

1 fore the date of enactment of this Act, upon the date of
 2 readjustment of the lease as provided for by section 7(a)
 3 of the Mineral Leasing Act, or upon request by the lessee,
 4 prior to such date.

5 **Subtitle C—Powder River Basin**
 6 **Shared Mineral Estates**

7 **SEC. 221. RESOLUTION OF FEDERAL RESOURCE DEVELOP-**
 8 **MENT CONFLICTS IN THE POWDER RIVER**
 9 **BASIN.**

10 The Secretary of the Interior shall—

11 (1) undertake a review of existing authorities to
 12 resolve conflicts between the development of Federal
 13 coal and the development of Federal and non-Fed-
 14 eral coalbed methane in the Powder River Basin in
 15 Wyoming and Montana; and

16 (2) not later than 6 months after the enactment
 17 of this Act, report to the Congress on alternatives to
 18 resolve these conflicts and identification of a pre-
 19 ferred alternative with specific legislative language,
 20 if any, required to implement the preferred alter-
 21 native.

22 **TITLE III—INDIAN ENERGY**

23 **SEC. 301. SHORT TITLE.**

24 This title may be cited as the “Indian Tribal Energy
 25 Development and Self-Determination Act of 2003”.

1 **SEC. 302. OFFICE OF INDIAN ENERGY POLICY AND PRO-**
2 **GRAMS.**

3 (a) IN GENERAL.—Title II of the Department of En-
4 ergy Organization Act (42 U.S.C. 7131 et seq.) is amend-
5 ed by adding at the end the following:

6 “OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

7 “SEC. 217. (a) ESTABLISHMENT.—There is estab-
8 lished within the Department an Office of Indian Energy
9 Policy and Programs (referred to in this section as the
10 ‘Office’). The Office shall be headed by a Director, who
11 shall be appointed by the Secretary and compensated at
12 a rate equal to that of level IV of the Executive Schedule
13 under section 5315 of title 5, United States Code.

14 “(b) DUTIES OF DIRECTOR.—The Director shall in
15 accordance with Federal policies promoting Indian self-de-
16 termination and the purposes of this Act, provide, direct,
17 foster, coordinate, and implement energy planning, edu-
18 cation, management, conservation, and delivery programs
19 of the Department that—

20 “(1) promote Indian tribal energy development,
21 efficiency, and use;

22 “(2) reduce or stabilize energy costs;

23 “(3) enhance and strengthen Indian tribal en-
24 ergy and economic infrastructure relating to natural
25 resource development and electrification; and

1 “(4) electrify Indian tribal land and the homes
2 of tribal members.

3 “COMPREHENSIVE INDIAN ENERGY ACTIVITIES

4 “SEC. 218. (a) INDIAN ENERGY EDUCATION PLAN-
5 NING AND MANAGEMENT ASSISTANCE.—

6 “(1) The Director shall establish programs
7 within the Office of Indian Energy Policy and Pro-
8 grams to assist Indian tribes in meeting energy edu-
9 cation, research and development, planning, and
10 management needs.

11 “(2) In carrying out this section, the Director
12 may provide grants, on a competitive basis, to an In-
13 dian tribe or tribal consortium for use in carrying
14 out—

15 “(A) energy, energy efficiency, and energy
16 conservation programs;

17 “(B) studies and other activities sup-
18 porting tribal acquisition of energy supplies,
19 services, and facilities;

20 “(C) planning, construction, development,
21 operation, maintenance, and improvement of
22 tribal electrical generation, transmission, and
23 distribution facilities located on Indian land;
24 and

25 “(D) development, construction, and inter-
26 connection of electric power transmission facili-

1 ties located on Indian land with other electric
2 transmission facilities.

3 “(3)(A) The Director may develop, in consulta-
4 tion with Indian tribes, a formula for providing
5 grants under this section.

6 “(B) In providing a grant under this sub-
7 section, the Director shall give priority to an applica-
8 tion received from an Indian tribe with inadequate
9 electric service (as determined by the Director).

10 “(4) The Secretary may promulgate such regu-
11 lations as the Secretary determines are necessary to
12 carry out this subsection.

