

114TH CONGRESS  
1ST SESSION

# S. 209

To amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2015

Mr. BARRASSO (for himself, Mr. TESTER, Mr. MCCAIN, Mr. HOEVEN, Mr. ENZI, Mr. MORAN, and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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## A BILL

To amend the Indian Tribal Energy Development and Self-Determination Act of 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Indian Tribal Energy  
5 Development and Self-Determination Act Amendments of  
6 2015”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—INDIAN TRIBAL ENERGY DEVELOPMENT AND SELF-  
DETERMINATION ACT AMENDMENTS

- Sec. 101. Indian tribal energy resource development.  
 Sec. 102. Indian tribal energy resource regulation.  
 Sec. 103. Tribal energy resource agreements.  
 Sec. 104. Technical assistance for Indian tribal governments.  
 Sec. 105. Conforming amendments.

TITLE II—MISCELLANEOUS AMENDMENTS

- Sec. 201. Issuance of preliminary permits or licenses.  
 Sec. 202. Tribal biomass demonstration project.  
 Sec. 203. Weatherization program.  
 Sec. 204. Appraisals.  
 Sec. 205. Leases of restricted lands for Navajo Nation.  
 Sec. 206. Extension of tribal lease period for the Crow Tribe of Montana.  
 Sec. 207. Trust status of lease payments.

1 **TITLE I—INDIAN TRIBAL EN-**  
 2 **ERGY DEVELOPMENT AND**  
 3 **SELF-DETERMINATION ACT**  
 4 **AMENDMENTS**

5 **SEC. 101. INDIAN TRIBAL ENERGY RESOURCE DEVELOP-**  
 6 **MENT.**

7 (a) IN GENERAL.—Section 2602(a) of the Energy  
 8 Policy Act of 1992 (25 U.S.C. 3502(a)) is amended—

9 (1) in paragraph (2)—

10 (A) in subparagraph (C), by striking  
 11 “and” after the semicolon;

12 (B) in subparagraph (D), by striking the  
 13 period at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(E) consult with each applicable Indian  
 16 tribe before adopting or approving a well spac-  
 17 ing program or plan applicable to the energy re-

1 sources of that Indian tribe or the members of  
2 that Indian tribe.”; and

3 (2) by adding at the end the following:

4 “(4) PLANNING.—

5 “(A) IN GENERAL.—In carrying out the  
6 program established by paragraph (1), the Sec-  
7 retary shall provide technical assistance to in-  
8 terested Indian tribes to develop energy plans,  
9 including—

10 “(i) plans for electrification;

11 “(ii) plans for oil and gas permitting,  
12 renewable energy permitting, energy effi-  
13 ciency, electricity generation, transmission  
14 planning, water planning, and other plan-  
15 ning relating to energy issues;

16 “(iii) plans for the development of en-  
17 ergy resources and to ensure the protection  
18 of natural, historic, and cultural resources;  
19 and

20 “(iv) any other plans that would as-  
21 sist an Indian tribe in the development or  
22 use of energy resources.

23 “(B) COOPERATION.—In establishing the  
24 program under paragraph (1), the Secretary  
25 shall work in cooperation with the Office of In-

1           dian Energy Policy and Programs of the De-  
2           partment of Energy.”.

3           (b) DEPARTMENT OF ENERGY INDIAN ENERGY EDU-  
4           CATION PLANNING AND MANAGEMENT ASSISTANCE PRO-  
5           GRAM.—Section 2602(b)(2) of the Energy Policy Act of  
6           1992 (25 U.S.C. 3502(b)(2)) is amended—

7           (1) in the matter preceding subparagraph (A),  
8           by inserting “, intertribal organization,” after “In-  
9           dian tribe”;

10          (2) by redesignating subparagraphs (C) and  
11          (D) as subparagraphs (D) and (E), respectively; and

12          (3) by inserting after subparagraph (B) the fol-  
13          lowing:

14                 “(C) activities to increase the capacity of  
15                 Indian tribes to manage energy development  
16                 and energy efficiency programs;”.

17          (c) DEPARTMENT OF ENERGY LOAN GUARANTEE  
18          PROGRAM.—Section 2602(c) of the Energy Policy Act of  
19          1992 (25 U.S.C. 3502(c)) is amended—

20          (1) in paragraph (1), by inserting “or a tribal  
21          energy development organization” after “Indian  
22          tribe”;

23          (2) in paragraph (3)—

1 (A) in the matter preceding subparagraph  
2 (A), by striking “guarantee” and inserting  
3 “guaranteed”;

4 (B) in subparagraph (A), by striking “or”;

5 (C) in subparagraph (B), by striking the  
6 period at the end and inserting “; or”; and

7 (D) by adding at the end the following:

8 “(C) a tribal energy development organiza-  
9 tion, from funds of the tribal energy develop-  
10 ment organization.”; and

11 (3) in paragraph (5), by striking “The Sec-  
12 retary of Energy may” and inserting “Not later  
13 than 1 year after the date of enactment of the In-  
14 dian Tribal Energy Development and Self-Deter-  
15 mination Act Amendments of 2015, the Secretary of  
16 Energy shall”.

17 **SEC. 102. INDIAN TRIBAL ENERGY RESOURCE REGULA-**  
18 **TION.**

19 Section 2603(c) of the Energy Policy Act of 1992 (25  
20 U.S.C. 3503(c)) is amended—

21 (1) in paragraph (1), by striking “on the re-  
22 quest of an Indian tribe, the Indian tribe” and in-  
23 serting “on the request of an Indian tribe or a tribal  
24 energy development organization, the Indian tribe or  
25 tribal energy development organization”; and

1           (2) in paragraph (2)(B), by inserting “or tribal  
2           energy development organization” after “Indian  
3           tribe”.

4 **SEC. 103. TRIBAL ENERGY RESOURCE AGREEMENTS.**

5           (a) AMENDMENT.—Section 2604 of the Energy Pol-  
6           icy Act of 1992 (25 U.S.C. 3504) is amended—

7           (1) in subsection (a)—

8           (A) in paragraph (1)—

9           (i) in subparagraph (A), by striking  
10           “or” after the semicolon at the end;

11           (ii) in subparagraph (B)—

12           (I) by striking clause (i) and in-  
13           serting the following:

14           “(i) an electric production, generation,  
15           transmission, or distribution facility (in-  
16           cluding a facility that produces electricity  
17           from renewable energy resources) located  
18           on tribal land; or”; and

19           (II) in clause (ii)—

20           (aa) by inserting “, at least  
21           a portion of which have been”  
22           after “energy resources”;

23           (bb) by inserting “or pro-  
24           duced from” after “developed  
25           on”; and

1 (cc) by striking “and” after  
2 the semicolon at the end and in-  
3 serting “or”; and

4 (iii) by adding at the end the fol-  
5 lowing:

