

Calendar No. 242114TH CONGRESS
1ST SESSION**S. 209****[Report No. 114-149]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 2015

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

SEPTEMBER 30, 2015

Reported by Mr. BARRASSO, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

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

5 **SEC. 2. TABLE OF CONTENTS.**

6 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.

7 **TITLE I—INDIAN TRIBAL EN-**
 8 **ERGY DEVELOPMENT AND**
 9 **SELF-DETERMINATION ACT**
 10 **AMENDMENTS**

11 **SEC. 101. INDIAN TRIBAL ENERGY RESOURCE DEVELOP-**
 12 **MENT.**

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

15 (1) in paragraph (2)—

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

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

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

6 “(E) consult with each applicable Indian
7 tribe before adopting or approving a well spac-
8 ing program or plan applicable to the energy re-
9 sources of that Indian tribe or the members of
10 that Indian tribe.”; and

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

12 “(4) PLANNING.—

13 “(A) IN GENERAL.—In carrying out the
14 program established by paragraph (1), the Sec-
15 retary shall provide technical assistance to in-
16 terested Indian tribes to develop energy plans,
17 including—

18 “(i) plans for electrification;

19 “(ii) plans for oil and gas permitting,
20 renewable energy permitting, energy effi-
21 ciency, electricity generation, transmission
22 planning, water planning, and other plan-
23 ning relating to energy issues;

24 “(iii) plans for the development of en-
25 ergy resources and to ensure the protection

1 of natural, historic, and cultural resources;
2 and

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

6 “(B) COOPERATION.—In establishing the
7 program under paragraph (1), the Secretary
8 shall work in cooperation with the Office of In-
9 dian Energy Policy and Programs of the De-
10 partment of Energy.”.

11 (b) DEPARTMENT OF ENERGY INDIAN ENERGY EDU-
12 CATION PLANNING AND MANAGEMENT ASSISTANCE PRO-
13 GRAM.—Section 2602(b)(2) of the Energy Policy Act of
14 1992 (25 U.S.C. 3502(b)(2)) is amended—

15 (1) in the matter preceding subparagraph (A),
16 by inserting “, intertribal organization,” after “In-
17 dian tribe”;

18 (2) by redesignating subparagraphs (C) and
19 (D) as subparagraphs (D) and (E), respectively; and

20 (3) by inserting after subparagraph (B) the fol-
21 lowing:

22 “(C) activities to increase the capacity of
23 Indian tribes to manage energy development
24 and energy efficiency programs;”.

1 (c) DEPARTMENT OF ENERGY LOAN GUARANTEE
2 PROGRAM.—Section 2602(c) of the Energy Policy Act of
3 1992 (25 U.S.C. 3502(c)) is amended—

4 (1) in paragraph (1), by inserting “or a tribal
5 energy development organization” after “Indian
6 tribe”;

7 (2) in paragraph (3)—

8 (A) in the matter preceding subparagraph
9 (A), by striking “guarantee” and inserting
10 “guaranteed”;

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

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

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

15 “(C) a tribal energy development organiza-
16 tion, from funds of the tribal energy develop-
17 ment organization.”; and

18 (3) in paragraph (5), by striking “The Sec-
19 retary of Energy may” and inserting “Not later
20 than 1 year after the date of enactment of the In-
21 dian Tribal Energy Development and Self-Deter-
22 mination Act Amendments of 2015, the Secretary of
23 Energy shall”.

1 **SEC. 102. INDIAN TRIBAL ENERGY RESOURCE REGULA-**
 2 **TION.**

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

5 (1) in paragraph (1), by striking “on the re-
 6 quest of an Indian tribe, the Indian tribe” and in-
 7 serting “on the request of an Indian tribe or a tribal
 8 energy development organization, the Indian tribe or
 9 tribal energy development organization”; and

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

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

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

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

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

20 (ii) in subparagraph (B)—

21 (I) by striking clause (i) and in-
 22 serting the following:

23 “(i) an electric production, generation,
 24 transmission, or distribution facility (in-
 25 cluding a facility that produces electricity

1 from renewable energy resources) located
2 on tribal land; or”; and

3 (II) in clause (ii)—

4 (aa) by inserting “, at least
5 a portion of which have been”
6 after “energy resources”;

7 (bb) by inserting “or pro-
8 duced from” after “developed
9 on”; and

10 (cc) by striking “and” after
11 the semicolon at the end and in-
12 serting “or”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(C) pooling, unitization, or
16 communitization of the energy mineral re-
17 sources of the Indian tribe located on tribal
18 land with any other energy mineral resource
19 (including energy mineral resources owned by
20 the Indian tribe or an individual Indian in fee,
21 trust, or restricted status or by any other per-
22 sons or entities) if the owner of the resources
23 has consented or consents to the pooling, unit-
24 ization, or communitization of the other re-

1 sources under any lease or agreement; and”;
2 and

3 (B) by striking paragraph (2) and insert-
4 ing the following:

