City-Minnesota	MN	GO Convention Center Ref Bonds
01/01/2004	39.00	Louisville & Jefferson Vist Conv	KY	Revenue Refunding Bonds
05/01/1998	37.59	Illinois	IL	Civic Center Refunding Bonds
09/16/2004	37.24	Chula Vista City-California	CA	Certificates of Participation
08/01/2000	37.00	Ernest N Morial Exhib Hall Auth	LA	Special Tax Bonds
09/02/1998	36.56	Metropolitan Pier & Expo Auth	IL	Coupon and Principal Receipts
10/15/1999	36.55	Pittsburgh-Allegheny Co Pub Aud	PA	Auditorium Bonds
12/01/1999	35.84	Ashwaubenon Comm Dev Auth	WI	Lease Revenue Bonds
05/15/2003	35.08	Clark Co-Nevada	NV	GO Ltd Tax Refunding Bonds
12/01/1996	35.00	Evansville Building Authority	IN	Excise & Income Tax Lease Bonds
07/01/1995	34.30	Oceanside-California	CA	Refunding COP
11/15/1995	34.19	Kansas City Munic Assist Corp	MO	Leasehold Ref Rev Bonds
03/01/1996	34.00	Hot Springs City-Arkansas	AR	Sales & Use Tax Bonds
08/15/2001	33.77	Lafayette Yard Comm Dev Corp	NJ	Revenue Refunding Bonds
04/01/2002	33.58	Rio Nuevo Multipurpose Facs Dt	AZ	Certificates of Participation
06/10/2004	33.57	San Francisco City Co Redev Agcy	CA	Lease Revenue Refunding Bonds
08/01/2000	32.90	Portland City-Oregon	OR	Convention Cntr Urban Renewal
06/01/1999	32.80	NYC Development Auth	NY	Revenue Bonds
10/01/1996	32.60	Hayward City-California	CA	Certificates of Participation
05/22/2003	31.99	Fort Wayne Redevelopment Auth	IN	Lease Rental Revenue Bonds
11/01/2002	31.55	Corpus Christi City-Texas	TX	Tax & Hotel Tax Certs of Oblig
01/15/1997	30.39	NYC Industrial Dev Agency	NY	Civic Facility Rev Bonds
-	30.00	Wisconsin Center Dt	WI	Variable Rate Demand Rev Bonds
03/01/2000	29.64	Richardson City-Texas	TX	Comb Tax & Rev Certs of Oblig
10/04/2001	28.54	Palm Springs Financing Authority	CA	Lease Revenue Refunding Bonds
02/01/2000	27.80	Boston-Massachusetts	MA	BANs
04/15/2000	27.78	Charlotte City-North Carolina	NC	Certificates of Participation
06/05/1998	27.50	Pittsburgh-Allegheny Co Pub Aud	PA	Promissory Bond
07/15/1999	27.08	Inglewood Public Finance Auth	CA	Lease Revenue Ref Bonds
11/01/1997	27.00	Mississippi Development Bank	MS	Special Obligation Bonds
10/01/1997	26.59	Compton-California	CA	Ref Certificates of Participation
06/15/2004	26.42	Hillsboro City-Oregon	OR	Full Faith and Credit Bonds
07/02/2002	26.26	Anaheim Public Finance Auth	CA	Lease Revenue Bonds
12/01/1995	25.76	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Revenue Bonds
10/23/1997	25.15	Minneapolis City-Minnesota	MN	Convention Center Revenue Bonds
01/09/1997	25.03	Washington	WA	GO Refunding Bonds
06/15/1999	25.00	Austin City-Texas	TX	Convention Ctr Project Bonds
-	25.00	Austin City-Texas	TX	Sub Lien Venue Project Bonds
01/15/1998	25.00	New Orleans Exhibition Hall Auth	LA	Special Tax Bonds
09/10/2003	24.34	Charlotte City-North Carolina	NC	Refunding Certs of Participation
01/01/1999	24.31	Greenville Memorial Auditorium Dt	SC	Ref Certificates of Participation
11/01/2002	24.00	NYC Industrial Dev Agency	NY	Civic Fac Rev Bonds
10/01/1999	23.95	Cobb-Marietta Coliseum & Exhib Au	GA	Revenue Bonds
06/01/1998	23.86	Dearborn City-Michigan	MI	Civic Center Bonds
04/15/1997	23.54	West Covina-California	CA	Ref Cetificates of Participation
06/01/2001	23.50	South Carolina Jobs Econ Dev Au	SC	Subordinate Revenue Bonds
01/01/2003	23.19	Maryland Stadium Authority	MD	Lease Revenue Bonds
04/30/2004	23.09	New Jersey Sports & Expo Auth	NJ	Luxury Tax Refunding Bonds
03/01/1998	22.16	Stanislaus Co-California	CA	Certificates of Participation

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
04/08/2004	21.55	Nevada	NV	Lease Rev Certs of Participation
12/01/1998	21.53	Englewood City-Colorado	CO	Certificates of Participation
03/01/1998	21.39	Myrtle Beach Public Facs Corp	SC	Certificates of Participation
11/01/1997	20.92	Marion Co Conven & Rec Facs Auth	IN	Excise Tax Revenue Bonds
08/29/2000	20.55	Suffolk Co Industrial Dev Agency	NY	Civic Facility Ref Rev Bonds
10/01/2001	20.38	College Park Business & IDA	GA	Revenue Bonds
11/15/1997	20.29	St George Interlocal Agency	UT	Lease Revenue Bonds
08/01/1996	20.29	Toledo-Lucas Co Conv & Visit Bur	OH	Special Lodging Tax Rev Ref Bonds
10/01/2001	20.00	North Slope Borough-Alaska	AK	Civic Facility Revenue Bonds
01/05/2005	20.00	NYC Industrial Dev Agency	NY	Civic Fac Ref & Imp Rev Bonds
07/15/1996	19.79	Greenville-South Carolina	SC	Certificates of Participation
01/01/2000	19.38	Washoe Co-Nevada	NV	GO Convention Center Bonds
08/26/2004	19.28	Broward Co-Florida	FL	Tourist Dev Tax Spcl Rev Ref B
06/10/2004	19.17	Minneapolis City-Minnesota	MN	GO Convention Ctr Ref Bonds
08/01/2001	19.00	Laguna Hills-California	CA	Certificates of Participation