6 “(C) pooling, unitization, or  
7 communitization of the energy mineral re-  
8 sources of the Indian tribe located on tribal  
9 land with any other energy mineral resource  
10 (including energy mineral resources owned by  
11 the Indian tribe or an individual Indian in fee,  
12 trust, or restricted status or by any other per-  
13 sons or entities) if the owner of the resources  
14 has consented or consents to the pooling, unit-  
15 ization, or communitization of the other re-  
16 sources under any lease or agreement; and”;  
17 and

18 (B) by striking paragraph (2) and insert-  
19 ing the following:

20 “(2) a lease or business agreement described in  
21 paragraph (1) shall not require review by, or the ap-  
22 proval of, the Secretary under section 2103 of the  
23 Revised Statutes (25 U.S.C. 81), or any other provi-  
24 sion of law, if the lease or business agreement—

25 “(A) was executed—

1           “(i) in accordance with the require-  
2           ments of a tribal energy resource agree-  
3           ment in effect under subsection (e) (includ-  
4           ing the periodic review and evaluation of  
5           the activities of the Indian tribe under the  
6           agreement, to be conducted pursuant to  
7           subparagraphs (D) and (E) of subsection  
8           (e)(2)); or

9           “(ii) by the Indian tribe and a tribal  
10          energy development organization—

11                 “(I) for which the Indian tribe  
12                 has obtained certification pursuant to  
13                 subsection (h); and

14                 “(II) the majority of the interest  
15                 in which is, and continues to be  
16                 throughout the full term or renewal  
17                 term (if any) of the lease or business  
18                 agreement, owned and controlled by  
19                 the Indian tribe (or the Indian tribe  
20                 and 1 or more other Indian tribes the  
21                 tribal land of which is being devel-  
22                 oped); and

23          “(B) has a term that does not exceed—

24                 “(i) 30 years; or



1                   “(ii) in the case of a lease for the pro-  
2                   duction of oil resources, gas resources, or  
3                   both, 10 years and as long thereafter as oil  
4                   or gas is produced in paying quantities.”;

5                   (2) by striking subsection (b) and inserting the  
6                   following:

7                   “(b) RIGHTS-OF-WAY.—An Indian tribe may grant a  
8                   right-of-way over tribal land without review or approval  
9                   by the Secretary if the right-of-way—

10                   “(1) serves—

11                   “(A) an electric production, generation,  
12                   transmission, or distribution facility (including  
13                   a facility that produces electricity from renew-  
14                   able energy resources) located on tribal land;

15                   “(B) a facility located on tribal land that  
16                   extracts, produces, processes, or refines energy  
17                   resources; or

18                   “(C) the purposes, or facilitates in car-  
19                   rying out the purposes, of any lease or agree-  
20                   ment entered into for energy resource develop-  
21                   ment on tribal land; and

22                   “(2) was executed—

23                   “(A) in accordance with the requirements  
24                   of a tribal energy resource agreement in effect  
25                   under subsection (e) (including the periodic re-

1 view and evaluation of the activities of the In-  
2 dian tribe under the agreement, to be conducted  
3 pursuant to subparagraphs (D) and (E) of sub-  
4 section (e)(2)); or

5 “(B) by the Indian tribe and a tribal en-  
6 ergy development organization—

7 “(i) for which the Indian tribe has ob-  
8 tained certification pursuant to subsection  
9 (h); and

10 “(ii) the majority of the interest in  
11 which is, and continues to be throughout  
12 the full term or renewal term (if any) of  
13 the right-of-way, owned and controlled by  
14 the Indian tribe (or the Indian tribe and 1  
15 or more other Indian tribes the tribal land  
16 of which is being developed); and

17 “(3) has a term that does not exceed 30  
18 years.”;

19 (3) by striking subsection (d) and inserting the  
20 following:

21 “(d) VALIDITY.—No lease or business agreement en-  
22 tered into, or right-of-way granted, pursuant to this sec-  
23 tion shall be valid unless the lease, business agreement,  
24 or right-of-way is authorized by subsection (a) or (b).”;

25 (4) in subsection (e)—

1 (A) by striking paragraph (1) and insert-  
2 ing the following:

3 “(1) IN GENERAL.—On or after the date of en-  
4 actment of the Indian Tribal Energy Development  
5 and Self-Determination Act Amendments of 2015,  
6 an Indian tribe may submit to the Secretary a tribal  
7 energy resource agreement governing leases, busi-  
8 ness agreements, and rights-of-way under this sec-  
9 tion.”;

10 (B) in paragraph (2)—

11 (i) by striking “(2)(A)” and all that  
12 follows through the end of subparagraph  
13 (A) and inserting the following:

14 “(2) PROCEDURE.—

15 “(A) EFFECTIVE DATE.—

16 “(i) IN GENERAL.—On the date that  
17 is 271 days after the date on which the  
18 Secretary receives a tribal energy resource  
19 agreement from an Indian tribe under  
20 paragraph (1), the tribal energy resource  
21 agreement shall take effect, unless the Sec-  
22 retary disapproves the tribal energy re-  
23 source agreement under subparagraph (B).

24 “(ii) REVISED TRIBAL ENERGY RE-  
25 SOURCE AGREEMENT.—On the date that is

1 91 days after the date on which the Sec-  
2 retary receives a revised tribal energy re-  
3 source agreement from an Indian tribe  
4 under paragraph (4)(B), the revised tribal  
5 energy resource agreement shall take ef-  
6 fect, unless the Secretary disapproves the  
7 revised tribal energy resource agreement  
8 under subparagraph (B).”;

9 (ii) in subparagraph (B)—

10 (I) by striking “(B)” and all that  
11 follows through “if—” and inserting  
12 the following:

13 “(B) DISAPPROVAL.—The Secretary shall  
14 disapprove a tribal energy resource agreement  
15 submitted pursuant to paragraph (1) or (4)(B)  
16 only if—”;

17 (II) by striking clause (i) and in-  
18 serting the following:

19 “(i) the Secretary determines that the  
20 Indian tribe has not demonstrated that the  
21 Indian tribe has sufficient capacity to reg-  
22 ulate the development of the specific 1 or  
23 more energy resources identified for devel-  
24 opment under the tribal energy resource  
25 agreement submitted by the Indian tribe;”;

1 (III) by redesignating clause (iii)  
2 as clause (iv) and indenting appro-  
3 priately;

4 (IV) by striking clause (ii) and  
5 inserting the following:

6 “(ii) a provision of the tribal energy  
7 resource agreement would violate applica-  
8 ble Federal law (including regulations) or  
9 a treaty applicable to the Indian tribe;

10 “(iii) the tribal energy resource agree-  
11 ment does not include 1 or more provisions  
12 required under subparagraph (D); or”; and