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

10 “(A) was executed—

11 “(i) in accordance with the require-
12 ments of a tribal energy resource agree-
13 ment in effect under subsection (e) (includ-
14 ing the periodic review and evaluation of
15 the activities of the Indian tribe under the
16 agreement, to be conducted pursuant to
17 subparagraphs (D) and (E) of subsection
18 (e)(2)); or

19 “(ii) by the Indian tribe and a tribal
20 energy development organization—

21 “(I) for which the Indian tribe
22 has obtained certification pursuant to
23 subsection (h); and

24 “(II) the majority of the interest
25 in which is, and continues to be

1 throughout the full term or renewal
2 term (if any) of the lease or business
3 agreement, owned and controlled by
4 the Indian tribe (or the Indian tribe
5 and 1 or more other Indian tribes the
6 tribal land of which is being devel-
7 oped); and

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

9 “(i) 30 years; or

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

14 (2) by striking subsection (b) and inserting the
15 following:

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

19 “(1) serves—

20 “(A) an electric production, generation,
21 transmission, or distribution facility (including
22 a facility that produces electricity from renew-
23 able energy resources) located on tribal land;

1 “(B) a facility located on tribal land that
2 extracts, produces, processes, or refines energy
3 resources; or

4 “(C) the purposes, or facilitates in car-
5 rying out the purposes, of any lease or agree-
6 ment entered into for energy resource develop-
7 ment on tribal land; and

8 “(2) was executed—

9 “(A) in accordance with the requirements
10 of a tribal energy resource agreement in effect
11 under subsection (e) (including the periodic re-
12 view and evaluation of the activities of the In-
13 dian tribe under the agreement, to be conducted
14 pursuant to subparagraphs (D) and (E) of sub-
15 section (e)(2)); or

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

18 “(i) for which the Indian tribe has ob-
19 tained certification pursuant to subsection
20 (h); and

21 “(ii) the majority of the interest in
22 which is, and continues to be throughout
23 the full term or renewal term (if any) of
24 the right-of-way, owned and controlled by
25 the Indian tribe (or the Indian tribe and 1

1 or more other Indian tribes the tribal land
2 of which is being developed); and

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

5 (3) by striking subsection (d) and inserting the
6 following:

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

11 (4) in subsection (e)—

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

14 “(1) IN GENERAL.—On or after the date of en-
15 actment of the Indian Tribal Energy Development
16 and Self-Determination Act Amendments of 2015,
17 an Indian tribe may submit to the Secretary a tribal
18 energy resource agreement governing leases, busi-
19 ness agreements, and rights-of-way under this sec-
20 tion.”;

21 (B) in paragraph (2)—

22 (i) by striking “(2)(A)” and all that
23 follows through the end of subparagraph
24 (A) and inserting the following:

25 “(2) PROCEDURE.—

1 “(A) EFFECTIVE DATE.—

2 “(i) IN GENERAL.—On the date that
3 is 271 days after the date on which the
4 Secretary receives a tribal energy resource
5 agreement from an Indian tribe under
6 paragraph (1), the tribal energy resource
7 agreement shall take effect, unless the Sec-
8 retary disapproves the tribal energy re-
9 source agreement under subparagraph (B).

10 “(ii) REVISED TRIBAL ENERGY RE-
11 SOURCE AGREEMENT.—On the date that is
12 91 days after the date on which the Sec-
13 retary receives a revised tribal energy re-
14 source agreement from an Indian tribe
15 under paragraph (4)(B), the revised tribal
16 energy resource agreement shall take ef-
17 fect, unless the Secretary disapproves the
18 revised tribal energy resource agreement
19 under subparagraph (B).”;

20 (ii) in subparagraph (B)—

21 (I) by striking “(B)” and all that
22 follows through “if—” and inserting
23 the following:

24 “(B) DISAPPROVAL.—The Secretary shall
25 disapprove a tribal energy resource agreement

1 submitted pursuant to paragraph (1) or (4)(B)
2 only if—”;

3 (II) by striking clause (i) and in-
4 serting the following:

5 “(i) the Secretary determines that the
6 Indian tribe has not demonstrated that the
7 Indian tribe has sufficient capacity to reg-
8 ulate the development of the specific 1 or
9 more energy resources identified for devel-
10 opment under the tribal energy resource
11 agreement submitted by the Indian tribe;”;

12 (III) by redesignating clause (iii)
13 as clause (iv) and indenting appro-
14 priately;

15 (IV) by striking clause (ii) and
16 inserting the following:

17 “(ii) a provision of the tribal energy
18 resource agreement would violate applica-
19 ble Federal law (including regulations) or
20 a treaty applicable to the Indian tribe;

21 “(iii) the tribal energy resource agree-
22 ment does not include 1 or more provisions
23 required under subparagraph (D); or”;

24 (V) in clause (iv) (as redesign-
25 nated by subclause (III))—

1 (aa) in the matter preceding
2 subclause (I), by striking “in-
3 cludes” and all that follows
4 through “section—” and insert-
5 ing “does not include provisions
6 that, with respect to any lease,
7 business agreement, or right-of-
8 way to which the tribal energy
9 resource agreement applies—”;
10 and