13 “(5) There is authorized to be appropriated to
14 carry out this section \$20,000,000 for each of fiscal
15 years 2004 through 2011.

16 “(b) LOAN GUARANTEE PROGRAM.—

17 “(1) Subject to paragraph (3), the Secretary
18 may provide loan guarantees (as defined in section
19 502 of the Federal Credit Reform Act of 1990 (2
20 U.S.C. 661a)) for not more than 90 percent of the
21 unpaid principal and interest due on any loan made
22 to any Indian tribe for energy development.

23 “(2) A loan guaranteed under this subsection
24 shall be made by—

1 “(A) a financial institution subject to ex-
2 amination by the Secretary; or

3 “(B) an Indian tribe, from funds of the In-
4 dian tribe.

5 “(3) The aggregate outstanding amount guar-
6 anteed by the Secretary at any time under this sub-
7 section shall not exceed \$2,000,000,000.

8 “(4) The Secretary may promulgate such regu-
9 lations as the Secretary determines are necessary to
10 carry out this subsection.

11 “(5) There are authorized to be appropriated
12 such sums as are necessary to carry out this sub-
13 section, to remain available until expended.

14 “(6) Not later than 1 year from the date of en-
15 actment of this section, the Secretary shall report to
16 the Congress on the financing requirements of In-
17 dian tribes for energy development on Indian land.

18 “(c) INDIAN ENERGY PREFERENCE.—

19 “(1) In purchasing electricity or any other en-
20 ergy product or byproduct, a Federal agency or de-
21 partment may give preference to an energy and re-
22 source production enterprise, partnership, consor-
23 tium, corporation, or other type of business organi-
24 zation the majority of the interest in which is owned
25 and controlled by 1 or more Indian tribes.

1 “(2) In carrying out this subsection, a Federal
2 agency or department shall not—

3 “(A) pay more than the prevailing market
4 price for an energy product or byproduct; and

5 “(B) obtain less than prevailing market
6 terms and conditions.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) The table of contents of the Department of
9 Energy Organization Act (42 U.S.C. prec. 7101) is
10 amended—

11 (A) in the item relating to section 209, by
12 striking “Section” and inserting “Sec.”; and

13 (B) by striking the items relating to sec-
14 tions 213 through 216 and inserting the fol-
15 lowing:

“Sec. 213. Establishment of policy for National Nuclear Security Administra-
tion.

“Sec. 214. Establishment of security, counterintelligence, and intelligence poli-
cies.

“Sec. 215. Office of Counterintelligence.

“Sec. 216. Office of Intelligence.

“Sec. 217. Office of Indian Energy Policy and Programs.

“Sec. 218. Comprehensive Indian Energy Activities.”.

16 (2) Section 5315 of title 5, United States Code,
17 is amended by inserting “Director, Office of Indian
18 Energy Policy and Programs, Department of En-
19 ergy.” after “Inspector General, Department of En-
20 ergy.”.

1 **SEC. 303. INDIAN ENERGY.**

2 Title XXVI of the Energy Policy Act of 1992 (25
3 U.S.C. 3501 et seq.) is amended to read as follows:

4 **“TITLE XXVI—INDIAN ENERGY**

5 **“SEC. 2601. DEFINITIONS.**

6 “For purposes of this title:

7 “(1) The term ‘Director’ means the Director of
8 the Office of Indian Energy Policy and Programs.

9 “(2) The term ‘Indian land’ means—

10 “(A) any land located within the bound-
11 aries of an Indian reservation, pueblo, or
12 rancheria;

13 “(B) any land not located within the
14 boundaries of an Indian reservation, pueblo, or
15 rancheria, the title to which is held—

16 “(i) in trust by the United States for
17 the benefit of an Indian tribe;

18 “(ii) by an Indian tribe, subject to re-
19 striction by the United States against
20 alienation; or

21 “(iii) by a dependent Indian commu-
22 nity; and

23 “(C) land conveyed to a Native Corpora-
24 tion under the Alaska Native Claims Settlement
25 Act (43 U.S.C. 1601 et seq.).