05/14/1998	18.35	Tallahassee-Leon Co Civic Ctr Aut	FL	Capital Improv Rev Bonds
02/13/2001	18.06	Portland City-Oregon	OR	Limited Tax Revenue Bonds
11/23/2004	18.00	Cleveland-Cuyahoga Co Port Auth	OH	Var Rte Cultural Facs Rev Bonds
07/23/2003	17.72	NYC Industrial Dev Agency	NY	Civic Facility Revenue Bonds
06/01/2000	17.50	White Earth Band Chippewa Indians	MN	Revenue Bonds
04/15/2000	17.38	Blair Co-Pennsylvania	PA	Guaranteed Revenue Bonds
10/15/1995	17.34	Maryland Stadium Authority	MD	Lease Revenue Bonds
03/01/2001	17.32	Sioux Falls City-South Dakota	SD	Sales Tax Rev Refunding Bonds
08/15/1996	17.30	Omaha Auditorium Facilities Corp	NE	Lease Rev Bds
09/30/1998	17.29	Luzerne Co Convention Ctr Auth	PA	Var Rte Dem Hotel Rev Bonds
08/01/1998	17.21	Fort Collins City-Colorado	CO	Certificates of Participation
04/11/2002	16.10	Toledo City-Ohio	OH	Adj Rte City Svc Spec Asses Notes
08/30/2000	15.82	NYC Industrial Dev Agency	NY	Var Rte Dem Civic Fac Rev Bonds
08/01/1998	15.69	La Mirada Redev Agency	CA	Refunding Special Tax Bonds
01/30/2004	15.49	Cincinnati City-Ohio	OH	Convention Center BANs
01/28/2004	15.18	Louisville & Jefferson Vist Conv	KY	Revenue Refunding Bonds
10/28/2004	15.04	Commerce Jt Power Fin Auth	CA	Lease Revenue Bonds
01/15/1998	15.00	Arlington-Texas	TX	Tax and Rev Certs of Obligation
08/23/2000	15.00	Chautauqua Co Indust Dev Agency	NY	Civic Facility Revenue Bonds
09/01/1999	15.00	Connecticut Hlth & Ed Facs Auth	CT	Facs Auth Revenue Bonds
11/06/2001	15.00	NYC Industrial Dev Agency	NY	Adj Rte Civic Fac Revenue Bonds
10/01/1995	15.00	Ocean City-Maryland	MD	Municipal Purpose Bonds
01/01/2004	14.94	Harris Co Cult Educ Fac Fin Corp	TX	Contract Rev Ref Bonds
09/01/2001	14.65	Summit Co Port Authority	OH	Revenue Bonds
12/01/2001	14.34	Gatlinburg Public Bldg Auth	TN	Muni Obligation Refunding Bonds
06/15/2003	14.23	Middle Georgia Coliseum Auth	GA	Revenue Refunding Bonds
06/30/1999	13.66	NYC Industrial Dev Agency	NY	Civic Fac Rev Refunding Bonds
10/29/1998	13.60	Westminster-California	CA	Var Rte Demand Certs of Partic
06/04/1997	13.54	College Park Business & IDA	GA	Civic Center Proj Rev Ref Bonds
10/01/1997	13.48	Campbell-California	CA	Ref Certificates of Participation
02/01/2000	13.45	Okaloosa Co-Florida	FL	Fourth Cent Tourist Dev Tax Bonds
10/15/2000	13.43	Charlotte City-North Carolina	NC	Certificates of Participation
05/01/1996	13.38	Downey Civic Center Corp	CA	Refunding Certificates of Parts
09/15/1996	13.30	Santa Fe City-New Mexico	NM	Gross Receipts Tax Revenue Bonds
11/01/1997	13.29	Pasadena Community Facs Dt #1	CA	Special Tax Bonds
06/30/2004	12.85	Albany Industrial Dev Agency	NY	Civic Fac Revenue Bonds
10/01/1996	12.85	College Park Business & IDA	GA	Civic Center Proj Rev Bonds
07/15/2003	12.83	Kennewick Public Facs Dt	WA	Ltd Sales Tax Oblig Bonds
11/01/2003	12.80	Rancho Santa Margarita- Californi	CA	Certificates of Participation
02/01/1999	12.80	San Marcos City-Texas	TX	GO Ref & Improvement Bonds

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
02/01/1996	12.47	Birmingham-Jefferson Civ Ctr Au	AL	Ref & Cap Outlay Special Tax Bds
07/01/2002	12.35	Birmingham-Jefferson Civic Center	AL	Special Tax Bonds
03/14/2002	12.32	Muncie's Edit Building Corp	IN	Lease Rental Rev Ref Bonds
10/01/1997	12.30	Palm Springs Financing Authority	CA	Lease Revenue Refunding Bonds
-	12.21	NYC Industrial Dev Agency	NY	Civic Facility Revenue Bonds
06/01/2003	12.18	Reno City-Nevada	NV	2002 Spec Improv Dt #5 Bonds
07/15/1996	12.00	Greenville Memorial Auditorium Dt	SC	General Obligation Bonds
04/01/1996	12.00	Madison City-Wisconsin	WI	General Obligation Bonds
09/15/1997	12.00	Nampa Urban Renewal Agency	ID	Revenue Allocation Ref Bonds
03/30/1995	12.00	Syracuse Industrial Dev Agency	NY	Civic Facilities Revenue Bds
03/05/1996	11.99	Fresno-California	CA	Certificates of Participation
07/10/2002	11.93	Campbell-California	CA	Refunding Certs of Participation
01/04/2001	11.76	NYC Industrial Dev Agency	NY	Civic Fac Revenue Bonds
08/11/1999	11.76	Green Bay Redevelopment Auth	WI	Lease Revenue Bonds
06/15/1996	11.58	St Lawrence Co Ind Dev Agency	NY	Civic Facility Revenue Bonds
03/27/1997	11.43	Redding Joint Powers Fin Auth	CA	Lease Revenue Bonds
05/28/1997	10.89	Palmdale Civic Authority	CA	Revenue Bonds
08/01/2004	10.87	Fairfax Co Redev & Housing Auth	VA	Lease Revenue Bonds
10/01/1998	10.72	Laguna Hills-California	CA	Certificates of Participation
05/01/1997	10.68	Mississippi Development Bank	MS	Special Obligation Bonds
12/01/1999	10.53	Ridgecrest-California	CA	Ref Certificates of Participation
12/15/2000	10.50	Killeen-Texas	TX	Comb Tax & Hotel Occupancy Cert
10/15/2001	10.47	Charlotte City-North Carolina	NC	Ref Certificates of Participation