11 (bb) in subclause (XVI)(bb),
12 by striking “or tribal”;

13 (iii) in subparagraph (C)—

14 (I) in the matter preceding clause
15 (i), by inserting “the approval of”
16 after “with respect to”;

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

19 “(ii) the identification of mitigation
20 measures, if any, that, in the discretion of
21 the Indian tribe, the Indian tribe might
22 propose for incorporation into the lease,
23 business agreement, or right-of-way;”;

24 (III) in clause (iii)(I), by striking
25 “proposed action” and inserting “ap-

1 proval of the lease, business agree-
2 ment, or right-of-way”;

3 (IV) in clause (iv), by striking
4 “and” at the end;

5 (V) in clause (v), by striking the
6 period at the end and inserting “;
7 and”; and

8 (VI) by adding at the end the fol-
9 lowing:

10 “(vi) the identification of specific
11 classes or categories of actions, if any, de-
12 termined by the Indian tribe not to have
13 significant environmental effects.”;

14 (iv) in subparagraph (D)(ii), by strik-
15 ing “subparagraph (B)(iii)(XVI)” and in-
16 serting “subparagraph (B)(iv)(XV)”;

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

18 “(F) A tribal energy resource agreement
19 that takes effect pursuant to this subsection
20 shall remain in effect to the extent any provi-
21 sion of the tribal energy resource agreement is
22 consistent with applicable Federal law (includ-
23 ing regulations), unless the tribal energy re-
24 source agreement is—

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

3 “(ii) voluntarily rescinded by the In-
4 dian tribe pursuant to the regulations pro-
5 mulgated under paragraph (8)(B) (or suc-
6 cessor regulations).

7 “(G)(i) The Secretary shall make a pre-
8 liminary capacity determination under subpara-
9 graph (B)(i) not later than 120 days after the
10 date on which the Indian tribe submits to the
11 Secretary the tribal energy resource agreement
12 of the Indian tribe pursuant to paragraph (1),
13 unless the Secretary and the Indian tribe mutu-
14 ally agree to an extension of the time period for
15 making the determination.

16 “(ii) Any determination (including any pre-
17 liminary determination) that the Indian tribe
18 lacks the requisite capacity shall be treated as
19 a disapproval under paragraph (4) and, not
20 later than 10 days after the date of the deter-
21 mination, the Secretary shall provide to the In-
22 dian tribe—

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

1 “(II) a description of the steps that
2 the Indian tribe should take to dem-
3 onstrate sufficient capacity.

4 “(H) Notwithstanding any other provision
5 of this section, an Indian tribe shall be consid-
6 ered to have demonstrated sufficient capacity
7 under subparagraph (B)(i) to regulate the de-
8 velopment of the specific 1 or more energy re-
9 sources of the Indian tribe identified for devel-
10 opment under the tribal energy resource agree-
11 ment submitted by the Indian tribe pursuant to
12 paragraph (1) if—

13 “(i) the Secretary determines that—

14 “(I)(aa) the Indian tribe has car-
15 ried out a contract or compact under
16 title I or IV of the Indian Self-Deter-
17 mination and Education Assistance
18 Act (25 U.S.C. 450 et seq.); and

19 “(bb) for a period of not less
20 than 3 consecutive years ending on
21 the date on which the Indian tribe
22 submits the tribal energy resource
23 agreement of the Indian tribe pursu-
24 ant to paragraph (1) or (4)(B), the
25 contract or compact—

1 “(AA) has been carried out
2 by the Indian tribe without mate-
3 rial audit exceptions (or without
4 any material audit exceptions
5 that were not corrected within
6 the 3-year period); and

7 “(BB) has included pro-
8 grams or activities relating to the
9 management of the environment,
10 tribal land, realty, or natural re-
11 sources; or

12 “(II) the Indian tribe has carried
13 out approval of surface leases under
14 subsection (h) of the first section of
15 the Act of August 9, 1955 (commonly
16 known as the ‘Long-Term Leasing
17 Act’) (25 U.S.C. 415(h)) for the pre-
18 vious calendar year without a finding
19 of a compliance violation under para-
20 graph (8)(B) of that subsection; or

21 “(ii) the Secretary fails to make the
22 preliminary determination within the time
23 allowed under subparagraph (G)(i) (includ-
24 ing any extension of time agreed to under
25 that subparagraph).”;

1 (C) in paragraph (4), by striking “date of
2 disapproval” and all that follows through the
3 end of subparagraph (C) and inserting the fol-
4 lowing: “date of disapproval, provide the Indian
5 tribe with—

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

7 “(i) each reason for the disapproval;

8 and

9 “(ii) the revisions or changes to the
10 tribal energy resource agreement necessary
11 to address each reason; and

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

14 (D) in paragraph (6)—

15 (i) in subparagraph (B)—

16 (I) by striking “(B) Subject to”

17 and inserting the following:

18 “(B) Subject only to”; and

19 (II) by striking “subparagraph

20 (D)” and inserting “subparagraphs

21 (C) and (D)”;