26 “(3) The term ‘Indian reservation’ includes—

1 “(A) an Indian reservation in existence in
2 any State or States as of the date of enactment
3 of this paragraph;

4 “(B) a public domain Indian allotment;

5 “(C) a former reservation in the State of
6 Oklahoma;

7 “(D) a parcel of land owned by a Native
8 Corporation under the Alaska Native Claims
9 Settlement Act (43 U.S.C. 1601 et seq.); and

10 “(E) a dependent Indian community lo-
11 cated within the borders of the United States,
12 regardless of whether the community is lo-
13 cated—

14 “(i) on original or acquired territory
15 of the community; or

16 “(ii) within or outside the boundaries
17 of any particular State.

18 “(4) The term ‘Indian tribe’ has the meaning
19 given the term in section 4 of the Indian Self-Deter-
20 mination and Education Assistance Act (25 U.S.C.
21 450b).

22 “(5) The term ‘Native Corporation’ has the
23 meaning given the term in section 3 of the Alaska
24 Native Claims Settlement Act (43 U.S.C. 1602).

1 “(6) The term ‘organization’ means a partner-
2 ship, joint venture, limited liability company, or
3 other unincorporated association or entity that is es-
4 tablished to develop Indian energy resources.

5 “(7) The term ‘Program’ means the Indian en-
6 ergy resource development program established
7 under section 2602(a).

8 “(8) The term ‘Secretary’ means the Secretary
9 of the Interior.

10 “(9) The term ‘tribal consortium’ means an or-
11 ganization that consists of 2 or more entities, at
12 least 1 of which is an Indian tribe.

13 “(10) The term ‘tribal land’ means any land or
14 interests in land owned by any Indian tribe, band,
15 nation, pueblo, community, rancheria, colony or
16 other group, title to which is held in trust by the
17 United States or which is subject to a restriction
18 against alienation imposed by the United States.

19 “(11) The term ‘vertical integration of energy
20 resources’ means any project or activity that pro-
21 motes the location and operation of a facility (in-
22 cluding any pipeline, gathering system, transpor-
23 tation system or facility, or electric transmission fa-
24 cility), on or near Indian land to process, refine,

1 generate electricity from, or otherwise develop en-
2 ergy resources on, Indian land.

3 **“SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOP-**
4 **MENT.**

5 “(a) IN GENERAL.—To assist Indian tribes in the de-
6 velopment of energy resources and further the goal of In-
7 dian self-determination, the Secretary shall establish and
8 implement an Indian energy resource development pro-
9 gram to assist Indian tribes and tribal consortia in achiev-
10 ing the purposes of this title.

11 “(b) GRANTS AND LOANS.—In carrying out the Pro-
12 gram, the Secretary shall

13 “(1) provide development grants to Indian
14 tribes and tribal consortia for use in developing or
15 obtaining the managerial and technical capacity
16 needed to develop energy resources on Indian land;

17 “(2) provide grants to Indian tribes and tribal
18 consortia for use in carrying out projects to promote
19 the vertical integration of energy resources, and to
20 process, use, or develop those energy resources, on
21 Indian land; and

22 “(3) provide low-interest loans to Indian tribes
23 and tribal consortia for use in the promotion of en-
24 ergy resource development and vertical integration
25 or energy resources on Indian land.

1 “(A) are engaged in the development of en-
2 ergy resources on Indian land; or

3 “(B) are responsible for protecting the en-
4 vironment.

5 “(c) OTHER ASSISTANCE.—To the maximum extent
6 practicable, the Secretary and the Secretary of Energy
7 shall make available to Indian tribes and tribal consortia
8 scientific and technical data for use in the development
9 and management of energy resources on Indian land.

10 **“SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-**
11 **OF-WAY INVOLVING ENERGY DEVELOPMENT**
12 **OR TRANSMISSION.**

13 “(a) LEASES AND AGREEMENTS.—Subject to the
14 provisions of this section—

15 “(1) an Indian tribe may, at its discretion,
16 enter into a lease or business agreement for the pur-
17 pose of energy development, including a lease or
18 business agreement for—

19 “(A) exploration for, extraction of, proc-
20 essing of, or other development of energy re-
21 sources on tribal land; and

22 “(B) construction or operation of an elec-
23 tric generation, transmission, or distribution fa-
24 cility located on tribal land; or a facility to