06/01/2002	10.45	Bellevue City-Washington	WA	GO Limited Tax
12/01/1998	10.33	Santa Clara City-California	CA	Special Assessment Bonds
03/01/2001	10.21	Wichita Falls-Texas	TX	GO Construction & Ref Bonds
07/01/1995	10.00	Harrison Co-Mississippi	MS	GO Coliseum & Convention Bds
11/01/1999	10.00	Maryland Economic Dev Corp	MD	Sr Lien Revenue Bonds
12/01/1996	10.00	Polk Co-Iowa	IA	GO County Purpose Bonds
-	10.00	Utica Industrial Dev Agency	NY	Civic Facility Revenue Bonds
04/01/1996	10.00	Vicksburg City-Mississippi	MS	General Obligation Bonds
10/23/2001	9.90	Carmel-By-the-Sea-California	CA	Sunset Center Lease Rev Certs
09/01/2002	9.70	Troy Downtown Development Auth	MI	Community Center Facilities Bond
04/01/2003	9.69	Skagit Regional Public Facs Dt	WA	Ltd Sales Tax GO Bonds
09/21/2000	9.65	Suffolk Co Industrial Dev Agency	NY	Civic Facilities Revenue Bonds
06/01/1997	9.60	Louisiana Board Trust St Coll & U	LA	Lease Revenue Bonds
04/05/2001	9.50	Salem-Ohio	OH	Var Rte Civic Facs Rev Bonds
08/15/1998	9.40	Bismarck City-North Dakota	ND	Lodg & Restaurant Tax Rev Bonds
09/01/2002	9.34	Longmont-Colorado	CO	GO Civic Center Refunding Bonds
06/01/2001	9.29	Paducah City-Kentucky	KY	General Obligation Bonds
07/01/1998	9.14	Miami Beach Redevelopment Agcy	FL	Tax Increment Rev Bonds
10/15/1998	9.03	St Lawrence Co Ind Dev Agency	NY	Civic Facilities Rev Ref Bonds
03/01/1996	8.90	Illinois Educational Facs Auth	IL	Adjustable Rate Demand Rev Bds
03/15/1999	8.61	Round Rock City-Texas	TX	Hotel Occupancy Tax Revenue Bonds
-	8.50	Summit Co-Ohio	OH	Multi-Mode Var Rte Civic Fac Bds
12/01/1999	8.44	Overland Park City-Kansas	KS	Internal Improvement Bonds
09/15/1995	8.28	Washington	WA	Certificates of Participation
01/29/2004	8.27	Monroe Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
12/15/2002	8.18	Union Twp-Ohio	OH	Civic Ctr Ltd Tax GO Bonds
02/01/1999	8.00	Duluth City-Minnesota	MN	GO DECC Improvement Bonds
08/15/1996	7.94	Taylor Co-Texas	TX	General Obligation Bonds
06/01/2001	7.83	Gig Harbor-Washington	WA	Ltd Tax GO Bonds
06/25/1997	7.75	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Revenue Bonds
05/18/1999	7.67	Hempstead Industrial Dev Agency	NY	Civic Fac Revenue Bonds
12/18/1997	7.55	Encinitas-California	CA	Ref Certificates of Participation

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
12/01/1998	7.50	Tinley Park-Illinois	IL	General Obligation Bonds
06/01/2002	7.35	NYC Industrial Dev Agency	NY	Civic Fac Revenue Bonds
05/01/2000	7.18	Mississippi Development Bank	MS	Special Obligation Bonds
06/01/1999	7.11	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Rev Bonds
03/26/1997	7.08	Monroe Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
10/12/1999	7.05	Syracuse Industrial Dev Agency	NY	Civic Fac Revenue Bonds
07/02/1998	7.00	Emeryville Public Fin Authority	CA	Lease Revenue Bonds
04/01/2001	6.97	Duluth City-Minnesota	MN	GO Refunding Rev Bonds
05/01/1998	6.87	Wichita Co-Texas	TX	GO Refunding Bonds
11/01/1996	6.86	Reno-Sparks Conv & Vistors Au	NV	Revenue Refunding Bonds
08/30/2001	6.83	South Bend Redevelop Authority	IN	Lease Rental Rev Ref & Imp Bonds
03/15/2001	6.80	Greenville City-North Carolina	NC	Special Obligation Rev Bonds
09/01/2002	6.79	Greater Boise Auditorium Dt	ID	Certificates of Participation
05/01/2001	6.79	Windsor Joint Powers Fin Auth	CA	Lease Revenue Bonds
11/15/2000	6.75	Amarillo-Potter Events Venue Dt	TX	Spec Tax and Lease Revenue Bonds
09/30/1997	6.75	Suffolk Co Industrial Dev Agency	NY	Multi Mode Var Rte Civic Fac Bds
12/01/1998	6.74	Industry City-California	CA	Revenue Bonds
01/01/1996	6.70	Sharonville City-Ohio	OH	Convention Center Bonds
12/24/2003	6.68	Beacon City-New York	NY	BANs
06/20/1996	6.57	NYC Industrial Dev Agency	NY	Civic Facility Rev Bonds
07/15/1998	6.50	Lake Co-Indiana	IN	Revenue Bonds
02/04/1998	6.42	Suffolk Co Industrial Dev Agency	NY	Civic Fac Revenue Bonds
02/01/1996	6.37	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Revenue Bds
07/01/1999	6.36	Bellflower-California	CA	Ref Certificates of Participation
02/01/1999	6.15	South San Francisco Cap Imp Auth	CA	Certificates of Participation
02/15/1998	6.14	Fort Wayne Redevelopment Dt	IN	Redev Dt Ref and Improv Bonds
08/01/1997	6.09	Springfield Metro Expo and a Aut	IL	General Obligation Bonds
10/20/2004	6.02	Carmel Civic Square Bldg Corp	IN	First Mortgage Refunding Bonds
12/01/1996	6.00	Franklin Co-Tennessee	TN	GO Pubic Improvement Bonds
09/28/2001	6.00	Henrico Co Econ Dev Auth	VA	Var Rte Revenue Bonds
06/27/1997	6.00	NYC Industrial Dev Agency	NY	Var Rte Civic Fac Rev Bonds
08/01/1998	6.00	Spartanburg Co-South Carolina	SC	General Obligation Bonds