22 (ii) in subparagraph (C), in the mat-
23 ter preceding clause (i), by inserting “to
24 perform the obligations of the Secretary

1 under this section and” before “to ensure”;
2 and

3 (iii) in subparagraph (D), by adding
4 at the end the following:

5 “(iii) Nothing in this section absolves,
6 limits, or otherwise affects the liability, if
7 any, of the United States for any—

8 “(I) term of any lease, business
9 agreement, or right-of-way under this
10 section that is not a negotiated term;
11 or

12 “(II) losses that are not the re-
13 sult of a negotiated term, including
14 losses resulting from the failure of the
15 Secretary to perform an obligation of
16 the Secretary under this section.”;

17 (E) in paragraph (7)—

18 (i) in subparagraph (A), by striking
19 “has demonstrated” and inserting “the
20 Secretary determines has demonstrated
21 with substantial evidence”;

22 (ii) in subparagraph (B), by striking
23 “any tribal remedy” and inserting “all
24 remedies (if any) provided under the laws
25 of the Indian tribe”;

1 (iii) in subparagraph (D)—

2 (I) in clause (i), by striking “de-
3 termine” and all that follows through
4 the end of the clause and inserting the
5 following: “determine—

6 “(I) whether the petitioner
7 is an interested party; and

8 “(II) if the petitioner is an
9 interested party, whether the In-
10 dian tribe is not in compliance
11 with the tribal energy resource
12 agreement as alleged in the peti-
13 tion.”;

14 (II) in clause (ii), by striking
15 “determination” and inserting “deter-
16 minations”; and

17 (III) in clause (iii), in the matter
18 preceding subclause (I) by striking
19 “agreement” the first place it appears
20 and all that follows through “, includ-
21 ing” and inserting “agreement pursu-
22 ant to clause (i), the Secretary shall
23 only take such action as the Secretary
24 determines necessary to address the

1 claims of noncompliance made in the
2 petition, including”;

3 (iv) in subparagraph (E)(i), by strik-
4 ing “the manner in which” and inserting
5 “, with respect to each claim made in the
6 petition, how”; and

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

8 “(G) Notwithstanding any other provision
9 of this paragraph, the Secretary shall dismiss
10 any petition from an interested party that has
11 agreed with the Indian tribe to a resolution of
12 the claims presented in the petition of that
13 party.”;

14 (F) in paragraph (8)(B)—

15 (i) in clause (i), by striking “and” at
16 the end;

17 (ii) in clause (ii), by adding “and”
18 after the semicolon; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iii) amend an approved tribal energy
22 resource agreement to assume authority
23 for approving leases, business agreements,
24 or rights-of-way for development of an-
25 other energy resource that is not included

1 in an approved tribal energy resource
2 agreement without being required to apply
3 for a new tribal energy resource agree-
4 ment;” and

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

6 “(9) EFFECT.—Nothing in this section author-
7 izes the Secretary to deny a tribal energy resource
8 agreement or any amendment to a tribal energy re-
9 source agreement, or to limit the effect or implemen-
10 tation of this section, due to lack of promulgated
11 regulations.”;

12 (5) by redesignating subsection (g) as sub-
13 section (j); and

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

16 “(g) FINANCIAL ASSISTANCE IN LIEU OF ACTIVITIES
17 BY THE SECRETARY.—

18 “(1) IN GENERAL.—Any amounts that the Sec-
19 retary would otherwise expend to operate or carry
20 out any program, function, service, or activity (or
21 any portion of a program, function, service, or activ-
22 ity) of the Department that, as a result of an Indian
23 tribe carrying out activities under a tribal energy re-
24 source agreement, the Secretary does not expend,
25 the Secretary shall, at the request of the Indian

1 tribe, make available to the Indian tribe in accord-
2 ance with this subsection.

3 “(2) ANNUAL FUNDING AGREEMENTS.—The
4 Secretary shall make the amounts described in para-
5 graph (1) available to an Indian tribe through an
6 annual written funding agreement that is negotiated
7 and entered into with the Indian tribe that is sepa-
8 rate from the tribal energy resource agreement.

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

11 “(A) the provision of amounts to an Indian
12 tribe under this subsection is subject to the
13 availability of appropriations; and

14 “(B) the Secretary shall not be required to
15 reduce amounts for programs, functions, serv-
16 ices, or activities that serve any other Indian
17 tribe to make amounts available to an Indian
18 tribe under this subsection.

19 “(4) DETERMINATION.—

20 “(A) IN GENERAL.—The Secretary shall
21 calculate the amounts under paragraph (1) in
22 accordance with the regulations adopted under
23 section 103(b) of the Indian Tribal Energy De-
24 velopment and Self-Determination Act Amend-
25 ments of 2015.