1 process or refine energy resources developed on
2 tribal land; and

3 “(2) a lease or business agreement described in
4 paragraph (1) shall not require the approval of the
5 Secretary under section 2103 of the Revised Stat-
6 utes (25 U.S.C. 81) or any other provision of law,
7 if—

8 “(A) the lease or business agreement is ex-
9 ecuted in accordance with a tribal energy re-
10 source agreement approved by the Secretary
11 under subsection (e);

12 “(B) the term of the lease or business
13 agreement does not exceed—

14 “(i) 30 years; or

15 “(ii) in the case of a lease for the pro-
16 duction of oil and gas resources, 10 years
17 and as long thereafter as oil or gas is pro-
18 duced in paying quantities; and

19 “(C) the Indian tribe has entered into a
20 tribal energy resource agreement with the Sec-
21 retary, as described in subsection (e), relating
22 to the development of energy resources on tribal
23 land (including an annual trust asset evaluation
24 of the activities of the Indian tribe conducted in
25 accordance with the agreement).

1 “(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC
2 TRANSMISSION OR DISTRIBUTION LINES.—An Indian
3 tribe may grant a right-of-way over tribal land for a pipe-
4 line or an electric transmission or distribution line without
5 specific approval by the Secretary if—

6 “(1) the right-of-way is executed in accordance
7 with a tribal energy resource agreement approved by
8 the Secretary under subsection (e);

9 “(2) the term of the right-of-way does not ex-
10 ceed 30 years;

11 “(3) the pipeline or electric transmission or dis-
12 tribution line serves—

13 “(A) an electric generation, transmission,
14 or distribution facility located on tribal land; or

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

18 “(4) the Indian tribe has entered into a tribal
19 energy resource agreement with the Secretary, as de-
20 scribed in subsection (e), relating to the development
21 of energy resources on tribal land (including an an-
22 nual trust asset evaluation of the activities of the In-
23 dian tribe conducted in accordance with the agree-
24 ment).

1 “(c) RENEWALS.—A lease or business agreement en-
2 tered into or a right-of-way granted by an Indian tribe
3 under this section may be renewed at the discretion of the
4 Indian tribe in accordance with this section.

5 “(d) VALIDITY.—No lease, business agreement, or
6 right-of-way under this section shall be valid unless the
7 lease, business agreement, or right-of-way is authorized in
8 accordance with tribal energy resource agreements ap-
9 proved by the Secretary under subsection (e).

10 “(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

11 “(1) On promulgation of regulations under
12 paragraph (9), an Indian tribe may submit to the
13 Secretary for approval a tribal energy resource
14 agreement governing leases, business agreements,
15 and rights-of-way under this section.

16 “(2)(A) Not later than 180 days after the date
17 on which the Secretary receives a tribal energy re-
18 source agreement submitted by an Indian tribe
19 under paragraph (1) (or such later date as may be
20 agreed to by the Secretary and the Indian tribe), the
21 Secretary shall approve or disapprove the tribal en-
22 ergy resource agreement.

23 “(B) The Secretary shall approve a tribal en-
24 ergy resource agreement submitted under paragraph
25 (1) if—

1 “(i) the Secretary determines that the In-
2 dian tribe has demonstrated that the Indian
3 tribe has sufficient capacity to regulate the de-
4 velopment of energy resources of the Indian
5 tribe; and

6 “(ii) the tribal energy resource agreement
7 includes provisions that, with respect to a lease,
8 business agreement, or right-of-way under this
9 section—

10 “(I) ensure the acquisition of nec-
11 essary information from the applicant for
12 the lease, business agreement, or right-of-
13 way;

14 “(II) address the term of the lease or
15 business agreement or the term of convey-
16 ance of the right-of-way;

17 “(III) address amendments and re-
18 newals;

19 “(IV) address consideration for the
20 lease, business agreement, or right-of-way;

21 “(V) address technical or other rel-
22 evant requirements;

23 “(VI) establish requirements for envi-
24 ronmental review in accordance with sub-
25 paragraph (C);

1 “(VII) ensure compliance with all ap-
2 plicable environmental laws;

3 “(VIII) identify final approval author-
4 ity;

5 “(IX) provide for public notification of
6 final approvals;

7 “(X) establish a process for consulta-
8 tion with any affected States concerning
9 potential off-reservation impacts associated
10 with the lease, business agreement, or
11 right-of-way; and

12 “(XI) describe the remedies for
13 breach of the lease, agreement, or right-of-
14 way.