01/01/1996	6.00	Yakima-Washington	WA	Ltd Tax GO Convention Center Bds
10/01/1996	5.99	Maine Court Facilities Auth	ME	Lease Rental Rev Bonds
11/15/1997	5.95	Lake Jackson City-Texas	TX	Certificates of Obligation
04/01/1999	5.95	Washoe Co-Nevada	NV	GO Recreational Ref Bonds
09/15/2002	5.90	Springdale-Ohio	OH	Community Center Expansion Bonds
06/04/1997	5.90	Suffolk Co Industrial Dev Agency	NY	Civic Facility Rev Bonds
06/01/2003	5.87	South San Francisco Cap Imp Auth	CA	Refunding Rev Bonds
04/01/1998	5.72	Santa Fe City-New Mexico	NM	Revenue Bonds
06/01/1999	5.69	NYC Industrial Dev Agency	NY	Civic Falcility Revenue Bonds
05/15/2003	5.66	Laguna Hills-California	CA	Certificates of Participation
09/26/2001	5.64	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
03/01/2004	5.56	Augusta-Richmond Co Coliseum Au	GA	Revenue Refunding Bonds
06/01/2002	5.53	Watertown-South Dakota	SD	General Obligation Bonds
12/19/1995	5.34	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Rev CABs
06/11/1998	5.30	Big Bear Lake-California	CA	Ref Certificates of Participation
12/23/2003	5.24	Rensselaer Co Indus Dev Agency	NY	Civic Facs Revenue Bonds
06/27/2001	5.20	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
04/15/1995	5.08	Brea Public Fin Authority	CA	Lease Revenue Bonds
10/21/2002	5.00	Milwaukee City Redevelopment Auth	WI	Var Rte Dem Redev Rev Bonds
08/26/2004	5.00	Missouri Development Fin Board	MO	Cultural Facs Revenue Bonds
08/01/1998	5.00	Seattle City-Washington	WA	Limited Tax GO Bonds
-	5.00	St Louis Conv-Sports Complex Au	MO	Anticipation Notes
08/02/2001	4.86	Westchester Co Indust Dev Agcy	NY	Revenue Bonds

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
06/26/2003	4.80	Cuyahoga Co-Ohio	OH	Civic Fac Revenue Bonds
07/15/1999	4.80	Farmers Branch-Texas	TX	Tax & Hotel Occupancy Tax Certs
06/26/2002	4.72	Westchester Co Indust Dev Agcy	NY	Civic Fac Revenue Bonds
03/01/2001	4.63	Louisville & Jefferson Vist Conv	KY	Dedicated Tax Rev Ref Bonds
12/01/1998	4.60	Massachusetts Dev Finance Agency	MA	Revenue Bonds
09/01/1998	4.56	Monroe Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
06/22/1999	4.50	Westchester Co Indust Dev Agcy	NY	Civic Facility Revenue Bonds
04/10/2001	4.42	Santa Cruz City-California	CA	Certificates of Participation
11/23/2004	4.33	Brea Public Fin Authority	CA	Ref Lease Revenue Bonds
10/25/1995	4.18	Monroe Co Industrial Dev Agency	NY	Civic Facility Ref Rev Bonds
03/06/2000	4.14	Otsego Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
06/18/1999	4.13	Albany Industrial Dev Agency	NY	Civic Facility Revenue Bonds
03/01/2002	4.11	Sylvania City-Ohio	OH	Community Facs Improv Bonds
12/01/1999	4.06	Charleston-West Virginia	WV	Civic Center Improvement Bonds
03/15/2001	4.00	Fairview Heights-Illinois	IL	General Obligation Bonds
11/01/1999	3.90	Dutchess Co Industrial Dev Agcy	NY	Civic Fac Revenue Bonds
12/01/1999	3.90	Northumberland Co Authority	PA	Guaranteed Lease Revenue Bonds
08/01/2000	3.90	Richland City-Washington	WA	Ultd Tax General Obligation Bonds
12/05/1997	3.86	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
09/01/1998	3.64	Charleston-West Virginia	WV	Civic Center Improvement Bonds
04/11/2002	3.63	Erie Co Industrial Dev Agency	NY	Var Rte Civic Fac Rev Bonds
02/27/2003	3.63	West Covina Public Fin Auth	CA	Lease Revenue Bonds
10/01/1997	3.62	Portland City-Texas	TX	Sales Tax Revenue Refunding Bonds
04/01/2000	3.57	Clinton Public Works Auth	OK	Revenue Bonds
08/21/1997	3.50	Huntington-West Virginia	WV	Var Rte Demand Bonds
12/21/1995	3.50	NYC Industrial Dev Agency	NY	Civic Facility Revenue Bonds
01/29/2002	3.50	Palo Alto-California	CA	Certificates of Participation
10/30/1998	3.45	Westchester Co Indust Dev Agcy	NY	Civic Facility Rev Bonds
05/01/1997	3.33	Port St Lucie City-Florida	FL	Certificates of Participation
06/01/1995	3.16	Fort Wayne Redevelopment Dt	IN	Tax Increment Revenue Bonds
06/01/1997	3.07	Oldham Co Public Fac Constr Corp	KY	Mortgage Revenue Bonds
05/01/2003	3.00	Gibraltar-Michigan	MI	GO Unltd Tax Bonds
03/16/2004	3.00	Green City-Ohio	OH	Community Learning Center BANs
12/17/2001	3.00	Solon-Ohio	OH	Community Center Improv BANs
04/06/2000	3.00	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
10/15/2000	3.00	Wayne City-Nebraska	NE	Public Bldg Sales Tax Rev Bonds
12/07/2004	2.99	Massillon-Ohio	OH	GO Ltd Tax BANs
02/26/2004	2.96	Massillon-Ohio	OH	GO Ltd Tax BANs
01/28/2000	2.95	Rocky River City-Ohio	OH	Various Purpose GO BANs
04/27/2000	2.90	Suffolk Co Industrial Dev Agency	NY	Civic Fac Rev Bonds
11/15/1998	2.82	Peoria City-Illinois	IL	General Obligation Bonds
06/01/2001	2.72	Wixom City-Michigan	MI	GO Unltd Tax Ref Bonds
04/11/2001	2.70	Massillon-Ohio	OH	Land Acquisition BANs