1 “(B) APPLICABILITY.—The effective date
2 or implementation of a tribal energy resource
3 agreement under this section shall not be de-
4 layed or otherwise affected by—

5 “(i) a delay in the promulgation of
6 regulations under section 103(b) of the In-
7 dian Tribal Energy Development and Self-
8 Determination Act Amendments of 2015;

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

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

14 “(h) CERTIFICATION OF TRIBAL ENERGY DEVELOP-
15 MENT ORGANIZATION.—

16 “(1) IN GENERAL.—Not later than 90 days
17 after the date on which an Indian tribe submits an
18 application for certification of a tribal energy devel-
19 opment organization in accordance with regulations
20 promulgated under section 103(b) of the Indian
21 Tribal Energy Development and Self-Determination
22 Act Amendments of 2015, the Secretary shall ap-
23 prove or disapprove the application.

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

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

5 “(ii) for a period of not less than 3 con-
6 secutive years ending on the date on which the
7 Indian tribe submits the application, the con-
8 tract or compact—

9 “(I) has been carried out by the In-
10 dian tribe without material audit excep-
11 tions (or without any material audit excep-
12 tions that were not corrected within the 3-
13 year period); and

14 “(II) has included programs or activi-
15 ties relating to the management of tribal
16 land; and

17 “(B)(i) the tribal energy development orga-
18 nization is organized under the laws of the In-
19 dian tribe and subject to the jurisdiction and
20 authority of the Indian tribe;

21 “(ii) the majority of the interest in the
22 tribal energy development organization is owned
23 and controlled by the Indian tribe (or the In-
24 dian tribe and 1 or more other Indian tribes the
25 tribal land of which is being developed); and

1 “(iii) the organizing document of the tribal
2 energy development organization requires that
3 the Indian tribe (or the Indian tribe and 1 or
4 more other Indian tribes the tribal land of
5 which is being developed) own and control at all
6 times a majority of the interest in the tribal en-
7 ergy development organization.

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

12 “(A) issue a certification stating that—

13 “(i) the tribal energy development or-
14 ganization is organized under the laws of
15 the Indian tribe and subject to the juris-
16 diction and authority of the Indian tribe;

17 “(ii) the majority of the interest in
18 the tribal energy development organization
19 is owned and controlled by the Indian tribe
20 (or the Indian tribe and 1 or more other
21 Indian tribes the tribal land of which is
22 being developed);

23 “(iii) the organizing document of the
24 tribal energy development organization re-
25 quires that the Indian tribe (or the Indian

1 tribe and 1 or more other Indian tribes the
2 tribal land of which is being developed)
3 own and control at all times a majority of
4 the interest in the tribal energy develop-
5 ment organization; and

6 “(iv) the certification is issued pursu-
7 ant this subsection;

8 “(B) deliver a copy of the certification to
9 the Indian tribe; and

10 “(C) publish the certification in the Fed-
11 eral Register.

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

14 (b) REGULATIONS.—Not later than 1 year after the
15 date of enactment of the Indian Tribal Energy Develop-
16 ment and Self-Determination Act Amendments of 2015,
17 the Secretary shall promulgate or update any regulations
18 that are necessary to implement this section, including
19 provisions to implement—

20 (1) section 2604(e)(8) of the Energy Policy Act
21 of 1992 (25 U.S.C. 3504(e)(8)), including the proc-
22 ess to be followed by an Indian tribe amending an
23 existing tribal energy resource agreement to assume
24 authority for approving leases, business agreements,
25 or rights-of-way for development of an energy re-

1 source that is not included in the tribal energy re-
2 source agreement;

3 (2) section 2604(g) of the Energy Policy Act of
4 1992 (25 U.S.C. 3504(g)) including the manner in
5 which the Secretary, at the request of an Indian
6 tribe, shall—

7 (A) identify the programs, functions, serv-
8 ices, and activities (or any portions of pro-
9 grams, functions, services, or activities) that the
10 Secretary will not have to operate or carry out
11 as a result of the Indian tribe carrying out ac-
12 tivities under a tribal energy resource agree-
13 ment;

14 (B) identify the amounts that the Sec-
15 retary would have otherwise expended to oper-
16 ate or carry out each program, function, serv-
17 ice, and activity (or any portion of a program,
18 function, service, or activity) identified pursu-
19 ant to subparagraph (A); and

20 (C) provide to the Indian tribe a list of the
21 programs, functions, services, and activities (or
22 any portions of programs, functions, services, or
23 activities) identified pursuant subparagraph (A)
24 and the amounts associated with each program,
25 function, service, and activity (or any portion of

1 a program, function, service, or activity) identi-
 2 fied pursuant to subparagraph (B); and

3 (3) section 2604(h) of the Energy Policy Act of
 4 1992 (25 U.S.C. 3504(h)), including the process to
 5 be followed by, and any applicable criteria and docu-
 6 mentation required for, an Indian tribe to request
 7 and obtain the certification described in that section.