13 (V) in clause (iv) (as redesign-  
14 nated by subclause (III))—

15 (aa) in the matter preceding  
16 subclause (I), by striking “in-  
17 cludes” and all that follows  
18 through “section—” and insert-  
19 ing “does not include provisions  
20 that, with respect to any lease,  
21 business agreement, or right-of-  
22 way to which the tribal energy  
23 resource agreement applies—”;  
24 and

- 1 (bb) in subclause (XVI)(bb),  
2 by striking “or tribal”;
- 3 (iii) in subparagraph (C)—
- 4 (I) in the matter preceding clause  
5 (i), by inserting “the approval of”  
6 after “with respect to”;
- 7 (II) by striking clause (ii) and in-  
8 serting the following:
- 9 “(ii) the identification of mitigation  
10 measures, if any, that, in the discretion of  
11 the Indian tribe, the Indian tribe might  
12 propose for incorporation into the lease,  
13 business agreement, or right-of-way”;
- 14 (III) in clause (iii)(I), by striking  
15 “proposed action” and inserting “ap-  
16 proval of the lease, business agree-  
17 ment, or right-of-way”;
- 18 (IV) in clause (iv), by striking  
19 “and” at the end;
- 20 (V) in clause (v), by striking the  
21 period at the end and inserting “;  
22 and”;
- 23 (VI) by adding at the end the fol-  
24 lowing:

1 “(vi) the identification of specific  
2 classes or categories of actions, if any, de-  
3 termined by the Indian tribe not to have  
4 significant environmental effects.”;

5 (iv) in subparagraph (D)(ii), by strik-  
6 ing “subparagraph (B)(iii)(XVI)” and in-  
7 serting “subparagraph (B)(iv)(XV)”;

8 (v) by adding at the end the following:

9 “(F) A tribal energy resource agreement  
10 that takes effect pursuant to this subsection  
11 shall remain in effect to the extent any provi-  
12 sion of the tribal energy resource agreement is  
13 consistent with applicable Federal law (includ-  
14 ing regulations), unless the tribal energy re-  
15 source agreement is—

16 “(i) rescinded by the Secretary pursu-  
17 ant to paragraph (7)(D)(iii)(II); or

18 “(ii) voluntarily rescinded by the In-  
19 dian tribe pursuant to the regulations pro-  
20 mulgated under paragraph (8)(B) (or suc-  
21 cessor regulations).

22 “(G)(i) The Secretary shall make a pre-  
23 liminary capacity determination under subpara-  
24 graph (B)(i) not later than 120 days after the  
25 date on which the Indian tribe submits to the

1 Secretary the tribal energy resource agreement  
2 of the Indian tribe pursuant to paragraph (1),  
3 unless the Secretary and the Indian tribe mutu-  
4 ally agree to an extension of the time period for  
5 making the determination.

6 “(ii) Any determination (including any pre-  
7 liminary determination) that the Indian tribe  
8 lacks the requisite capacity shall be treated as  
9 a disapproval under paragraph (4) and, not  
10 later than 10 days after the date of the deter-  
11 mination, the Secretary shall provide to the In-  
12 dian tribe—

13 “(I) a detailed, written explanation of  
14 each reason for the determination; and

15 “(II) a description of the steps that  
16 the Indian tribe should take to dem-  
17 onstrate sufficient capacity.

18 “(H) Notwithstanding any other provision  
19 of this section, an Indian tribe shall be consid-  
20 ered to have demonstrated sufficient capacity  
21 under subparagraph (B)(i) to regulate the de-  
22 velopment of the specific 1 or more energy re-  
23 sources of the Indian tribe identified for devel-  
24 opment under the tribal energy resource agree-



1           ment submitted by the Indian tribe pursuant to  
2           paragraph (1) if—

3                   “(i) the Secretary determines that—

4                           “(I)(aa) the Indian tribe has car-  
5                           ried out a contract or compact under  
6                           title I or IV of the Indian Self-Deter-  
7                           mination and Education Assistance  
8                           Act (25 U.S.C. 450 et seq.); and

9                           “(bb) for a period of not less  
10                           than 3 consecutive years ending on  
11                           the date on which the Indian tribe  
12                           submits the tribal energy resource  
13                           agreement of the Indian tribe pursu-  
14                           ant to paragraph (1) or (4)(B), the  
15                           contract or compact—

16                           “(AA) has been carried out  
17                           by the Indian tribe without mate-  
18                           rial audit exceptions (or without  
19                           any material audit exceptions  
20                           that were not corrected within  
21                           the 3-year period); and

22                           “(BB) has included pro-  
23                           grams or activities relating to the  
24                           management of the environment,

1 tribal land, realty, or natural re-  
2 sources; or

3 “(II) the Indian tribe has carried  
4 out approval of surface leases under  
5 subsection (h) of the first section of  
6 the Act of August 9, 1955 (commonly  
7 known as the ‘Long-Term Leasing  
8 Act’) (25 U.S.C. 415(h)) for the pre-  
9 vious calendar year without a finding  
10 of a compliance violation under para-  
11 graph (8)(B) of that subsection; or

12 “(ii) the Secretary fails to make the  
13 preliminary determination within the time  
14 allowed under subparagraph (G)(i) (includ-  
15 ing any extension of time agreed to under  
16 that subparagraph).”;

17 (C) in paragraph (4), by striking “date of  
18 disapproval” and all that follows through the  
19 end of subparagraph (C) and inserting the fol-  
20 lowing: “date of disapproval, provide the Indian  
21 tribe with—

22 “(A) a detailed, written explanation of—

23 “(i) each reason for the disapproval;  
24 and

1           “(ii) the revisions or changes to the  
2           tribal energy resource agreement necessary  
3           to address each reason; and

4           “(B) an opportunity to revise and resubmit  
5           the tribal energy resource agreement.”;

6           (D) in paragraph (6)—

7           (i) in subparagraph (B)—

8           (I) by striking “(B) Subject to”  
9           and inserting the following:

10          “(B) Subject only to”; and

11          (II) by striking “subparagraph  
12          (D)” and inserting “subparagraphs  
13          (C) and (D)”;

14          (ii) in subparagraph (C), in the mat-  
15          ter preceding clause (i), by inserting “to  
16          perform the obligations of the Secretary  
17          under this section and” before “to ensure”;  
18          and

19          (iii) in subparagraph (D), by adding  
20          at the end the following:

21          “(iii) Nothing in this section absolves,  
22          limits, or otherwise affects the liability, if  
23          any, of the United States for any—

24          “(I) term of any lease, business  
25          agreement, or right-of-way under this

1 section that is not a negotiated term;  
2 or

3 “(II) losses that are not the re-  
4 sult of a negotiated term, including  
5 losses resulting from the failure of the  
6 Secretary to perform an obligation of  
7 the Secretary under this section.”;

8 (E) in paragraph (7)—

9 (i) in subparagraph (A), by striking  
10 “has demonstrated” and inserting “the  
11 Secretary determines has demonstrated  
12 with substantial evidence”;