15 “(C) Tribal energy resource agreements sub-
16 mitted under paragraph (1) shall establish, and in-
17 clude provisions to ensure compliance with, an envi-
18 ronmental review process that, with respect to a
19 lease, business agreement, or right-of-way under this
20 section, provides for—

21 “(i) the identification and evaluation of all
22 significant environmental impacts (as compared
23 with a no-action alternative), including effects
24 on cultural resources;

1 “(ii) the identification of proposed mitiga-
2 tion;

3 “(iii) a process for ensuring that the public
4 is informed of and has an opportunity to com-
5 ment on any proposed lease, business agree-
6 ment, or right-of-way before tribal approval of
7 the lease, business agreement, or right-of-way
8 (or any amendment to or renewal of the lease,
9 business agreement, or right-of-way); and

10 “(iv) sufficient administrative support and
11 technical capability to carry out the environ-
12 mental review process.

13 “(D) A tribal energy resource agreement nego-
14 tiated between the Secretary and an Indian tribe in
15 accordance with this subsection shall include—

16 “(i) provisions requiring the Secretary to
17 conduct an annual trust asset evaluation to
18 monitor the performance of the activities of the
19 Indian tribe associated with the development of
20 energy resources on tribal land by the Indian
21 tribe; and

22 “(ii) in the case of a finding by the Sec-
23 retary of imminent jeopardy to a physical trust
24 asset, provisions authorizing the Secretary to
25 reassume responsibility for activities associated

1 with the development of energy resources on
2 tribal land.

3 “(3) The Secretary shall provide notice and op-
4 portunity for public comment on tribal energy re-
5 source agreements submitted under paragraph (1).

6 “(4) If the Secretary disapproves a tribal en-
7 ergy resource agreement submitted by an Indian
8 tribe under paragraph (1), the Secretary shall—

9 “(A) notify the Indian tribe in writing of
10 the basis for the disapproval;

11 “(B) identify what changes or other ac-
12 tions are required to address the concerns of
13 the Secretary; and

14 “(C) provide the Indian tribe with an op-
15 portunity to revise and resubmit the tribal en-
16 ergy resource agreement.

17 “(5) If an Indian tribe executes a lease or busi-
18 ness agreement or grants a right-of-way in accord-
19 ance with a tribal energy resource agreement ap-
20 proved under this subsection, the Indian tribe shall,
21 in accordance with the process and requirements set
22 forth in the Secretary’s regulations adopted pursu-
23 ant to subsection (e)(9), provide to the Secretary—

24 “(A) a copy of the lease, business agree-
25 ment, or right-of-way document (including all

1 amendments to and renewals of the document);
2 and

3 “(B) in the case of a tribal energy resource
4 agreement or a lease, business agreement, or
5 right-of-way that permits payment to be made
6 directly to the Indian tribe, documentation of
7 those payments sufficient to enable the Sec-
8 retary to discharge the trust responsibility of
9 the United States as appropriate under applica-
10 ble law.

11 “(6) The Secretary shall continue to have a
12 trust obligation to ensure that the rights of an In-
13 dian tribe are protected in the event of a violation
14 of the terms of any lease, business agreement or
15 right-of-way by any other party to the lease, busi-
16 ness agreement, or right-of-way.

17 “(7)(A) The United States shall not be liable
18 for any loss or injury sustained by any party (includ-
19 ing an Indian tribe or any member of an Indian
20 tribe) to a lease, business agreement, or right-of-way
21 executed in accordance with tribal energy resource
22 agreements approved under this subsection.

23 “(B) On approval of a tribal energy resource
24 agreement of an Indian tribe under paragraph (1),
25 the Indian tribe shall be stopped from asserting a

1 claim against the United States on the grounds that
2 the Secretary should not have approved the Tribal
3 energy resource agreement.