8 **SEC. 104. TECHNICAL ASSISTANCE FOR INDIAN TRIBAL**
 9 **GOVERNMENTS.**

10 Section 2602(b) of the Energy Policy Act of 1992
 11 (25 U.S.C. 3502(b)) is amended—

12 (1) by redesignating paragraphs (3) through
 13 (6) as paragraphs (4) through (7), respectively; and

14 (2) by inserting after paragraph (2) the fol-
 15 lowing:

16 “(3) TECHNICAL AND SCIENTIFIC RE-
 17 SOURCES.—In addition to providing grants to Indian
 18 tribes under this subsection, the Secretary shall col-
 19 laborate with the Directors of the National Labora-
 20 tories in making the full array of technical and sci-
 21 entific resources of the Department of Energy avail-
 22 able for tribal energy activities and projects.”.

23 **SEC. 105. CONFORMING AMENDMENTS.**

24 (a) DEFINITION OF TRIBAL ENERGY DEVELOPMENT
 25 ORGANIZATION.—Section 2601 of the Energy Policy Act

1 of 1992 (25 U.S.C. 3501) is amended by striking para-
2 graph (11) and inserting the following:

3 “(11) The term ‘tribal energy development or-
4 ganization’ means—

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

15 “(B) any organization of 2 or more enti-
16 ties, at least 1 of which is an Indian tribe, that
17 has the written consent of the governing bodies
18 of all Indian tribes participating in the organi-
19 zation to apply for a grant, loan, or other as-
20 sistance under section 2602 or to enter into a
21 lease or business agreement with, or acquire a
22 right-of-way from, an Indian tribe pursuant to
23 subsection (a)(2)(A)(ii) or (b)(2)(B) of section
24 2604.”.

1 (b) INDIAN TRIBAL ENERGY RESOURCE DEVELOP-
2 MENT.—Section 2602 of the Energy Policy Act of 1992
3 (25 U.S.C. 3502) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by striking “tribal
6 energy resource development organizations”
7 and inserting “tribal energy development orga-
8 nizations”; and

9 (B) in paragraph (2), by striking “tribal
10 energy resource development organizations”
11 each place it appears and inserting “tribal en-
12 ergy development organizations”; and

13 (2) in subsection (b)(2), by striking “tribal en-
14 ergy resource development organization” and insert-
15 ing “tribal energy development organization”.

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

20 (d) CONFORMING AMENDMENTS.—Section 2604(e)
21 of the Energy Policy Act of 1992 (25 U.S.C. 3504(e)) is
22 amended—

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

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

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

4 (C) by redesignating subclause (XVI) as
5 subclause (XV);

6 (2) in paragraph (3)—

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

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

11 (B) by striking “for approval”;

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

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

16 (4) in paragraph (5)—

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

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

21 (B) in the matter preceding subparagraph
22 (A), by striking “approved” and inserting “in
23 effect”;

24 (5) in paragraph (6)—

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

3 “(6) SECRETARIAL OBLIGATIONS AND EFFECT
4 OF SECTION.—

5 “(A) In carrying out”;

6 (B) in subparagraph (A), by indenting
7 clauses (i) and (ii) appropriately;

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

10 (D) in subparagraph (D)—

11 (i) in clause (i), by striking “an ap-
12 proved tribal energy resource agreement”
13 and inserting “a tribal energy resource
14 agreement in effect under this section”;
15 and

16 (ii) in clause (ii), by striking “ap-
17 proved by the Secretary” and inserting “in
18 effect”; and

19 (6) in paragraph (7)—

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

22 “(7) PETITIONS BY INTERESTED PARTIES.—

23 “(A) In this paragraph”;

1 (B) in subparagraph (A), by striking “ap-
 2 proved by the Secretary” and inserting “in ef-
 3 fect”;

4 (C) in subparagraph (B), by striking “ap-
 5 proved by the Secretary” and inserting “in ef-
 6 fect”; and

7 (D) in subparagraph (D)(iii)—

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

10 (ii) in subclause (II)—

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

13 (II) by striking “subsection (a)
 14 or (b)” and inserting “subsection
 15 (a)(2)(A)(i) or (b)(2)(A)”.

16 **TITLE II—MISCELLANEOUS**
 17 **AMENDMENTS**

18 **SEC. 201. ISSUANCE OF PRELIMINARY PERMITS OR LI-**
 19 **CENSES.**

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

24 (b) **APPLICABILITY.**—The amendment made by sub-
 25 section (a) shall not affect—

1 (1) any preliminary permit or original license
2 issued before the date of enactment of the Indian
3 Tribal Energy Development and Self-Determination
4 Act Amendments of 2015; or

5 (2) an application for an original license, if the
6 Commission has issued a notice accepting that appli-
7 cation for filing pursuant to section 4.32(d) of title
8 18, Code of Federal Regulations (or successor regu-
9 lations), before the date of enactment of the Indian
10 Tribal Energy Development and Self-Determination
11 Act Amendments of 2015.

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

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

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

23 (b) TRIBAL BIOMASS DEMONSTRATION PROJECT.—
24 The Tribal Forest Protection Act of 2004 (Public Law
25 108–278; 118 Stat. 868) is amended—

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

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

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

5 “(a) STEWARDSHIP CONTRACTS OR SIMILAR AGREE-
6 MENTS.—For each of fiscal years 2015 through 2019, the
7 Secretary shall enter into stewardship contracts or similar
8 agreements (excluding direct service contracts) with In-
9 dian tribes to carry out demonstration projects to promote
10 biomass energy production (including biofuel, heat, and
11 electricity generation) on Indian forest land and in nearby
12 communities by providing reliable supplies of woody bio-
13 mass from Federal land.