12/01/1995	2.65	St Anthony City-Minnesota	MN	Tax Increment Bonds
02/01/2003	2.60	Wheeling-West Virginia	WV	GO Civic Center Bonds
12/05/1997	2.56	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
05/15/2003	2.52	Independence-Ohio	OH	Civic Center Ref Bonds
04/27/2000	2.50	Suffolk Co Industrial Dev Agency	NY	Civic Facility Revenue Bonds
06/29/2001	2.42	Oak Grove-Missouri	MO	Certificates of Participation
07/30/1998	2.34	St Paul City-Minnesota	MN	Lease Revenue Bonds
12/01/1999	2.14	Hiawatha City-Iowa	IA	Revenue Bonds
01/15/1997	2.10	Nampa Urban Renewal Agency	ID	Rev Allocation Tax Incr Bonds
05/01/2001	2.10	Portland City-Oregon	OR	Limited Tax Revenue Bonds
06/01/2002	2.06	Peoria City-Illinois	IL	General Obligation Bonds
10/19/1995	2.06	Sharonville City-Ohio	OH	Convention Center BANs

Dated Date	Amount (\$ mils)	Issuer	State	Issue Description
10/16/1997	2.00	Valley View Village-Ohio	OH	Community Center Note
05/15/1995	1.93	Colorado Tech Center Metro Dt	CO	Refunding Bonds
06/01/1998	1.93	San Dimas-California	CA	Certificates of Participation
06/01/1999	1.90	Mandan City-North Dakota	ND	Limited Tax Revenue Bonds
11/20/2001	1.85	Cuyahoga Co-Ohio	OH	Civic Facility Revenue Bonds
02/01/1999	1.70	Pecos Co-Texas	TX	Tax Notes
09/03/1997	1.70	Tallahassee City-Florida	FL	Capital Improvement Rev Bonds
04/13/2000	1.66	Glens Falls-New York	NY	Renewal BANs
09/01/2003	1.64	Greenbrier City-Arkansas	AR	Sales & Use Tax Bonds
12/01/1999	1.61	Charleston-West Virginia	WV	Civic Center Lease Rev bonds
04/01/1997	1.60	Lakeway-Texas	TX	General Obligation Bonds
12/01/1998	1.56	Granite Falls-Minnesota	MN	GO Community Center Bonds
05/19/1995	1.55	Sharonville City-Ohio	OH	Convention Center BANs
10/15/2001	1.54	Marshall City-Texas	TX	Comb Tax & Rev Certificates of Ob
12/01/1997	1.50	Kenosha Co-Wisconsin	WI	GO Promissory Notes
09/01/1996	1.50	Lynwood Public Financing Auth	CA	Lease Revenue Bonds
01/25/1999	1.50	Reno-Sparks Conv & Visitors Au	NV	Medium-Term Note
01/25/2001	1.50	Rocky River City-Ohio	OH	Civic Center BANs
12/01/1995	1.45	Edmonds-Washington	WA	Limited Tax GO Bonds
01/01/1995	1.43	Cumberland Co-North Carolina	NC	Certificates of Participation
06/01/2000	1.35	Junction City-Kansas	KS	Residential Rental Fac Rev Bonds
04/17/2000	1.32	Falls City-Nebraska	NE	Lease Purchase Bonds
08/01/2000	1.28	Jefferson City Indust Dev Auth	MO	Civic Facility Revenue Bonds
-	1.21	Westchester Co Indust Dev Agcy	NY	Civic Facilitys Revenue Bonds
04/15/1998	1.08	Ellsworth Public Building Comm	KS	Refunding Revenue Bonds
04/30/2001	0.91	Lackawanna Co Ind Dev Auth	NY	Civic Fac Revenue Bonds
09/01/1996	0.90	Ocean Shores-Washington	WA	Ltd Tax GO Convention Center Bds
11/01/1999	0.89	El Dorado-Kansas	KS	GO Public Building Bonds
01/29/2003	0.89	Brookhaven Indus Dev Authority	NY	Civic Fac Revenue Bonds
10/15/1998	0.85	Miamisburg-Ohio	OH	Building Improvement BANs
09/15/2000	0.83	Glasscock Co-Texas	TX	Limited Tax Permanent Imp Bonds
09/15/1998	0.80	Glens Falls-New York	NY	BANs
10/02/1997	0.80	Barberton City-Ohio	OH	Community Center Improv Notes
07/01/1997	0.80	Sparta-Wisconsin	WI	GO Promissory Notes
-	0.75	St Johns Bldg Authority	MI	Building Authority Bonds
10/01/1998	0.70	Barberton City-Ohio	OH	Community Center Improv Note
06/01/2002	0.69	Nassau Co Industrial Dev Agency	NY	Civic Fac Revenue Bonds
04/15/1997	0.51	Ector Co-Texas	TX	Tax Notes
03/15/2001	0.50	Mount Pleasant-Texas	TX	Comb Tax & Rev Cert of Obligation
09/15/2000	0.50	Raynham-Massachusetts	MA	Senior Center BANs
03/15/1996	0.50	Watertown City-New York	NY	BANs
03/11/1997	0.43	Hingham-Massachusetts	MA	Civic Center BANs
05/01/1998	0.42	Waverly-Iowa	IA	GO Refunding Bonds
11/01/2002	0.38	Strawberry Point-Iowa	IA	GO Civic Ctr Improv & Ref Notes
04/01/2004	0.25	Houma Area Conv & Visitors Bureau	LA	Certificates of Indebtedness
10/15/1995	0.22	Sacramento City-California	CA	Certificates of Participation
10/26/2000	0.17	Ogdensburg-New York	NY	BANs
02/18/1999	0.07	Monona-Iowa	IA	GO Community Center Note
Total:	18,301.45			

Appendix C

Golf Course Resort Hotels Owned by State or Local Governments

Owner	Hotel	Description
Alabama (Alabama State Parks Dept.)	Gulf State Park Resort Lodge	144-room hotel and 17 newly-remodeled lakeside cabins on 2.5-mile, sugar white beach on Gulf of Mexico. The facility includes restaurant and cocktail lounge, Olympic-size pool, tennis courts, convention/meeting facilities for up to 1000, gazebos, the longest pier on the Gulf (825 feet), and an 18-hole championship golf course. Opened in 1974, complete renovation in 1991. Planned \$20 million bond issue for capital improvements; possible expansion to 250 rooms with 1,500-person convention center.