13 (ii) in subparagraph (B), by striking  
14 “any tribal remedy” and inserting “all  
15 remedies (if any) provided under the laws  
16 of the Indian tribe”;

17 (iii) in subparagraph (D)—

18 (I) in clause (i), by striking “de-  
19 termine” and all that follows through  
20 the end of the clause and inserting the  
21 following: “determine—

22 “(I) whether the petitioner  
23 is an interested party; and

24 “(II) if the petitioner is an  
25 interested party, whether the In-

1           dian tribe is not in compliance  
2           with the tribal energy resource  
3           agreement as alleged in the peti-  
4           tion.”;

5           (II) in clause (ii), by striking  
6           “determination” and inserting “deter-  
7           minations”; and

8           (III) in clause (iii), in the matter  
9           preceding subclause (I) by striking  
10          “agreement” the first place it appears  
11          and all that follows through “, includ-  
12          ing” and inserting “agreement pursu-  
13          ant to clause (i), the Secretary shall  
14          only take such action as the Secretary  
15          determines necessary to address the  
16          claims of noncompliance made in the  
17          petition, including”;

18          (iv) in subparagraph (E)(i), by strik-  
19          ing “the manner in which” and inserting  
20          “, with respect to each claim made in the  
21          petition, how”; and

22          (v) by adding at the end the following:

23          “(G) Notwithstanding any other provision  
24          of this paragraph, the Secretary shall dismiss  
25          any petition from an interested party that has

1           agreed with the Indian tribe to a resolution of  
2           the claims presented in the petition of that  
3           party.”;

4           (F) in paragraph (8)(B)—

5                 (i) in clause (i), by striking “and” at  
6           the end;

7                 (ii) in clause (ii), by adding “and”  
8           after the semicolon; and

9                 (iii) by adding at the end the fol-  
10          lowing:

11                 “(iii) amend an approved tribal energy  
12          resource agreement to assume authority  
13          for approving leases, business agreements,  
14          or rights-of-way for development of an-  
15          other energy resource that is not included  
16          in an approved tribal energy resource  
17          agreement without being required to apply  
18          for a new tribal energy resource agree-  
19          ment;” and

20           (G) by adding at the end the following:

21                 “(9) EFFECT.—Nothing in this section author-  
22          izes the Secretary to deny a tribal energy resource  
23          agreement or any amendment to a tribal energy re-  
24          source agreement, or to limit the effect or implemen-

1 tation of this section, due to lack of promulgated  
2 regulations.”;

3 (5) by redesignating subsection (g) as sub-  
4 section (j); and

5 (6) by inserting after subsection (f) the fol-  
6 lowing:

7 “(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES  
8 BY THE SECRETARY.—

9 “(1) IN GENERAL.—Any amounts that the Sec-  
10 retary would otherwise expend to operate or carry  
11 out any program, function, service, or activity (or  
12 any portion of a program, function, service, or activ-  
13 ity) of the Department that, as a result of an Indian  
14 tribe carrying out activities under a tribal energy re-  
15 source agreement, the Secretary does not expend,  
16 the Secretary shall, at the request of the Indian  
17 tribe, make available to the Indian tribe in accord-  
18 ance with this subsection.

19 “(2) ANNUAL FUNDING AGREEMENTS.—The  
20 Secretary shall make the amounts described in para-  
21 graph (1) available to an Indian tribe through an  
22 annual written funding agreement that is negotiated  
23 and entered into with the Indian tribe that is sepa-  
24 rate from the tribal energy resource agreement.

1           “(3) EFFECT OF APPROPRIATIONS.—Notwith-  
2 standing paragraph (1)—

3           “(A) the provision of amounts to an Indian  
4 tribe under this subsection is subject to the  
5 availability of appropriations; and

6           “(B) the Secretary shall not be required to  
7 reduce amounts for programs, functions, serv-  
8 ices, or activities that serve any other Indian  
9 tribe to make amounts available to an Indian  
10 tribe under this subsection.

11          “(4) DETERMINATION.—

12          “(A) IN GENERAL.—The Secretary shall  
13 calculate the amounts under paragraph (1) in  
14 accordance with the regulations adopted under  
15 section 103(b) of the Indian Tribal Energy De-  
16 velopment and Self-Determination Act Amend-  
17 ments of 2015.

18          “(B) APPLICABILITY.—The effective date  
19 or implementation of a tribal energy resource  
20 agreement under this section shall not be de-  
21 layed or otherwise affected by—

22                  “(i) a delay in the promulgation of  
23 regulations under section 103(b) of the In-  
24 dian Tribal Energy Development and Self-  
25 Determination Act Amendments of 2015;



1                   “(ii) the period of time needed by the  
2                   Secretary to make the calculation required  
3                   under paragraph (1); or

4                   “(iii) the adoption of a funding agree-  
5                   ment under paragraph (2).

6           “(h) CERTIFICATION OF TRIBAL ENERGY DEVELOP-  
7   MENT ORGANIZATION.—

8                   “(1) IN GENERAL.—Not later than 90 days  
9                   after the date on which an Indian tribe submits an  
10                  application for certification of a tribal energy devel-  
11                  opment organization in accordance with regulations  
12                  promulgated under section 103(b) of the Indian  
13                  Tribal Energy Development and Self-Determination  
14                  Act Amendments of 2015, the Secretary shall ap-  
15                  prove or disapprove the application.

16                  “(2) REQUIREMENTS.—The Secretary shall ap-  
17                  prove an application for certification if—

18                         “(A)(i) the Indian tribe has carried out a  
19                         contract or compact under title I or IV of the  
20                         Indian Self-Determination and Education As-  
21                         sistance Act (25 U.S.C. 450 et seq.); and

22                         “(ii) for a period of not less than 3 con-  
23                         secutive years ending on the date on which the  
24                         Indian tribe submits the application, the con-  
25                         tract or compact—

1                   “(I) has been carried out by the In-  
2                   dian tribe without material audit excep-  
3                   tions (or without any material audit excep-  
4                   tions that were not corrected within the 3-  
5                   year period); and

6                   “(II) has included programs or activi-  
7                   ties relating to the management of tribal  
8                   land; and

9                   “(B)(i) the tribal energy development orga-  
10                  nization is organized under the laws of the In-  
11                  dian tribe and subject to the jurisdiction and  
12                  authority of the Indian tribe;

13                  “(ii) the majority of the interest in the  
14                  tribal energy development organization is owned  
15                  and controlled by the Indian tribe (or the In-  
16                  dian tribe and 1 or more other Indian tribes the  
17                  tribal land of which is being developed); and

18                  “(iii) the organizing document of the tribal  
19                  energy development organization requires that  
20                  the Indian tribe (or the Indian tribe and 1 or  
21                  more other Indian tribes the tribal land of  
22                  which is being developed) own and control at all  
23                  times a majority of the interest in the tribal en-  
24                  ergy development organization.