4 “(8)(A) In this paragraph, the term ‘interested
5 party’ means any person or entity the interests of
6 which have sustained or will sustain a significant ad-
7 verse impact as a result of the failure of an Indian
8 tribe to comply with a tribal energy resource agree-
9 ment of the Indian tribe approved by the Secretary
10 under paragraph (2).

11 “(B) After exhaustion of tribal remedies, and in
12 accordance with the process and requirements set
13 forth in regulations adopted by the Secretary pursu-
14 ant to subsection (e)(9), an interested party may
15 submit to the Secretary a petition to review compli-
16 ance of an Indian tribe with a tribal energy resource
17 agreement of the Indian tribe approved under this
18 subsection.

19 “(C) If the Secretary determines that an Indian
20 tribe is not in compliance with a tribal energy re-
21 source agreement approved under this subsection,
22 the Secretary shall take such action as is necessary
23 to compel compliance, including—

24 “(i) suspending a lease, business agree-
25 ment, or right-of-way under this section until

1 an Indian tribe is in compliance with the ap-
2 proved tribal energy resource agreement; and

3 “(ii) rescinding approval of the tribal en-
4 ergy resource agreement and reassuming the re-
5 sponsibility for approval of any future leases,
6 business agreements, or rights-of-way associ-
7 ated with an energy pipeline or distribution line
8 described in subsections (a) and (b).

9 “(D) If the Secretary seeks to compel compli-
10 ance of an Indian tribe with an approved tribal en-
11 ergy resource agreement under subparagraph (C)(ii),
12 the Secretary shall—

13 “(i) make a written determination that de-
14 scribes the manner in which the tribal energy
15 resource agreement has been violated;

16 “(ii) provide the Indian tribe with a writ-
17 ten notice of the violation together with the
18 written determination; and

19 “(iii) before taking any action described in
20 subparagraph (C)(ii) or seeking any other rem-
21 edy, provide the Indian tribe with a hearing and
22 a reasonable opportunity to attain compliance
23 with the tribal energy resource agreement.

1 “(E)(i) An Indian tribe described in subpara-
2 graph (D) shall retain all rights to appeal as pro-
3 vided in regulations promulgated by the Secretary.

4 “(ii) The decision of the Secretary with respect
5 to an appeal described in clause (i), after any agency
6 appeal provided for by regulation, shall constitute a
7 final agency action.

8 “(9) Not later than 180 days after the date of
9 enactment of the Indian Tribal Energy Development
10 and Self-Determination Act of 2003, the Secretary
11 shall promulgate regulations that implement the pro-
12 visions of this subsection, including—

13 “(A) criteria to be used in determining the
14 capacity of an Indian tribe described in para-
15 graph (2)(B)(i), including the experience of the
16 Indian tribe in managing natural resources and
17 financial and administrative resources available
18 for use by the Indian tribe in implementing the
19 approved tribal energy resource agreement of
20 the Indian tribe; and

21 “(B) a process and requirements in accord-
22 ance with which an Indian tribe may—

23 “(i) voluntarily rescind an approved
24 tribal energy resource agreement approved
25 by the Secretary under this subsection; and

1 “(ii) return to the Secretary the re-
 2 sponsibility to approve any future leases,
 3 business agreements, and rights-of-way de-
 4 scribed in this subsection.

5 “(f) NO EFFECT ON OTHER LAW.—Nothing in this
 6 section affects the application of—

7 “(1) any Federal environmental law;

8 “(2) the Surface Mining Control and Reclama-
 9 tion Act of 1977 (30 U.S.C. 1201 et seq.); or

10 “(3) except as otherwise provided in this title,
 11 the Indian Mineral Development Act of 1982 (25
 12 U.S.C. 2101 et seq.).

13 **“SEC. 2605. FEDERAL POWER MARKETING ADMINISTRA-**
 14 **TIONS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) The term ‘Administrator’ means the Ad-
 17 ministrator of the Bonneville Power Administration
 18 and the Administrator of the Western Area Power
 19 Administration.

20 “(2) The term ‘power marketing administra-
 21 tion’ means

22 “(A) the Bonneville Power Administration;

23 “(B) the Western Area Power Administra-
 24 tion; and

1 “(C) any other power administration the
2 power allocation of which is used by or for the
3 benefit of an Indian tribe located in the service
4 area of the administration.