Alabama (Alabama State Parks Dept.)	Joe Wheeler State Park Resort Lodge and Convention Center	75-room recently renovated hotel with 9 suites overlooking Wheeler Lake on the Tennessee River. The resort complex has a newly-renovated convention facility with accommodation for 400, restaurant, lighted tennis courts, swimming pool, full-service marina with 134 slips, and 18-hole golf course. Facilities also include 2 group lodges and 23 cabins.
Alabama (Alabama State Parks Dept.)	Lake Guntersville State Park Resort Lodge	100-room hotel, 16 cottages and 18 fireplace-equipped chalets. Facility includes restaurant, sauna, swimming pool, lighted tennis courts, 600-person convention complex (1,200-guest banquet facility), and 18-hole golf course.
Alabama (Alabama State Parks Dept.)	Lakepoint Resort State Park Resort Lodge	107-room hotel and 29 newly-renovated, fully-furnished cabins. Facility includes 7 meeting/banquet rooms, 6 lighted tennis courts, swimming pool, 1/4-mile beach on Lake Eufaula, and 18-hole golf course.
Arkansas (Arkansas Dept. of Parks and Tourism)	DeGray Lake Resort State Park	96-room newly renovated hotel on island in DeGray Lake. The facility has a lakefront 120-seat restaurant, convention center for up to 450, swimming pool, tennis courts, horseback riding facilities, 132-slip marina, and 18-hole championship golf course.
Colorado (South Suburban Park & Recreation District)	Lone Tree Golf Club and Hotel	15 luxury guest suites in 45,000 sq. ft. hotel/clubhouse with conference rooms, banquet and reception halls, café, pool, tennis courts, fitness room, and 18-hole championship golf course designed by Arnold Palmer. Owned by the District since 1991.
Georgia	Brasstown Valley Resort	102-room luxury hotel and 8 secluded 4-bedroom cottages. The rooms have fireplaces and balconies overlooking the mountains. The facility has over 14,000 sq. ft. of meeting space, including amphitheater, 6 conference rooms and a 300-person ballroom. Also includes restaurant, 72-foot stone fireplace, outdoor and heated indoor pools, health club with licensed massage therapists, spa, lighted outdoor tennis courts, horseback riding facilities, and an 18-hole championship Scottish links golf course ranked as one of the top five Georgia courses by Golf Digest. Constructed in 1995. Managed by Crestline Hotels and Resorts under a qualified management agreement.

Owner	Hotel	Description
Georgia (until 1997 – currently leased to Silver Dollar City/Marriott)	Evergreen Conference Center in Stone Mountain Park	249-room hotel with 31,000 sq. ft. conference center (35 meeting rooms), indoor and outdoor swimming pools, two restaurants, and two 18-hole golf courses, in the 3,200 acre Stone Mountain Park. One of the golf courses was designed by Robert Trent Jones and is one of the top 75 public courses in America. The facility also contains a massive tennis complex with stadium used in the 1996 Olympics. Opened in 1989. In 1996, \$43-million capital improvement program completed. Privatized in 9/97.
Georgia (Georgia Dept. of Natural Resources)	George T. Bagby State Park Lodge	30-room hotel and 5 cottages, with restaurant, swimming pool, conference center, tennis courts and 18-hole golf course.
Georgia (Georgia Dept. of Natural Resources)	Little Ocmulgee State Park Lodge	30-room hotel and 10 cottages, with restaurant, conference center, swimming pool, tennis courts, and 18-hole championship golf course.
Indiana (Indiana Division of State Parks and Reservoirs)	The Fort Golf Resort and Conference Center	7 units with luxury suite in Harrison House, and three other fully-furnished houses, in 1700-acre Fort Harrison State Park. The historic fort complex includes a restaurant, a 320-person ballroom, conference rooms, horseback riding and an 18-hole championship golf course designed by Pete Dye.
Kentucky (Kentucky Dept. of Parks)	Barren River Lake State Resort Park	51-room hotel and 22 two-bedroom, two-bathroom cottages. The facility includes 146-seat dining room, meeting rooms, 400-person banquet room, swimming pool, lighted tennis courts, 140-slip marina, horse stables, and 18-hole regulation golf course.
Kentucky (Kentucky Dept. of Parks)	General Butler State Resort Park Lodge	53-room hilltop hotel and 24 cottages. Each unit has a private balcony or patio. Facility includes swimming pool, tennis courts, 176-seat dining room, meeting rooms, newly opened conference center for up to 800 people, and 9-hole regulation golf course. Conference center opened 1/00.
Kentucky (Kentucky Dept. of Parks)	Jenny Wiley State Resort Park Lodge	49-room hotel with 224-seat restaurant, two private dining rooms, two meeting rooms, theater, Olympic-size swimming pool, modern conference center for up to 800 people, sky-lift, 199-slip boat dock, and a 9-hole regulation golf course.
Kentucky (Kentucky Dept. of Parks)	Kenlake State Resort Park Lodge	48-room hotel and 34 (?) one to three-bedroom fully-furnished cottages. Includes 182-seat restaurant, conference and meeting rooms, marina with 76 open slips and 130 covered slips, swimming pool, four indoor and five outdoor tennis courts, and 9-hole golf course.
Kentucky (Kentucky Dept. of Parks)	Kentucky Dam Village State Resort Park Lodge	72-room hotel, 14-room inn and 72 one to three-bedroom fully-furnished cottages. Includes 346-seat restaurant, swimming pool, tennis courts, convention facility for up to 900 persons, additional meeting rooms for up to 115 persons, 4,000 ft. paved and lighted airstrip, and 18-hole golf course.