1           “(3) ACTION BY SECRETARY.—If the Secretary  
2 approves an application for certification pursuant to  
3 paragraph (2), the Secretary shall, not more than 10  
4 days after making the determination—

5                   “(A) issue a certification stating that—

6                           “(i) the tribal energy development or-  
7 ganization is organized under the laws of  
8 the Indian tribe and subject to the juris-  
9 diction and authority of the Indian tribe;

10                           “(ii) the majority of the interest in  
11 the tribal energy development organization  
12 is owned and controlled by the Indian tribe  
13 (or the Indian tribe and 1 or more other  
14 Indian tribes the tribal land of which is  
15 being developed);

16                           “(iii) the organizing document of the  
17 tribal energy development organization re-  
18 quires that the Indian tribe (or the Indian  
19 tribe and 1 or more other Indian tribes the  
20 tribal land of which is being developed)  
21 own and control at all times a majority of  
22 the interest in the tribal energy develop-  
23 ment organization; and

24                           “(iv) the certification is issued pursu-  
25 ant this subsection;

1           “(B) deliver a copy of the certification to  
2           the Indian tribe; and

3           “(C) publish the certification in the Fed-  
4           eral Register.

5           “(i) SOVEREIGN IMMUNITY.—Nothing in this section  
6           waives the sovereign immunity of an Indian tribe.”.

7           (b) REGULATIONS.—Not later than 1 year after the  
8           date of enactment of the Indian Tribal Energy Develop-  
9           ment and Self-Determination Act Amendments of 2015,  
10          the Secretary shall promulgate or update any regulations  
11          that are necessary to implement this section, including  
12          provisions to implement—

13               (1) section 2604(e)(8) of the Energy Policy Act  
14               of 1992 (25 U.S.C. 3504(e)(8)), including the proc-  
15               ess to be followed by an Indian tribe amending an  
16               existing tribal energy resource agreement to assume  
17               authority for approving leases, business agreements,  
18               or rights-of-way for development of an energy re-  
19               source that is not included in the tribal energy re-  
20               source agreement;

21               (2) section 2604(g) of the Energy Policy Act of  
22               1992 (25 U.S.C. 3504(g)) including the manner in  
23               which the Secretary, at the request of an Indian  
24               tribe, shall—

1 (A) identify the programs, functions, serv-  
2 ices, and activities (or any portions of pro-  
3 grams, functions, services, or activities) that the  
4 Secretary will not have to operate or carry out  
5 as a result of the Indian tribe carrying out ac-  
6 tivities under a tribal energy resource agree-  
7 ment;

8 (B) identify the amounts that the Sec-  
9 retary would have otherwise expended to oper-  
10 ate or carry out each program, function, serv-  
11 ice, and activity (or any portion of a program,  
12 function, service, or activity) identified pursu-  
13 ant to subparagraph (A); and

14 (C) provide to the Indian tribe a list of the  
15 programs, functions, services, and activities (or  
16 any portions of programs, functions, services, or  
17 activities) identified pursuant subparagraph (A)  
18 and the amounts associated with each program,  
19 function, service, and activity (or any portion of  
20 a program, function, service, or activity) identi-  
21 fied pursuant to subparagraph (B); and

22 (3) section 2604(h) of the Energy Policy Act of  
23 1992 (25 U.S.C. 3504(h)), including the process to  
24 be followed by, and any applicable criteria and docu-



1           “(A) any enterprise, partnership, consor-  
2           tium, corporation, or other type of business or-  
3           ganization that is engaged in the development  
4           of energy resources and is wholly owned by an  
5           Indian tribe (including an organization incor-  
6           porated pursuant to section 17 of the Indian  
7           Reorganization Act of 1934 (25 U.S.C. 477) or  
8           section 3 of the Act of June 26, 1936 (25  
9           U.S.C. 503) (commonly known as the ‘Okla-  
10          homa Indian Welfare Act’)); or

11          “(B) any organization of 2 or more enti-  
12          ties, at least 1 of which is an Indian tribe, that  
13          has the written consent of the governing bodies  
14          of all Indian tribes participating in the organi-  
15          zation to apply for a grant, loan, or other as-  
16          sistance under section 2602 or to enter into a  
17          lease or business agreement with, or acquire a  
18          right-of-way from, an Indian tribe pursuant to  
19          subsection (a)(2)(A)(ii) or (b)(2)(B) of section  
20          2604.”.

21          (b) INDIAN TRIBAL ENERGY RESOURCE DEVELOP-  
22          MENT.—Section 2602 of the Energy Policy Act of 1992  
23          (25 U.S.C. 3502) is amended—

24                 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “tribal  
2 energy resource development organizations”  
3 and inserting “tribal energy development orga-  
4 nizations”; and

5 (B) in paragraph (2), by striking “tribal  
6 energy resource development organizations”  
7 each place it appears and inserting “tribal en-  
8 ergy development organizations”; and

9 (2) in subsection (b)(2), by striking “tribal en-  
10 ergy resource development organization” and insert-  
11 ing “tribal energy development organization”.

12 (c) WIND AND HYDROPOWER FEASIBILITY STUDY.—  
13 Section 2606(c)(3) of the Energy Policy Act of 1992 (25  
14 U.S.C. 3506(c)(3)) is amended by striking “energy re-  
15 source development” and inserting “energy development”.

16 (d) CONFORMING AMENDMENTS.—Section 2604(e)  
17 of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is  
18 amended—

19 (1) in paragraph (2)(B)(iv) (as redesignated by  
20 section 103(a)(4)(A)(ii)(III))—

21 (A) in subclause (XIV), by inserting “and”  
22 after the semicolon at the end;

23 (B) by striking subclause (XV); and

24 (C) by redesignating subclause (XVI) as  
25 subclause (XV);



1 (2) in paragraph (3)—

2 (A) by striking “(3) The Secretary” and  
3 inserting the following:

4 “(3) NOTICE AND COMMENT; SECRETARIAL RE-  
5 VIEW.—The Secretary”; and

6 (B) by striking “for approval”;

7 (3) in paragraph (4), by striking “(4) If the  
8 Secretary” and inserting the following:

9 “(4) ACTION IN CASE OF DISAPPROVAL.—If the  
10 Secretary”;

11 (4) in paragraph (5)—

12 (A) by striking “(5) If an Indian tribe”  
13 and inserting the following:

14 “(5) PROVISION OF DOCUMENTS TO SEC-  
15 RETARY.—If an Indian tribe”; and

16 (B) in the matter preceding subparagraph  
17 (A), by striking “approved” and inserting “in  
18 effect”;

19 (5) in paragraph (6)—

20 (A) by striking “(6)(A) In carrying out”  
21 and inserting the following:

22 “(6) SECRETARIAL OBLIGATIONS AND EFFECT  
23 OF SECTION.—

24 “(A) In carrying out”;

1 (B) in subparagraph (A), by indenting  
2 clauses (i) and (ii) appropriately;