5 “(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY
6 DEVELOPMENT.—Each Administrator shall encourage In-
7 dian tribal energy development by taking such actions as
8 are appropriate, including administration of programs of
9 the Bonneville Power Administration and the Western
10 Area Power Administration, in accordance with this sec-
11 tion.

12 “(c) ACTION BY THE ADMINISTRATOR.—In carrying
13 out this section, and in accordance with existing law—

14 “(1) each Administrator shall consider the
15 unique relationship that exists between the United
16 States and Indian tribes;

17 “(2) power allocations from the Western Area
18 Power Administration to Indian tribes may be used
19 to meet firming and reserve needs of Indian-owned
20 energy projects on Indian land;

21 “(3) the Administrator of the Western Area
22 Power Administration may purchase power from In-
23 dian tribes to meet the firming and reserve require-
24 ments of the Western Area Power Administration;
25 and

1 “(4) each Administrator shall not pay more
2 than the prevailing market price for an energy prod-
3 uct nor obtain less than prevailing market terms and
4 conditions.

5 “(d) ASSISTANCE FOR TRANSMISSION SYSTEM
6 USE.—

7 “(1) An Administrator may provide technical
8 assistance to Indian tribes seeking to use the high-
9 voltage transmission system for delivery of electric
10 power.

11 “(2) The costs of technical assistance provided
12 under paragraph (1) shall be funded by the Sec-
13 retary of Energy using nonreimbursable funds ap-
14 propriated for that purpose, or by the applicable In-
15 dian tribes.

16 “(e) POWER ALLOCATION STUDY.—Not later than 2
17 years after the date of enactment of the Indian Tribal En-
18 ergy Development and Self-Determination Act of 2003,
19 the Secretary of Energy shall submit to the Congress a
20 report that—

21 “(1) describes the use by Indian tribes of Fed-
22 eral power allocations of the Western Area Power
23 Administration (or power sold by the Southwestern
24 Power Administration) and the Bonneville Power

1 Administration to or for the benefit of Indian tribes
2 in service areas of those administrations; and

3 “(2) identifies—

4 “(A) the quantity of power allocated to In-
5 dian tribes by the Western Area Power Admin-
6 istration;

7 “(B) the quantity of power sold to Indian
8 tribes by other power marketing administra-
9 tions; and

10 “(C) barriers that impede tribal access to
11 and use of Federal power, including an assess-
12 ment of opportunities to remove those barriers
13 and improve the ability of power marketing ad-
14 ministrations to facilitate the use of Federal
15 power by Indian tribes.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$750,000, which shall remain available until expended and
19 shall not be reimbursable.

20 **“SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.**

21 “(a) IN GENERAL.—The Secretary shall conduct a
22 review of all activities being conducted under the Indian
23 Mineral Development Act of 1982 (25 U.S.C. 2101 et
24 seq.) as of that date.

1 “(b) REPORT.—Not later than 1 year after the date
2 of enactment of the Indian Tribal Energy Development
3 and Self-Determination Act of 2003, the Secretary shall
4 submit to the Congress a report that includes—

5 “(1) the results of the review;

6 “(2) recommendations to ensure that Indian
7 tribes have the opportunity to develop Indian energy
8 resources; and

9 “(3) an analysis of the barriers to the develop-
10 ment of energy resources on Indian land (including
11 legal, fiscal, market, and other barriers), along with
12 recommendations for the removal of those barriers.

13 **“SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.**

14 “(a) STUDY.—The Secretary, in coordination with
15 the Secretary of the Army and the Secretary of the Inte-
16 rior, shall conduct a study of the cost and feasibility of
17 developing a demonstration project that would use wind
18 energy generated by Indian tribes and hydropower gen-
19 erated by the Army Corps of Engineers on the Missouri
20 River to supply firming power to the Western Area Power
21 Administration.

22 “(b) SCOPE OF STUDY.—The study shall—

23 “(1) determine the feasibility of the blending of
24 wind energy and hydropower generated from the

1 Missouri River dams operated by the Army Corps of
2 Engineers;

3 “(2) review historical purchase requirements
4 and projected purchase requirements for firming and
5 the patterns of availability and use of firming en-
6 ergy;

7 “(3) assess the wind energy resource potential
8 on tribal land and projected cost savings through a
9 blend of wind and hydropower over a 30-year period;

10 “(4) determine seasonal capacity needs and as-
11 sociated transmission upgrades for integration of
12 tribal wind generation; and

13 “(5) include an independent tribal engineer as
14 a study team member.