Kentucky (Kentucky Dept. of Parks)	Lake Barkley State Resort Park Lodge	124-room hotel, 11-room Little River Lodge, and 9 two-bedroom, two-bath cottages. Facility has 331-seat restaurant lighted by 3-story tall windows, 500-person convention center, additional meeting rooms for up to 115 persons, new heated indoor pool, public beach, 122-slip marina, lighted tennis courts, trapshooting range, 4,800 ft. lighted airstrip and 18-hole golf course. Well-equipped fitness center has nautilus and free weights, glass racquetball court, tanning booths, sauna, 5 certified trainers and a certified massage therapist.

Owner	Hotel	Description
Kentucky (Kentucky Dept. of Parks)	Lake Cumberland State Resort Park Lodge	63-room hotel, 13-room secluded lodge, and ten cottages overlooking 50,000-acre Lake Cumberland, with restaurant, spa and exercise room, conference facilities, indoor and outdoor pools, tennis courts, riding stables, marina with 100 open slips and rental boats, and 9-hole par-3 golf course.
Kentucky (Kentucky Dept. of Parks)	Pine Mountain State Resort Park Lodge	30-room hotel and 20 cottages, with 216-seat restaurant, modern convention facility with room for up to 300 persons, additional meeting rooms, new A.D.A.-accessible pool, and \$10 million 18-hole golf course designed by Michael Hurdzan to open in 4/01.
Kentucky (Kentucky Dept. of Parks)	Rough River Dam State Resort Park Lodge	40-room hotel and 15 two-bedroom cottages overlooking the lake. Each room has private patio or balcony. The facility includes a 167-seat restaurant, banquet/meeting room for over 300 guests, additional meeting rooms for 250 guests, swimming pool, tennis courts, marina with over 190 slips, 3,200 ft. paved and lighted airstrip, and 9-hole par-3 golf course.
Springfield, Louisiana (Springfield Economic Development Corporation)	Golf Course Hotel Conference Center	100-room hotel with 12,500 sq. ft. conference center and 18-hole golf course. The course will be called the Blood River Golf Club and is scheduled to open late Summer 2001. State bond commission gave final approval for \$26.6 million in tax-exempt bonds on 10/19/2000; fairways cleared and construction to begin upon completion of financing; will be managed under 15-year management contract.
Maryland (Maryland Economic Development Authority)	Hyatt Regency Chesapeake Bay Golf Resort, Spa and Marina	400-room waterfront hotel with 35,000 sq. ft. conference center, 2 ballrooms, 18,000 sq. ft. health and fitness spa, multi-level indoor and outdoor swimming pool, 6 lighted tennis courts, 150-slip marina, and an 18-hole championship golf course designed by Keith Foster. Construction financed by sale of \$152 million in tax-exempt bonds. Sale of tax-exempt bonds in 12/99. Under construction; opening expected 12/01.
Maryland (Maryland Economic Development Authority)	Rocky Gap Lodge and Golf Resort	220-room resort hotel and golf course complex in Rocky Gap State Park, with 550-person ballroom, convention facilities, swimming pool, tennis court, fitness area, and 18-hole Jack Nicklaus Signature Golf Course. \$15.4 tax-exempt bonds sold in 1/95; total cost to State projected at \$34.4 million.
Minnesota (Iron Range Resources and Rehabilitation Board)	Giants Ridge Golf and Ski Resort	93-room hotel lodge with 7,000 sq. ft. of conference space, restaurant, bar, swimming pool, fitness area, 34 downhill ski runs, 70 km of cross-country ski trails, and championship 18-hole golf course designed by Jeffrey D. Brauer and Lanny Wadkins and named Minnesota's Number One Public Course in 1999. Owned by State since 1987. Golf course opened in 1997. Construction of a second 18-hole golf course is planned.
Ohio (Ohio Division of Parks)	Deer Creek Resort and Conference Center	113-room hotel and 25 fully-furnished cabins, with restaurant, lounge, indoor and outdoor pools, sauna, fitness room, 12,000 sq. ft. conference center with 9 meeting rooms accommodating up to 350 people, and 18-hole, 350-acre championship golf course designed by Jack Kidwell and opened in 1982. Managed by Delaware North Parks Service on 10-year contract.

Owner	Hotel	Description
Ohio (Ohio Division of Parks)	Hueston Woods State Park Resort	92-room hotel, one of the largest A-frames in the world with 100-foot sandstone fireplace, and 50 fully-furnished cabins. Includes restaurant, fitness center, outdoor swimming pool, conference center with 6 function rooms accommodating up to 300 people, tennis courts, and 18-hole championship golf course designed by Jack Kidwell. Managed by AmFac.
Ohio (Ohio Division of Parks)	Maumee Bay Resort and Conference Center	120-room hotel and 20 two- and four-bedroom cottages, with conference facilities and meeting rooms capable of accommodating up to 500 people. Set amidst 1,845-acre state park on the shores of Lake Erie, the facility also has an indoor/outdoor pool, a 1,500 ft. swimming beach, lighted tennis courts, and 18-hole Scottish Links golf course. Managed by AmFac.
Ohio (Ohio Division of Parks)	Punderson Manor State Park Resort	31-room Tudor-style hotel in former mansion and 26 fully-furnished two-bedroom cabins. The facility has 4 conference rooms, restaurant and cocktail lounge, indoor and outdoor pools, tennis courts, cross-country skiing, and 18-hole championship golf course. Managed since 1986 by AmFac. Major renovation completed 1999.
Ohio (Ohio Division of Parks)	Salt Fork Resort and Conference Center	148-room hotel and 54 fully-furnished two-bedroom cottages, including 17 chalets with hot tubs and gas fireplaces. Facility includes restaurant, indoor and outdoor swimming pools, fitness center, tennis courts, conference facilities accommodating up to 450 people, and 18-hole championship golf course. Within 20,000-acre wilderness area. Managed by AmFac.
Ohio (Ohio Division of Parks)	Shawnee Resort and Conference Center	50-room hotel and 25 recently renovated cabins with gas fireplaces. Includes indoor/outdoor pool, sauna, fitness room, tennis courts, conference facilities for up to 350 people, and nearby 18-hole championship golf course. Managed by AmFac.