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

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

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

24 “(2) that includes a description of—

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

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

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

7 “(1) take into consideration—

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

10 “(B) whether a proposed project would—

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

13 “(ii) enhance the economic develop-
14 ment of the Indian tribe;

15 “(iii) result in or improve the connec-
16 tion of electric power transmission facilities
17 serving the Indian tribe with other electric
18 transmission facilities;

19 “(iv) improve the forest health or wa-
20 tersheds of Federal land or Indian forest
21 land or rangeland;

22 “(v) demonstrate new investments in
23 infrastructure; or

24 “(vi) otherwise promote the use of
25 woody biomass; and

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

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

5 “(1) ensure that the criteria described in sub-
6 section (c) are publicly available by not later than
7 120 days after the date of enactment of this section;
8 and

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

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

16 “(1) each individual tribal application received
17 under this section; and

18 “(2) each contract and agreement entered into
19 pursuant to this section.

20 “(g) INCORPORATION OF MANAGEMENT PLANS.—In
21 carrying out a contract or agreement under this section,
22 on receipt of a request from an Indian tribe, the Secretary
23 shall incorporate into the contract or agreement, to the
24 maximum extent practicable, management plans (includ-
25 ing forest management and integrated resource manage-

1 ment plans) in effect on the Indian forest land or range-
 2 land of the respective Indian tribe.

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

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

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

9 (c) ALASKA NATIVE BIOMASS DEMONSTRATION
 10 PROJECT.—

11 (1) DEFINITIONS.—In this subsection:

12 (A) FEDERAL LAND.—The term “Federal
 13 land” means—

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

21 (ii) public lands (as defined in section
 22 103 of the Federal Land Policy Manage-
 23 ment Act of 1976 (43 U.S.C. 1702)), the
 24 surface of which is administered by the
 25 Secretary of the Interior, acting through

1 the Director of the Bureau of Land Man-
2 agement.

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

7 (C) SECRETARY.—The term “Secretary”
8 means—

9 (i) the Secretary of Agriculture, with
10 respect to land under the jurisdiction of
11 the Forest Service; and

12 (ii) the Secretary of the Interior, with
13 respect to land under the jurisdiction of
14 the Bureau of Land Management.

15 (D) TRIBAL ORGANIZATION.—The term
16 “tribal organization” has the meaning given the
17 term in section 4 of the Indian Self-Determina-
18 tion and Education Assistance Act (25 U.S.C.
19 450b).

20 (2) AGREEMENTS.—For each of fiscal years
21 2015 through 2019, the Secretary shall enter into
22 an agreement or contract with an Indian tribe or a
23 tribal organization to carry out a demonstration
24 project to promote biomass energy production (in-
25 cluding biofuel, heat, and electricity generation) by

1 providing reliable supplies of woody biomass from
2 Federal land.

3 (3) DEMONSTRATION PROJECTS.—In each fiscal
4 year for which projects are authorized, at least 1
5 new demonstration project that meets the eligibility
6 criteria described in paragraph (4) shall be carried
7 out under contracts or agreements described in
8 paragraph (2).

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

13 (A) containing such information as the
14 Secretary may require; and

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

18 (5) SELECTION.—In evaluating the applications
19 submitted under paragraph (4), the Secretary
20 shall—

21 (A) take into consideration whether a pro-
22 posed project would—

23 (i) increase the availability or reli-
24 ability of local or regional energy;

1 (ii) enhance the economic development
2 of the Indian tribe;

3 (iii) result in or improve the connec-
4 tion of electric power transmission facilities
5 serving the Indian tribe with other electric
6 transmission facilities;

7 (iv) improve the forest health or wa-
8 tersheds of Federal land or non-Federal
9 land;

10 (v) demonstrate new investments in
11 infrastructure; or

12 (vi) otherwise promote the use of
13 woody biomass; and

14 (B) exclude from consideration any mer-
15 chantable logs that have been identified by the
16 Secretary for commercial sale.

17 (6) IMPLEMENTATION.—The Secretary shall—

18 (A) ensure that the criteria described in
19 paragraph (4) are publicly available by not later
20 than 120 days after the date of enactment of
21 this subsection; and

22 (B) to the maximum extent practicable,
23 consult with Indian tribes and appropriate trib-
24 al organizations likely to be affected in devel-

1 oping the application and otherwise carrying
2 out this subsection.

3 (7) REPORT.—Not later than September 20,
4 2017, the Secretary shall submit to Congress a re-
5 port that describes, with respect to the reporting pe-
6 riod—

7 (A) each individual application received
8 under this subsection; and

9 (B) each contract and agreement entered
10 into pursuant to this subsection.