3 (C) in subparagraph (B), by striking “ap-  
4 proved” and inserting “in effect”; and

5 (D) in subparagraph (D)—

6 (i) in clause (i), by striking “an ap-  
7 proved tribal energy resource agreement”  
8 and inserting “a tribal energy resource  
9 agreement in effect under this section”;  
10 and

11 (ii) in clause (ii), by striking “ap-  
12 proved by the Secretary” and inserting “in  
13 effect”; and

14 (6) in paragraph (7)—

15 (A) by striking “(7)(A) In this paragraph”  
16 and inserting the following:

17 “(7) PETITIONS BY INTERESTED PARTIES.—

18 “(A) In this paragraph”;

19 (B) in subparagraph (A), by striking “ap-  
20 proved by the Secretary” and inserting “in ef-  
21 fect”;

22 (C) in subparagraph (B), by striking “ap-  
23 proved by the Secretary” and inserting “in ef-  
24 fect”; and

25 (D) in subparagraph (D)(iii)—

1 (i) in subclause (I), by striking “ap-  
 2 proved”; and

3 (ii) in subclause (II)—

4 (I) by striking “approval of” in  
 5 the first place it appears; and

6 (II) by striking “subsection (a)  
 7 or (b)” and inserting “subsection  
 8 (a)(2)(A)(i) or (b)(2)(A)”.

9 **TITLE II—MISCELLANEOUS**  
 10 **AMENDMENTS**

11 **SEC. 201. ISSUANCE OF PRELIMINARY PERMITS OR LI-**  
 12 **CENSES.**

13 (a) IN GENERAL.—Section 7(a) of the Federal Power  
 14 Act (16 U.S.C. 800(a)) is amended by striking “States  
 15 and municipalities” and inserting “States, Indian tribes,  
 16 and municipalities”.

17 (b) APPLICABILITY.—The amendment made by sub-  
 18 section (a) shall not affect—

19 (1) any preliminary permit or original license  
 20 issued before the date of enactment of the Indian  
 21 Tribal Energy Development and Self-Determination  
 22 Act Amendments of 2015; or

23 (2) an application for an original license, if the  
 24 Commission has issued a notice accepting that appli-  
 25 cation for filing pursuant to section 4.32(d) of title

1 18, Code of Federal Regulations (or successor regu-  
2 lations), before the date of enactment of the Indian  
3 Tribal Energy Development and Self-Determination  
4 Act Amendments of 2015.

5 (c) DEFINITION OF INDIAN TRIBE.—For purposes of  
6 section 7(a) of the Federal Power Act (16 U.S.C. 800(a))  
7 (as amended by subsection (a)), the term “Indian tribe”  
8 has the meaning given the term in section 4 of the Indian  
9 Self-Determination and Education Assistance Act (25  
10 U.S.C. 450b).

11 **SEC. 202. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

12 (a) PURPOSE.—The purpose of this section is to es-  
13 tablish a biomass demonstration project for federally rec-  
14 ognized Indian tribes and Alaska Native corporations to  
15 promote biomass energy production.

16 (b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—  
17 The Tribal Forest Protection Act of 2004 (Public Law  
18 108–278; 118 Stat. 868) is amended—

19 (1) in section 2(a), by striking “In this section”  
20 and inserting “In this Act”; and

21 (2) by adding at the end the following:

22 **“SEC. 3. TRIBAL BIOMASS DEMONSTRATION PROJECT.**

23 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-  
24 MENTS.—For each of fiscal years 2015 through 2019, the  
25 Secretary shall enter into stewardship contracts or similar

1 agreements (excluding direct service contracts) with In-  
2 dian tribes to carry out demonstration projects to promote  
3 biomass energy production (including biofuel, heat, and  
4 electricity generation) on Indian forest land and in nearby  
5 communities by providing reliable supplies of woody bio-  
6 mass from Federal land.

7       “(b) DEMONSTRATION PROJECTS.—In each fiscal  
8 year for which projects are authorized, at least 4 new dem-  
9 onstration projects that meet the eligibility criteria de-  
10 scribed in subsection (c) shall be carried out under con-  
11 tracts or agreements described in subsection (a).

12       “(c) ELIGIBILITY CRITERIA.—To be eligible to enter  
13 into a contract or agreement under this section, an Indian  
14 tribe shall submit to the Secretary an application—

15               “(1) containing such information as the Sec-  
16 retary may require; and

17               “(2) that includes a description of—

18                       “(A) the Indian forest land or rangeland  
19 under the jurisdiction of the Indian tribe; and

20                       “(B) the demonstration project proposed  
21 to be carried out by the Indian tribe.

22       “(d) SELECTION.—In evaluating the applications  
23 submitted under subsection (c), the Secretary shall—

24               “(1) take into consideration—

1           “(A) the factors set forth in paragraphs  
2           (1) and (2) of section 2(e); and

3           “(B) whether a proposed project would—

4                 “(i) increase the availability or reli-  
5                 ability of local or regional energy;

6                 “(ii) enhance the economic develop-  
7                 ment of the Indian tribe;

8                 “(iii) result in or improve the connec-  
9                 tion of electric power transmission facilities  
10                serving the Indian tribe with other electric  
11                transmission facilities;

12                “(iv) improve the forest health or wa-  
13                tersheds of Federal land or Indian forest  
14                land or rangeland;

15                “(v) demonstrate new investments in  
16                infrastructure; or

17                “(vi) otherwise promote the use of  
18                woody biomass; and

19           “(2) exclude from consideration any merchant-  
20           able logs that have been identified by the Secretary  
21           for commercial sale.

22           “(e) IMPLEMENTATION.—The Secretary shall—

23                “(1) ensure that the criteria described in sub-  
24                section (c) are publicly available by not later than

1 120 days after the date of enactment of this section;  
2 and

3 “(2) to the maximum extent practicable, consult  
4 with Indian tribes and appropriate intertribal orga-  
5 nizations likely to be affected in developing the ap-  
6 plication and otherwise carrying out this section.

7 “(f) REPORT.—Not later than September 20, 2017,  
8 the Secretary shall submit to Congress a report that de-  
9 scribes, with respect to the reporting period—

10 “(1) each individual tribal application received  
11 under this section; and

12 “(2) each contract and agreement entered into  
13 pursuant to this section.

14 “(g) INCORPORATION OF MANAGEMENT PLANS.—In  
15 carrying out a contract or agreement under this section,  
16 on receipt of a request from an Indian tribe, the Secretary  
17 shall incorporate into the contract or agreement, to the  
18 maximum extent practicable, management plans (includ-  
19 ing forest management and integrated resource manage-  
20 ment plans) in effect on the Indian forest land or range-  
21 land of the respective Indian tribe.

22 “(h) TERM.—A contract or agreement entered into  
23 under this section—

24 “(1) shall be for a term of not more than 20  
25 years; and

1           “(2) may be renewed in accordance with this  
2           section for not more than an additional 10 years.”.