15 “(c) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Secretary and Secretary of
17 the Army shall submit to Congress a report that describes
18 the results of the study, including—

19 “(1) an analysis of the potential energy cost or
20 benefits to the customers of the Western Area Power
21 Administration through the blend of wind and hy-
22 dropower;

23 “(2) an evaluation of whether a combined wind
24 and hydropower system can reduce reservoir fluctua-
25 tion, enhance efficient and reliable energy produc-

1 tion, and provide Missouri River management flexi-
2 bility;

3 “(3) recommendations for a demonstration
4 project that could be carried out by the Western
5 Area Power Administration in partnership with an
6 Indian tribal government or tribal consortium to
7 demonstrate the feasibility and potential of using
8 wind energy produced on Indian land to supply firm-
9 ing energy to the Western Area Power Administra-
10 tion or any other Federal power marketing agency;
11 and

12 “(4) an identification of—

13 “(A) the economic and environmental costs
14 or benefits to be realized through such a Fed-
15 eral-tribal partnership; and

16 “(B) the manner in which such a partner-
17 ship could contribute to the energy security of
18 the United States.

19 “(d) FUNDING.—

20 “(1) There is authorized to be appropriated to
21 carry out this section \$500,000, to remain available
22 until expended.

23 “(2) Costs incurred by the Secretary in car-
24 rying out this section shall be nonreimbursable.”.

1 **SEC. 304. FOUR CORNERS TRANSMISSION LINE PROJECT.**

2 The Dine Power Authority, an enterprise of the Nav-
3 ajo Nation, shall be eligible to receive grants and other
4 assistance as authorized by section 302 of this title and
5 section 2602 of the Energy Policy Act of 1992, as amend-
6 ed by this title, for activities associated with the develop-
7 ment of a transmission line from the Four Corners Area
8 to southern Nevada, including related power generation
9 opportunities.

10 **SEC. 305. ENERGY EFFICIENCY IN FEDERALLY ASSISTED**
11 **HOUSING.**

12 (a) IN GENERAL.—The Secretary of Housing and
13 Urban Development shall promote energy conservation in
14 housing that is located on Indian land and assisted with
15 Federal resources through—

16 (1) the use of energy-efficient technologies and
17 innovations (including the procurement of energy-ef-
18 ficient refrigerators and other appliances);

19 (2) the promotion of shared savings contracts;
20 and

21 (3) the use and implementation of such other
22 similar technologies and innovations as the Secretary
23 of Housing and Urban Development considers to be
24 appropriate.

25 (b) AMENDMENT.—Section 202(2) of the Native
26 American Housing and Self-Determination Act of 1996

1 (25 U.S.C. 4132(2)) is amended by inserting ‘improve-
2 ment to achieve greater energy efficiency,’ after ‘plan-
3 ning,’.

4 **SEC. 306. CONSULTATION WITH INDIAN TRIBES.**

5 In carrying out this Act and the amendments made
6 by this Act, the Secretary of Energy and the Secretary
7 shall, as appropriate and to the maximum extent prac-
8 ticable, involve and consult with Indian tribes in a manner
9 that is consistent with the Federal trust and the govern-
10 ment-to-government relationships between Indian tribes
11 and the United States.

12 **TITLE IV—NUCLEAR MATTERS**
13 **Subtitle A—Price-Anderson Act**
14 **Amendments**

15 **SEC. 401. SHORT TITLE.**

16 This subtitle may be cited as the “Price-Anderson
17 Amendments Act of 2003”.

18 **SEC. 402. EXTENSION OF INDEMNIFICATION AUTHORITY.**

19 (a) INDEMNIFICATION OF NUCLEAR REGULATORY
20 COMMISSION LICENSEES.—Section 170c. of the Atomic
21 Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

22 (1) in the subsection heading, by striking “LI-
23 CENSES” and inserting “LICENSEES”;