Oklahoma (Oklahoma Tourism and Recreation Dept.)	Lake Murray Resort Park Inn	50-room resort hotel and 81 cottages, with restaurant, swimming beach and pool, horseback riding facilities, game room, 7 meeting rooms accommodating up to 400 people, airstrip, and 18-hole golf course.
Oklahoma (Oklahoma Tourism and Recreation Dept.)	Lake Texoma Resort Lodge	99-room resort hotel, 67 cottages, 4 beach huts and 20-room lodge, with restaurant, waterfront lounge, swimming pool and beach, fitness center, horseback riding facility, conference facilities for 500, marina, and Chickasaw Pointe Golf Resort, an 18-hole championship golf course that opened in 1997 and in 2000 was rated the 10th best municipal course in the U.S.
Oklahoma (Oklahoma Tourism and Recreation Dept.)	Quartz Mountain Resort Park Lodge	120-room newly constructed hotel/conference center with indoor/outdoor swimming pool, 5,000 sq. ft. dining hall, 700-seat performance hall, and 18-hole golf course. Home of the Oklahoma Arts Institute, which runs programs in the facility. Owned by the State of Oklahoma; managed by private entity. New hotel/conference facility scheduled for completion in Spring, 2000.
Oklahoma (Oklahoma Tourism and Recreation Dept.)	Roman Nose Resort Park Lodge	47-room resort hotel with conference facilities for 120 persons, restaurant, swimming pool, horseback riding stable and facilities, and 18-hole golf course designed by Floyd Farley. 10 cottages also available.
Oklahoma (Oklahoma Tourism and Recreation Dept.)	Western Hills Guest Ranch in Sequoyah State Park	101-room ranch hotel and 54 cottages, with restaurant, saloon, 9 meeting rooms with capacity of 898, swimming pool and beach, archery range, marina with boat rentals, horseback riding facilities and trails, and 18-hole golf course.

Owner	Hotel	Description
South Carolina (South Carolina Dept. of Parks, Recreation and Tourism)	Hickory Knob State Resort Park Lodge	77-room hotel and 18 duplex cabins on the shores of Strom Thurmond Lake. The facility includes a restaurant, lighted tennis courts, archery range, swimming pool, 100-person convention center, 150-person banquet room, and 18-hole championship golf course designed by Tom Jackson.
Tennessee (Tennessee Dept. of Environment and Conservation)	Falls Creek State Park Resort Inn and Conference Center	144-room hotel with 222-seat restaurant, banquet and conference facilities for up to 350 people, outdoor swimming pool, and 18-hole golf course designed by Joe Lee. Golf course opened in 1972.
Tennessee (Tennessee Dept. of Environment and Conservation)	Henry Horton State Park Resort Inn	72-room hotel with 4 suites, 350-seat restaurant with three private dining rooms, conference rooms, 200-person conference lodge, and challenging 18-hole championship Buford Ellingson golf course considered one of the finest in Tennessee. On the Duck River in a 1,140-acre state park near the Jack Daniels Distillery.
Tennessee (Tennessee Dept. of Environment and Conservation)	Montgomery Bell State Park Resort Inn	110-room hotel with 5 suites on Lake Acorn in 3,782-acre state park. The facility includes a 115-seat restaurant, indoor and outdoor pools, exercise room, 6,000 sq. ft. conference facility, and an 18-hole golf course redesigned in 1988 by Gary Roger Baird and rated one of the top 100 public courses by Golf Digest. Completely new hotel, restaurant and conference facility opened in 10/98.
Tennessee (Tennessee Dept. of Environment and Conservation)	Paris Landing State Park Resort Inn	130-room hotel with 250-seat restaurant, conference facilities with capacity for up to 1,200 people, tennis courts, swimming pool, and 18-hole golf course awarded 4 stars in 1995 by Golf Digest. The newly constructed conference facilities opened in 4/98.
Tennessee (Tennessee Dept. of Environment and Conservation)	Pickwick Landing State Park Resort Inn	125-room hotel and 500-seat conference center scheduled to open in summer, 2001. Currently the resort complex has a swimming pool, lighted tennis courts, and 18-hole golf course. Construction of new inn/conference center began 1999.
West Virginia (West Virginia Division of Natural Resources)	Cacapon Resort State Park Lodge	47-room hotel, 11-room Old Inn, and 25 cabins, with restaurant, new conference facility seating up to 535 people, tennis courts, horseback riding stables, and an 18-hole, par-72 championship golf course designed by Robert Trent Jones.
West Virginia (West Virginia Division of Natural Resources)	Canaan Valley Golf Course and Resort	250-room hotel and 23 fully-furnished cottages containing fireplaces and full kitchens, with indoor and outdoor pools, saunas, spa and fitness center, conference facilities, 500-person banquet room, tennis courts, 34 downhill ski slopes, 30 km. cross country ski trails, outdoor lighted ice-skating rink, and 18-hole championship golf course rated the 10th best public course in 1996 by Golf Digest. Set in 6,000-acre state park. Operated by Guest Services since 1988 under a 25-year non-renewable lease in which the state receives 14% of gross revenues.
West Virginia (West Virginia Division of Natural Resources)	Pipestem Resort State Park Lodge	112-room hotel, 30-room mountain lodge accessible only by tramway, and 26 fully-furnished cottages. Includes indoor and outdoor pools, saunas, exercise room, restaurants, new 600-seat conference facility, lighted tennis courts, and two golf courses: an 18-hole championship course designed by Geoffrey Cornish and a 9-hole par-3 course.

Owner	Hotel	Description
West Virginia (West Virginia Division of Natural Resources)	Stonewall Resort	<p>200-room, \$50-million hotel and conference center with restaurant, lounge, spa, indoor and outdoor pools, fitness center, 14,000 sq. ft. of meeting and banquet space, and 18-hole Arnold Palmer Signature golf course. Set in Stonewall Jackson Lake State Park.</p> <p>Groundbreaking in July 2000 with opening expected in the Spring of 2002. Benchmark Hospitality will manage the facility under a qualified management agreement.</p>
West Virginia (West Virginia Division of Natural Resources)	Twin Falls Resort State Park Hotel	20-room mountaintop hotel with conference rooms, restaurant, café, swimming pool and 18-hole, par-71 championship golf course.