3           (c) ALASKA NATIVE BIOMASS DEMONSTRATION  
4 PROJECT.—

5           (1) DEFINITIONS.—In this subsection:

6           (A) FEDERAL LAND.—The term “Federal  
7           land” means—

8                   (i) land of the National Forest System  
9                   (as defined in section 11(a) of the Forest  
10                   and Rangeland Renewable Resources Plan-  
11                   ning Act of 1974 (16 U.S.C. 1609(a)) ad-  
12                   ministered by the Secretary of Agriculture,  
13                   acting through the Chief of the Forest  
14                   Service; and

15                   (ii) public lands (as defined in section  
16                   103 of the Federal Land Policy Manage-  
17                   ment Act of 1976 (43 U.S.C. 1702)), the  
18                   surface of which is administered by the  
19                   Secretary of the Interior, acting through  
20                   the Director of the Bureau of Land Man-  
21                   agement.

22           (B) INDIAN TRIBE.—The term “Indian  
23           tribe” has the meaning given the term in sec-  
24           tion 4 of the Indian Self-Determination and  
25           Education Assistance Act (25 U.S.C. 450b).



1 (C) SECRETARY.—The term “Secretary”  
2 means—

3 (i) the Secretary of Agriculture, with  
4 respect to land under the jurisdiction of  
5 the Forest Service; and

6 (ii) the Secretary of the Interior, with  
7 respect to land under the jurisdiction of  
8 the Bureau of Land Management.

9 (D) TRIBAL ORGANIZATION.—The term  
10 “tribal organization” has the meaning given the  
11 term in section 4 of the Indian Self-Determina-  
12 tion and Education Assistance Act (25 U.S.C.  
13 450b).

14 (2) AGREEMENTS.—For each of fiscal years  
15 2015 through 2019, the Secretary shall enter into  
16 an agreement or contract with an Indian tribe or a  
17 tribal organization to carry out a demonstration  
18 project to promote biomass energy production (in-  
19 cluding biofuel, heat, and electricity generation) by  
20 providing reliable supplies of woody biomass from  
21 Federal land.

22 (3) DEMONSTRATION PROJECTS.—In each fiscal  
23 year for which projects are authorized, at least 1  
24 new demonstration project that meets the eligibility  
25 criteria described in paragraph (4) shall be carried

1 out under contracts or agreements described in  
2 paragraph (2).

3 (4) ELIGIBILITY CRITERIA.—To be eligible to  
4 enter into a contract or agreement under this sub-  
5 section, an Indian tribe or tribal organization shall  
6 submit to the Secretary an application—

7 (A) containing such information as the  
8 Secretary may require; and

9 (B) that includes a description of the dem-  
10 onstration project proposed to be carried out by  
11 the Indian tribe or tribal organization.

12 (5) SELECTION.—In evaluating the applications  
13 submitted under paragraph (4), the Secretary  
14 shall—

15 (A) take into consideration whether a pro-  
16 posed project would—

17 (i) increase the availability or reli-  
18 ability of local or regional energy;

19 (ii) enhance the economic development  
20 of the Indian tribe;

21 (iii) result in or improve the connec-  
22 tion of electric power transmission facilities  
23 serving the Indian tribe with other electric  
24 transmission facilities;

1 (iv) improve the forest health or wa-  
2 tersheds of Federal land or non-Federal  
3 land;

4 (v) demonstrate new investments in  
5 infrastructure; or

6 (vi) otherwise promote the use of  
7 woody biomass; and

8 (B) exclude from consideration any mer-  
9 chantable logs that have been identified by the  
10 Secretary for commercial sale.

11 (6) IMPLEMENTATION.—The Secretary shall—

12 (A) ensure that the criteria described in  
13 paragraph (4) are publicly available by not later  
14 than 120 days after the date of enactment of  
15 this subsection; and

16 (B) to the maximum extent practicable,  
17 consult with Indian tribes and appropriate trib-  
18 al organizations likely to be affected in devel-  
19 oping the application and otherwise carrying  
20 out this subsection.

21 (7) REPORT.—Not later than September 20,  
22 2017, the Secretary shall submit to Congress a re-  
23 port that describes, with respect to the reporting pe-  
24 riod—

1 (A) each individual application received  
2 under this subsection; and

3 (B) each contract and agreement entered  
4 into pursuant to this subsection.

5 (8) TERM.—A contract or agreement entered  
6 into under this subsection—

7 (A) shall be for a term of not more than  
8 20 years; and

9 (B) may be renewed in accordance with  
10 this subsection for not more than an additional  
11 10 years.

12 **SEC. 203. WEATHERIZATION PROGRAM.**

13 Section 413(d) of the Energy Conservation and Pro-  
14 duction Act (42 U.S.C. 6863(d)) is amended—

15 (1) by striking paragraph (1) and inserting the  
16 following:

17 “(1) RESERVATION OF AMOUNTS.—

18 “(A) IN GENERAL.—Subject to subpara-  
19 graph (B) and notwithstanding any other provi-  
20 sion of this part, the Secretary shall reserve  
21 from amounts that would otherwise be allocated  
22 to a State under this part not less than 100  
23 percent, but not more than 150 percent, of an  
24 amount which bears the same proportion to the  
25 allocation of that State for the applicable fiscal

1 year as the population of all low-income mem-  
2 bers of an Indian tribe in that State bears to  
3 the population of all low-income individuals in  
4 that State.

5 “(B) RESTRICTIONS.—Subparagraph (A)  
6 shall apply only if—

7 “(i) the tribal organization serving the  
8 low-income members of the applicable In-  
9 dian tribe requests that the Secretary  
10 make a grant directly; and

11 “(ii) the Secretary determines that  
12 the low-income members of the applicable  
13 Indian tribe would be equally or better  
14 served by making a grant directly than a  
15 grant made to the State in which the low-  
16 income members reside.

17 “(C) PRESUMPTION.—If the tribal organi-  
18 zation requesting the grant is a tribally des-  
19 igned housing entity (as defined in section 4  
20 of the Native American Housing Assistance and  
21 Self-Determination Act of 1996 (25 U.S.C.  
22 4103)) that has operated without material audit  
23 exceptions (or without any material audit excep-  
24 tions that were not corrected within a 3-year  
25 period), the Secretary shall presume that the

1 low-income members of the applicable Indian  
 2 tribe would be equally or better served by mak-  
 3 ing a grant directly to the tribal organization  
 4 than by a grant made to the State in which the  
 5 low-income members reside.”;

6 (2) in paragraph (2)—

7 (A) by striking “The sums” and inserting  
 8 “ADMINISTRATION.—The amounts”;

9 (B) by striking “on the basis of his deter-  
 10 mination”;

11 (C) by striking “individuals for whom such  
 12 a determination has been made” and inserting  
 13 “low-income members of the Indian tribe”; and

14 (D) by striking “he” and inserting “the  
 15 Secretary”; and

16 (3) in paragraph (3), by striking “In order”  
 17 and inserting “APPLICATION.—In order”.