11 (8) TERM.—A contract or agreement entered
12 into under this subsection—

13 (A) shall be for a term of not more than
14 20 years; and

15 (B) may be renewed in accordance with
16 this subsection for not more than an additional
17 10 years.

18 **SEC. 203. WEATHERIZATION PROGRAM.**

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

21 (1) by striking paragraph (1) and inserting the
22 following:

23 “(1) RESERVATION OF AMOUNTS.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (B) and notwithstanding any other provi-

1 sion of this part, the Secretary shall reserve
2 from amounts that would otherwise be allocated
3 to a State under this part not less than 100
4 percent, but not more than 150 percent, of an
5 amount which bears the same proportion to the
6 allocation of that State for the applicable fiscal
7 year as the population of all low-income mem-
8 bers of an Indian tribe in that State bears to
9 the population of all low-income individuals in
10 that State.

11 “(B) RESTRICTIONS.—Subparagraph (A)
12 shall apply only if—

13 “(i) the tribal organization serving the
14 low-income members of the applicable In-
15 dian tribe requests that the Secretary
16 make a grant directly; and

17 “(ii) the Secretary determines that
18 the low-income members of the applicable
19 Indian tribe would be equally or better
20 served by making a grant directly than a
21 grant made to the State in which the low-
22 income members reside.

23 “(C) PRESUMPTION.—If the tribal organi-
24 zation requesting the grant is a tribally des-
25 ignated housing entity (as defined in section 4

1 of the Native American Housing Assistance and
2 Self-Determination Act of 1996 (25 U.S.C.
3 4103)) that has operated without material audit
4 exceptions (or without any material audit excep-
5 tions that were not corrected within a 3-year
6 period), the Secretary shall presume that the
7 low-income members of the applicable Indian
8 tribe would be equally or better served by mak-
9 ing a grant directly to the tribal organization
10 than by a grant made to the State in which the
11 low-income members reside.”;

12 (2) in paragraph (2)—

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

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

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

20 (D) by striking “he” and inserting “the
21 Secretary”; and

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

1 **SEC. 204. APPRAISALS.**

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

5 **“SEC. 2607. APPRAISALS.**

6 “(a) IN GENERAL.—For any transaction that re-
7 quires approval of the Secretary and involves mineral or
8 energy resources held in trust by the United States for
9 the benefit of an Indian tribe or by an Indian tribe subject
10 to Federal restrictions against alienation, any appraisal
11 relating to fair market value of those resources required
12 to be prepared under applicable law may be prepared by—

13 “(1) the Secretary;

14 “(2) the affected Indian tribe; or

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

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

22 “(1) review the appraisal; and

23 “(2) approve the appraisal unless the Secretary
24 determines that the appraisal fails to meet the
25 standards set forth in regulations promulgated
26 under subsection (d).

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

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

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

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

15 **SEC. 205. LEASES OF RESTRICTED LANDS FOR NAVAJO NA-**
 16 **TION.**

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

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

23 (2) by striking subparagraph (A) and inserting
 24 the following:

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

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

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

6 “(C) in the case of a lease for the explo-
7 ration, development, or extraction of any min-
8 eral resource (including geothermal resources),
9 25 years, except that—

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

13 “(ii) any such lease for the explo-
14 ration, development, or extraction of an oil
15 or gas resource shall be for a term of not
16 to exceed 10 years, plus such additional
17 period as the Navajo Nation determines to
18 be appropriate in any case in which an oil
19 or gas resource is produced in a paying
20 quantity.”.

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

1 **SEC. 206. EXTENSION OF TRIBAL LEASE PERIOD FOR THE**
2 **CROW TRIBE OF MONTANA.**

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

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

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

11 (b) TREATMENT OF LEASE PAYMENTS.—

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

1 (2) RESTRICTION.—If the advance payment,
2 bid deposit, or other earnest money received by the
3 Secretary results from competitive bidding, upon se-
4 lection of the successful bidder, only the funds paid
5 by the successful bidder shall be held in the trust
6 fund system.

7 (c) USE OF FUNDS.—

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

16 (2) ADMINISTRATION.—If a contract or other
17 instrument for a sale, lease, permit, or any other
18 conveyance described in subsection (b)(1) is not ap-
19 proved by the Secretary, the funds held in the trust
20 fund system and described in subsection (b), along
21 with all income generated from the investment of
22 those funds, shall be paid to the party identified in,
23 and in such amount and on such terms as set out
24 in, the applicable regulations, advertisement, or

1 other notice governing the proposed conveyance of
2 the interest in the land at issue.

3 (d) APPLICABILITY.—This section shall apply to any
4 advance payment, bid deposit, or other earnest money re-
5 ceived by the Secretary in connection with the review and
6 Secretarial approval under any other Federal law (includ-
7 ing regulations) of a sale, lease, permit, or any other con-
8 veyance of any interest in any trust or restricted land of
9 any Indian tribe or individual Indian on or after the date
10 of enactment of this Act.

Calendar No. 242

114TH CONGRESS
1ST Session

S. 209

[Report No. 114-149]

A BILL

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

SEPTEMBER 30, 2015

Reported without amendment