18 **SEC. 204. APPRAISALS.**

19 (a) IN GENERAL.—Title XXVI of the Energy Policy  
 20 Act of 1992 (25 U.S.C. 3501 et seq.) is amended by add-  
 21 ing at the end the following:

22 **“SEC. 2607. APPRAISALS.**

23 “(a) IN GENERAL.—For any transaction that re-  
 24 quires approval of the Secretary and involves mineral or  
 25 energy resources held in trust by the United States for

1 the benefit of an Indian tribe or by an Indian tribe subject  
2 to Federal restrictions against alienation, any appraisal  
3 relating to fair market value of those resources required  
4 to be prepared under applicable law may be prepared by—

5           “(1) the Secretary;

6           “(2) the affected Indian tribe; or

7           “(3) a certified, third-party appraiser pursuant  
8 to a contract with the Indian tribe.

9           “(b) SECRETARIAL REVIEW AND APPROVAL.—Not  
10 later than 45 days after the date on which the Secretary  
11 receives an appraisal prepared by or for an Indian tribe  
12 under paragraph (2) or (3) of subsection (a), the Sec-  
13 retary shall—

14           “(1) review the appraisal; and

15           “(2) approve the appraisal unless the Secretary  
16 determines that the appraisal fails to meet the  
17 standards set forth in regulations promulgated  
18 under subsection (d).

19           “(c) NOTICE OF DISAPPROVAL.—If the Secretary de-  
20 termines that an appraisal submitted for approval under  
21 subsection (b) should be disapproved, the Secretary shall  
22 give written notice of the disapproval to the Indian tribe  
23 and a description of—

24           “(1) each reason for the disapproval; and

1           “(2) how the appraisal should be corrected or  
2 otherwise cured to meet the applicable standards set  
3 forth in the regulations promulgated under sub-  
4 section (d).

5           “(d) REGULATIONS.—The Secretary shall promul-  
6 gate regulations to carry out this section, including stand-  
7 ards the Secretary shall use for approving or disapproving  
8 the appraisal described in subsection (a).”.

9   **SEC. 205. LEASES OF RESTRICTED LANDS FOR NAVAJO NA-**  
10                                   **TION.**

11           (a) IN GENERAL.—Subsection (e)(1) of the first sec-  
12 tion of the Act of August 9, 1955 (commonly known as  
13 the “Long-Term Leasing Act”) (25 U.S.C. 415(e)(1)), is  
14 amended—

15           (1) by striking “, except a lease for” and insert-  
16 ing “, including a lease for”;

17           (2) by striking subparagraph (A) and inserting  
18 the following:

19                           “(A) in the case of a business or agricul-  
20 tural lease, 99 years;”;

21           (3) in subparagraph (B), by striking the period  
22 at the end and inserting “; and”; and

23           (4) by adding at the end the following:

24                           “(C) in the case of a lease for the explo-  
25 ration, development, or extraction of any min-



1           eral resource (including geothermal resources),  
2           25 years, except that—

3                   “(i) any such lease may include an op-  
4                   tion to renew for 1 additional term of not  
5                   to exceed 25 years; and

6                   “(ii) any such lease for the explo-  
7                   ration, development, or extraction of an oil  
8                   or gas resource shall be for a term of not  
9                   to exceed 10 years, plus such additional  
10                  period as the Navajo Nation determines to  
11                  be appropriate in any case in which an oil  
12                  or gas resource is produced in a paying  
13                  quantity.”.

14           (b) GAO REPORT.—Not later than 5 years after the  
15           date of enactment of this Act, the Comptroller General  
16           of the United States shall prepare and submit to Congress  
17           a report describing the progress made in carrying out the  
18           amendment made by subsection (a).

19           **SEC. 206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE**  
20   **CROW TRIBE OF MONTANA.**

21           Subsection (a) of the first section of the Act of Au-  
22           gust 9, 1955 (25 U.S.C. 415(a)), is amended in the second  
23           sentence by inserting “, land held in trust for the Crow  
24           Tribe of Montana” after “Devils Lake Sioux Reserva-  
25           tion”.

1 **SEC. 207. TRUST STATUS OF LEASE PAYMENTS.**

2 (a) DEFINITION OF SECRETARY.—In this section, the  
3 term “Secretary” means the Secretary of the Interior.

4 (b) TREATMENT OF LEASE PAYMENTS.—

5 (1) IN GENERAL.—Except as provided in para-  
6 graph (2) and at the request of the Indian tribe or  
7 individual Indian, any advance payments, bid depos-  
8 its, or other earnest money received by the Secretary  
9 in connection with the review and Secretarial ap-  
10 proval under any other Federal law (including regu-  
11 lations) of a sale, lease, permit, or any other convey-  
12 ance of any interest in any trust or restricted land  
13 of any Indian tribe or individual Indian shall, upon  
14 receipt and prior to Secretarial approval of the con-  
15 tract or conveyance instrument, be held in the trust  
16 fund system for the benefit of the Indian tribe and  
17 individual Indian from whose land the funds were  
18 generated.

19 (2) RESTRICTION.—If the advance payment,  
20 bid deposit, or other earnest money received by the  
21 Secretary results from competitive bidding, upon se-  
22 lection of the successful bidder, only the funds paid  
23 by the successful bidder shall be held in the trust  
24 fund system.

25 (c) USE OF FUNDS.—

1           (1) IN GENERAL.—On the approval of the Sec-  
2           retary of a contract or other instrument for a sale,  
3           lease, permit, or any other conveyance described in  
4           subsection (b)(1), the funds held in the trust fund  
5           system and described in subsection (b), along with  
6           all income generated from the investment of those  
7           funds, shall be disbursed to the Indian tribe or indi-  
8           vidual Indian landowners.

9           (2) ADMINISTRATION.—If a contract or other  
10          instrument for a sale, lease, permit, or any other  
11          conveyance described in subsection (b)(1) is not ap-  
12          proved by the Secretary, the funds held in the trust  
13          fund system and described in subsection (b), along  
14          with all income generated from the investment of  
15          those funds, shall be paid to the party identified in,  
16          and in such amount and on such terms as set out  
17          in, the applicable regulations, advertisement, or  
18          other notice governing the proposed conveyance of  
19          the interest in the land at issue.

20          (d) APPLICABILITY.—This section shall apply to any  
21          advance payment, bid deposit, or other earnest money re-  
22          ceived by the Secretary in connection with the review and  
23          Secretarial approval under any other Federal law (includ-  
24          ing regulations) of a sale, lease, permit, or any other con-  
25          veyance of any interest in any trust or restricted land of

1 any Indian tribe or individual Indian on or after the date  
2 of enactment of this Act.

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